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March 17, 2016

*Via US Mail, postage prepaid*  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

RECEIVED

MAR 18 2016

PUBLIC SERVICE  
COMMISSION

RE: *Nexus Communications, Inc.; Case No. 2009-00110*

Dear Sir or Madam:

Please find attached for filing an original and ten (10) copies of Nexus Communications, Inc. motion to relinquish ETC designation.

Please place the documents of file. Should you have any questions regarding the enclosed, please contact me at your convenience.

Regards,



Matthew Malone

C: File

Enc.

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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MAR 18 2016

PUBLIC SERVICE  
COMMISSION

In the Matter of:

PETITION OF NEXUS COMMUNICATIONS, )  
INC. FOR ADDITIONAL DESIGNATION AS ) Case No. 2009-00110  
AN ELIGIBLE TELECOMMUNICATIONS )  
CARRIER IN KENTUCKY )

**Request of Nexus Communications, Inc. to Relinquish ETC Designation**

Nexus Communications, Inc. d/b/a ReachOut Wireless (“Nexus”), by counsel, hereby gives notice to the Kentucky Public Service Commission (“Commission”) that it wishes to relinquish its designation as an eligible telecommunications carrier (“ETC”) for the provision of wireless Lifeline-supported services. Nexus’ decision to relinquish its ETC is the result of changes in the industry and proposed modifications to the Lifeline program. The impact of this relinquishment will be minimal because Nexus currently provides service to only eight (8) subscribers, and those consumers have multiple options for alternative service providers in the Commonwealth and will have ample time to transition service to another provider.

**I. REQUEST TO RELINQUISH ETC DESIGNATION**

On May 16, 2013, the Commission designated Nexus as a Lifeline-only ETC for wireless services in Case No. 2009-00110. Nexus hereby asks to relinquish this authority.<sup>1</sup>

Federal law specifies that the 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.”<sup>2</sup> The federal requirements for relinquishment of ETC designation can be summarized as the following: (1) there must be more than one ETC serving in the area of

<sup>1</sup> The Universal Service Administrative Company (“USAC”) has assigned Nexus study area code (“SAC”) 269039 for wireless services. Nexus will ask USAC to cancel this SAC upon approval of this request by the Commission.

<sup>2</sup> 47 U.S.C. § 214(e)(4).

the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant public service commission; (3) the subscribers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice shall be provided to ensure that the construction or purchase can be timely completed.<sup>3</sup> As detailed below, Nexus' request complies with each of these requirements.

**A. Other ETCs Serve Nexus' ETC Service Area**

Nexus' ETC service area is served by more than one ETC, including approximately twenty wireless ETCs.<sup>4</sup> Because at least one other ETC serves in Nexus' service area, federal law provides that the Commission should permit Nexus to relinquish its ETC designation.

**B. Nexus Is Providing Advance Notice to the Commission**

Consistent with 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205(a), Nexus is filing this notice more than a month in advance of the requested effective date of relinquishment of its ETC designation.

**C. The Remaining ETCs Will Serve Consumers**

To the best of Nexus' knowledge, Nexus' Lifeline subscribers will have a variety of alternative ETCs from which to choose – including well established providers such as TracFone Wireless d/b/a SafeLink Wireless and Virgin Mobile d/b/a Assurance Wireless – and approximately twenty other wireless Lifeline service providers. Thus, all low income consumers residing in Nexus' service area will continue to be served by an ETC consistent with 47 U.S.C. § 214(e).

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<sup>3</sup> See 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205(a).

<sup>4</sup> See <http://www.lifelinesupport.org/lis/companies/CompanyListing.aspx?state=KY&stateName=Kentucky>

**D. No Additional Facilities Must Be Purchased or Constructed by the Remaining ETCs**

To the best of Nexus' knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to continue to serve consumers within the applicable service area.

**II. PUBLIC INTEREST CONSIDERATIONS**

Nexus' proposed ETC relinquishment is consistent with the public interest. The services offered by Nexus are available from a variety of other providers in the Commonwealth. Consequently, Nexus' subscribers will not be unduly harmed as they will be able to transition to new providers and continue to receive Lifeline discounts.

Subscriber Notice. No later than March 22, 2016, Nexus will send written notice by text message (which is the customary and, in Nexus' experience, most effective form of customer communication) to affected customers, notifying them that Nexus will cease providing the services they currently receive effective April 21, 2016.

**ReachOut Wireless will stop providing your service on April 21, 2016. Please contact another Lifeline provider like Safelink or Assurance Wireless if you still want Lifeline service after April 21. Questions? Call 1-866-392-7123.**


Consistent with guidance from Commission staff, all subscribers will receive written notice thirty (30) days in advance of April 21, which provides the subscribers ample time to find a new service provider in a thoughtful and informed manner. The notice clearly underscores that the subscriber must make arrangements with another carrier to avoid loss of service and provides a toll-free telephone number that customers may call to reach Nexus' customer service representatives for assistance with this transition.

### III. CONCLUSION

Wherefore, Nexus respectfully requests that the Commission permit Nexus to relinquish its designation as a Lifeline-only ETC for wireless services.

Respectfully submitted,

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March 17, 2016