

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

**IN THE MATTER OF:**

<b>AN INQUIRY INTO THE STATE</b>	)	<b>CASE NO.</b>
<b>UNIVERSAL SERVICE FUND</b>	)	<b>2016-00059</b>

**TVD BROADBAND SERVICES, LLC'S  
MOTION TO WITHDRAW**

TVD Broadband Services, LLC (“TVD”), by counsel, hereby moves the Public Service Commission (the “Commission”) to allow it to withdraw from this proceeding. On February 1, 2016, the Commission opened this inquiry into Kentucky’s Universal Service Fund (“KUSF”) and made each local exchange carrier, commercial mobile radio service provider, and every eligible telecommunications carrier a party to the proceeding. The Commission also joined the Attorney General’s Office.

However, the Commission recognized that some parties may not have an interest in this proceeding, and that the Commission would consider motions to withdraw setting forth reasons why withdrawal is appropriate. Specifically, the Commission noted:

Although all LECs, wireless carriers, and ETCs in Kentucky have been made parties to this proceeding, the Commission recognizes that some of the carriers may not have an interest in this proceeding. For example, . . . ETCs that do not receive KUSF support, may not want to participate in this proceeding.

*In the Matter of An Inquiry Into the State Universal Service Fund*, Case No. 2016-00059, Feb. 1, 2016 Order at 6.

TVD was certified as an ETC, but it has never provided any services to any customers. Thus, TVD has never received KUSF support, nor has TVD been required to remit the KUSF surcharge. Additionally, TVD has contemporaneously herewith notified the Commission of its intent to cease operations and requested that the Commission withdraw its tariff and relinquish

its ETC designation.<sup>1</sup> Accordingly, TVD does not believe it can materially contribute to the Commission's investigation into the KUSF, and believes it would be appropriate to dismiss TVD as a party to this proceeding. *See In the Matter of An Inquiry Into the State Universal Service Fund*, Case No. 2016-00059, Sept. 6, 2016 Order at 3 (dismissing Nextlink Wireless, LLC and Defense Mobile Corporation from this proceeding because they had "ceased providing service in Kentucky and have notified the Commission that they no longer wish to be active utilities").

TVD acknowledges that the Commission's Order established a March 2, 2016 deadline for filing a Motion to Withdraw. Pursuant to 807 KAR 5:001 § 10, TVD respectfully requests that the Commission grant it an extension of time in which to file this Motion to Withdraw and consider this Motion timely filed. Due to TVD's inability to materially contribute to this investigation, no other party will be prejudiced if TVD is allowed to withdraw at this time.

If this Motion is granted, TVD acknowledges that – for as long as it remains a certificated CLEC – it will remain subject to the Commission's jurisdiction, as set forth in KRS Chapter 278, and that it will monitor the progress of this proceeding and will comply with any decision the Commission renders in this proceeding.

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<sup>1</sup> TVD's Notice of Intent to Cease Operations is attached hereto as Exhibit A.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

In accordance with 807 KAR 5:001, Section 8, I certify that the September 15, 2016 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 September 15, 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 is being sent to the Commission this September 15, 2016, postage prepaid.

/s/ Edward T. Depp  
*Counsel to TVD Broadband Services, LLC*