

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

AN INQUIRY INTO THE STATE)
UNIVERSAL SERVICE FUND) CASE NO. 2016-00059

MOTION TO WITHDRAW

Peerless Network, Inc. (Peerless) and its affiliate, Airus, Inc. (Airus and, together with Peerless, the Companies), move to withdraw from participation in the above-referenced case. In its Order¹ initiating this case, the Commission made each local exchange carrier, commercial mobile radio service provider, and eligible telecommunications carrier (ETC) a party to this proceeding. At the same time, the Commission provided that any party that is not an ETC in Kentucky, receiving universal service fund (USF) support from both the federal and state programs, may submit a written request to withdraw from the proceeding. The Commission cited, as an example, carriers that “pass the cost of the surcharge onto their customers and do not participate in the Lifeline program, or ETCs that do not receive KUSF support...”² For the reasons stated below, the Companies move to withdraw.

Neither of the Companies is an ETC in Kentucky and neither receives USF support from either the federal or KUSF program. Thus, neither company has a direct interest in the level of reimbursement support provided to ETCs in Kentucky. Further, a considerable portion of the Companies’ operations consists of carrier services, in which the customers are exempt from USF assessments. In the event that Peerless or Airus does serve end-user customers, they will expect to pass any assessable state (or federal) USF surcharges onto those customers. Consequently neither company has a substantial interest in the precise level at which the surcharge is set. Moreover, the Companies do not believe that the determinations reached in this proceeding will have a material effect upon their respective operations.

¹ *An Inquiry into the State Universal Service Fund*, Case No. 2016-00059, Order (issued Feb. 01, 2016) (Order).

² Order at p. 6.

Conclusion

For the reasons stated above, Peerless and Airus jointly request that the Commission grant this motion and permit them to withdraw from the proceeding.

Respectfully submitted.



Douglas F. Brent
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, KY 40202-2828
Tel.: (502) 568-5734
Fax: (502) 568-0934
douglas.brent@skofirm.com

*Counsel for Peerless Networks, Inc.
and Airus, Inc.*

February 26, 2016

CERTIFICATE OF SERVICE AND ACKNOWLEDGMENT OF ELECTRONIC FILING PROCEDURES

In accordance with 807 KAR 5:001, Section 8, I certify that the February 26, 2016 electronic filing of this Motion is a true and accurate copy of the same document being filed in paper medium; that the electronic filing was transmitted to the Commission on February 26, 2016; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of this Motion will be mailed to the Commission by first class United States mail, postage prepaid, on February 26, 2016.

I further certify that I am the authorized agent for the entities filing this Motion and possess the facilities to receive electronic transmissions.



Douglas F. Brent

990191.880191/1323616.1

DC01\BRANW\1447403.1