

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF T-MOBILE)	
CENTRAL LLC FOR RELINQUISHMENT OF ITS)	
LIFELINE-ONLY ELIGIBLE)	CASE NO.
TELECOMMUNICATIONS CARRIER)	2022-00304
DESIGNATION PURSUANT TO 47 U.S.C. 214 (E))	
(4))	

ORDER

T-Mobile Central LLC (T-Mobile), on September 1, 2022, filed with the Commission an application to relinquish T-Mobile’s designation as an Eligible Telecommunications Carrier (ETC) for the purposes of providing Lifeline. T-Mobile states that it seeks to relinquish its Lifeline ETC status by December 31, 2022, and requests an Order from the Commission no later than October 31, 2022.¹

T-Mobile, as grounds for its motion, asserts that upon reviewing its business model, it has decided to relinquish its remaining ETC designation. T-Mobile notes that it provides low-cost plans in Kentucky, just not at Lifeline rates. T-Mobile states that two of its affiliates participate in the Affordable Connectivity Program and T-Mobile’s affiliate, Assurance Wireless, provides Lifeline service in Kentucky, and will continue to do so upon T-Mobile’s relinquishment of its Lifeline ETC status.² T-Mobile states that it has

¹ T-Mobile’s Application (filed Sept. 1, 2022) (Application) at 2–3.

² Application at 3.

approximately 40 Lifeline customers and, if granted relinquishment, will provide ample notice to those customers so those customers may find other Lifeline providers.³

LEGAL STANDARD

The Lifeline program is a federal program in which carriers, authorized by state commissions as ETCs, may participate in the program. Electing to be authorized as an ETC is voluntary. However, in order to relinquish Lifeline ETC status, a carrier must meet the following statutory standards: (1) there is more than one ETC in the area of the carrier seeking relinquishment; (2) the carrier provides advance notice to the state Commission of its intent to relinquish; (3) customers must continue to be served by an ETC; and (4) sufficient notice is given if additional facilities will need to be constructed to serve the customers of the relinquishing entity. If the carrier meets the requirements, the state commission shall approve the relinquishment.

The relevant statute is 47 U.S.C. § 214(e)(4), which provides, in pertinent part, that:

A State commission . . . shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission . . . of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission . . . shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction

³ Application at 6.

of adequate facilities by any remaining eligible telecommunications carrier. The State commission . . . shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

DISCUSSION

It appears that T-Mobile has met the statutory minimums so that the Commission must grant the relinquishment. First, there are at least six other wireless ETCs, including T-Mobile's affiliate Assurance Wireless, in T-Mobile's coverage area.⁴ Additionally, all incumbent local exchange carriers in Kentucky, except for BellSouth Telecommunications, LLC d/b/a AT&T Kentucky, offer Lifeline service in T-Mobile's coverage area. Therefore, there are multiple Lifeline providers in T-Mobile's coverage area. Second, T-Mobile provided four months' notice, which is sufficient advance notice. Third, T-Mobile has approximately 40 Lifeline customers who will receive sufficient notice of the relinquishment and be directed to the other ETCs. Those ETCs, because they all adhere to the same FCC requirements and provide service in T-Mobile's areas, will be able to meet the service needs of the customers. Finally, no additional facilities will be necessary to provide service to the remaining customers as the majority of the wireless ETCs use the existing facilities of the current carriers (Assurance Wireless uses T-Mobile's facilities) and those facilities are sufficient to provide service to the customers.

CONCLUSIONS AND FINDINGS

Based on the evidence and having been sufficiently advised, the Commission finds that, pursuant to 47 U.S.C. § 214(e)(4): T-Mobile has made timely application to the

⁴ Application at 5, footnote 12.

Commission to relinquish T-Mobile's ETC authority; there is more than one ETC in AT&T Kentucky's service territory, those carriers have sufficient facilities for the provision of service; and T-Mobile will provide sufficient notice to Lifeline customers so that the customers may find other Lifeline providers. The Commission therefore, pursuant to 47 U.S.C. § 214(e)(4), finds that T-Mobile shall be permitted to relinquish its designation as an ETC.

IT IS THEREFORE ORDERED that:

1. T-Mobile's request to relinquish its designation as an ETC is granted.
2. A copy of this Order shall be served on the Federal Communications Commission and the Universal Service Administration Company.
3. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner



ATTEST:



Executive Director

*Gerald E Wuetcher
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*T-Mobile Central, LLC dba T-Mobile
12920 SE 38th Street
Bellevue, WA 98006

*William A Haas
T-Mobile Central, LLC dba T-Mobile
12920 SE 38th Street
Bellevue, WA 98006