

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TVD BROADBAND SERVICES, LLC'S	)	
PETITION FOR DESIGNATION AS AN	)	
ELIGIBLE TELECOMMUNICATIONS	)	CASE NO. 2007-00388
CARRIER IN THE COMMONWEALTH OF	)	
KENTUCKY	)	

ORDER

On August 29, 2007, TVD Broadband Services, LLC ("TVD Broadband") petitioned the Commission to designate TVD Broadband as an eligible telecommunications carrier ("ETC") pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201.

On October 19, 2007, the Commission issued an Order setting out a procedural schedule in this matter. No party requested intervention or submitted comments in the proceeding other than the applicant. Likewise no party requested a public hearing in the matter and therefore the matter is ripe for decision by the Commission.

TVD Broadband is a competitive local exchange carrier ("CLEC") with its corporate address at 20 Laynesville Road, Harold, Kentucky. TVD Broadband provides local exchange service using its own facilities. TVD Broadband's service area and the areas for which it seeks designation as an ETC are Windstream Kentucky East ("Windstream") and BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky"), both non-rural incumbent local exchange carriers; and Gearheart

Communications d/b/a Coalfields Telephone (“Coalfields”), a rural incumbent local exchange carrier.

To receive ETC status, the Federal Communications Commission (“FCC”) requires a common carrier to: (1) offer services that are supported by federal universal support mechanisms<sup>1</sup> throughout its designated service area; (2) provide these services using its own facilities (including unbundled network elements) or a combination of its own facilities and resale of another carrier’s facilities; and (3) advertise the availability of these services through media of general distribution.

The Commission finds that TVD Broadband has met the standards established by the FCC. TVD Broadband will provide services eligible for support by the federal universal service fund in the service area for which it seeks ETC designation.<sup>2</sup> In its petition requesting ETC designation, TVD Broadband affirmed that it plans to offer these services using its own facilities.<sup>3</sup> TVD Broadband will advertise the availability and price of these services using media of general distribution.<sup>4</sup> TVD Broadband has complied fully with FCC guidelines regarding ETC designation.

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<sup>1</sup> These services are: (1) voice grade access to the public switched network; (2) local usage; (3) dual tone multi-frequency signaling or its functional equivalent; (4) single-party service or its functional equivalent; (5) access to emergency services; (6) access to operator services; (7) access to interexchange services; (8) access to directory assistance services; and (9) toll limitation for qualifying low-income consumers. 47 C.F.R. § 54.101(a).

<sup>2</sup> TVD Broadband’s Petition at 2 - 4.

<sup>3</sup> Id. at 2.

<sup>4</sup> Id. at 4.

TVD Broadband seeks designation as an ETC in the service areas of both non-rural and rural carriers. In designating a competitive ETC in areas served by a non-rural carrier the Commission is not required to make a finding that the designation is in the public interest; however, in areas served by a rural carrier the Commission is required to make a finding that designation of an ETC is in the public interest.<sup>5</sup> The applicant has shown in the application that designation as an ETC of TVD Broadband in the rural area would promote competition, facilitate the provision of advanced communications services, and bring choice of providers to consumers which in turn would serve the public interest. The Commission therefore finds that the public interest will be served by designation of TVD Broadband as an ETC in the rural service area of Coalfields.

TVD Broadband has provided sufficient evidence for this Commission to grant ETC status. This designation will benefit consumers in Kentucky by expanding the range of competitive choices and by providing an incentive for incumbent telephone companies to improve their existing networks.

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

1. TVD Broadband is designated as an ETC for the entire service areas of Windstream and AT&T Kentucky, both non-rural incumbent local exchange carriers, and Coalfields, a rural incumbent local exchange carrier. Accordingly, TVD Broadband is eligible to receive federal Universal Service Fund support.

2. TVD Broadband shall offer universal support services to consumers in its service area.

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<sup>5</sup> 47 U.S.C. § 214(e)(2).

3. TVD Broadband shall offer these services using its own facilities or a combination of its own facilities and resale of another carrier's services, including the services offered by another ETC.

4. TVD Broadband shall advertise the availability of and charges for these services using media of general distribution.

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

6. By September 1, 2008, and by each September 1 thereafter, TVD Broadband shall make its annual certification filing in Administrative Case No. 381.<sup>6</sup>

7. A copy of this Order shall be served upon the FCC and the Universal Service Administrative Company.

Done at Frankfort, Kentucky, this 29<sup>th</sup> day of January, 2008.

By the Commission

ATTEST:



Executive Director

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<sup>6</sup> Administrative Case No. 381, A Certification of the Carriers Receiving Federal Universal Service High-Cost Support.