

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF CELLULAR)	
SERVICES, LLC FOR AMENDMENT OF ITS)	CASE NO.
ELIGIBLE TELECOMMUNICATIONS CARRIER)	2021-00025
DESIGNATION IN THE COMMONWEALTH OF)	
KENTUCKY TO INCLUDE ADDITIONAL AREAS)	

ORDER

Cellular Services, LLC (Cellular Services) is a facility based competitive local exchange carrier (CLEC) and a wholly owned subsidiary of Foothills Rural Telephone Cooperative, Inc. On September 24, 2019, Cellular Services petitioned the Commission for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201–207 in the exchanges of Ashland, Catlettsburg, Grayson, Greenup, Inez, Meads, Olive Hill, Paintsville, and Prestonsburg.¹ The Commission granted the request on March 26, 2020.² Cellular Services now requests, in an application filed on January 21, 2021, that its ETC designation be amended to include those areas where Cellular Services has been allocated Rural Digital Opportunity Fund (RDOF) Phase I support as a winner in the Federal Communications Commission’s (FCC) RDOF Phase I auction (Auction 904).³

¹ Case No. 2019-00362, *Petition of Cellular Services, LLC for Designation as an Eligible Telecommunications Carrier*.

² *Id.*

³ Application at 1.

Cellular Services was awarded \$3,294,968 to serve 30 census blocks in Kentucky in the FCC's Auction 904.⁴ The vast majority of the RDOF areas are in the exchanges already designated as ETC eligible in the 2003 ETC Designation. Cellular Services is requesting that the census blocks outside its existing ETC designation also be awarded ETC status.⁵ Cellular Services has been operating as a CLEC via its own facilities since 2017 and continues to meet the obligations required by its ETC Designation. FCC rules require winning bidders to receive ETC designation in the RDOF areas no later than 180 days after the public notice identifying the winning bidders.⁶

Cellular Services has provided an affidavit certifying it will use federal universal support "only for the provision, maintenance and upgrading of facilities and service for which the support is necessary" consistent with Section 254(e) of the Telecommunications Act of 1996.⁷

Cellular Services has provided sufficient evidence for this Commission to grant ETC status in the requested areas of the state of Kentucky. This designation will benefit consumers in Kentucky by expanding the range of competitive choices, expanding the availability of high-speed internet access, and by providing an incentive for incumbent telephone companies to improve their existing networks. Therefore, the Commission finds it is in the public interest to designate Cellular Services as an ETC in additional areas of the state.

⁴ Rural Digital Opportunity Fund Phase 1 Auction (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021, Public Notice, 35 FCC Rcd 13888, Att. A (2020) (Closing Public Notice).

⁵ Application, Attachment A.

⁶ 47 C.F.R. § 54.804(b)(5).

⁷ Application, Attachment B.

Having reviewed the evidence of record and having been otherwise sufficiently advised, the Commission HEREBY ORDERS that:

1. Cellular Services is designated as an ETC in the census blocks in Attachment A to the Application.

2. Cellular Services has certified to the Commission that it will comply with the FCC's criteria, in accordance with 47 U.S.C. § 254(e), and is therefore eligible to receive Universal Service Fund support for the current certification period.

3. The Executive Director shall serve a copy of this Order upon the FCC and the Universal Service Administrative Company.

4. This case is closed and removed from the Commission's docket.

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By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Andwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2021-00025

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