

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

**In the Matter of:**

**ELECTRONIC APPLICATION OF WEST KENTUCKY )  
RURAL TELEPHONE COOPERATIVE CORPORATION, ) CASE NO. 2017-00091  
INC. FOR A GENERAL ADJUSTMENT IN RATES )**

**APPLICATION**

Applicant West Kentucky Rural Telephone Cooperative Corporation, Inc. (“WK&T”), by counsel, pursuant to KRS 278.180, 807 KAR 5:001, Sections 14 and 16, and 807 KAR 5:011, Section 6, and consistent with the Public Service Commission of the Commonwealth of Kentucky’s (the “Commission”) May 29, 2013 order in Case No. 2013-00196 (the “2013 Rate Floor Order”) as well as with WK&T’s rate floor proceeding in Case No. 2016-00048, files this application (the “Application”) for authority to adjust its rates and charges for basic local exchange service and gives notice of its intention to increase the same rates and charges effective no later than June 1, 2017.

**INTRODUCTION**

This Application for a rate increase is necessitated by an order from the Federal Communications Commission (“FCC”) that fundamentally alters the cost structure of providing telecommunications services in high-cost rural areas, like those WK&T serves. *See In the Matter of Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161 (Nov 18, 2011) (“ICC/USF Order”). For decades prior to the ICC/USF Order, high-cost carriers had received subsidies from the federal government’s “Universal Service Fund” (“USF”). Those USF subsidies were intended to fulfill the Federal Communications Act’s requirement that “[c]onsumers in all regions of the Nation, including . . .

those in rural, insular, and high cost areas, should have access to telecommunications and information services . . . that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.” 47 U.S.C. § 254(b)(3). The FCC found, however, that many rural consumers were paying rates that were less than those paid by consumers in urban areas. ICC/USF Order at ¶ 235. In consequence, the FCC's ICC/USF Order sets a rate floor equal to the national average of local rates plus state regulated fees. *Id.* at ¶ 238. The ICC/USF Order also “limit[s] high-cost support where local end-user rates plus state regulated fees” do not meet that national rate floor; those carriers’ federal subsidies will be reduced “on a dollar-for-dollar basis . . . , to the extent that [the] carrier’s local rates (plus state regulated fees) do not meet the urban rate floor.” *Id.* at ¶ 239.

On June 10, 2014, the FCC altered the schedule for the imposition of rate floor penalties, effectively requiring carriers to ensure that their 2017 rate floor obligations are met no later than June 1, 2017. *See In the Matter of Connect America Fund et al.*, Report and Order, Declaratory Ruling, Order, Memorandum Opinion and Order, Seventh Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 14-54, ¶¶ 79-80.

WK&T’s proposed rate adjustment is thus necessary to preserve its ability to receive these USF subsidies that are important to its ability to provide telephone and information services in its high-cost rural service territory. Without a minimum rate sufficient to meet the FCC’s new rate floor, high-cost carriers like WK&T will lose significant federal funding that has historically allowed these carriers to provide service to the most costly, rural customers. That loss of federal funding will threaten the financial existence of these rural carriers like WK&T, who have important obligations under federal and state law as carriers of last resort. Moreover, the loss of those subsidies would increase the pressure for WK&T to raise its rates even higher

than the federal rate floor sought here because any loss of federal funds would lead to a need for WK&T to make up that revenue directly from its customer-members.

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In support of its Application, WK&T states as follows:

1. Pursuant to 807 KAR 5:001, Section 14(1): (i) the full name of the applicant is West Kentucky Rural Telephone Cooperative Corporation, Inc.; (ii) the mailing address of the applicant is 237 North 8th Street P.O. Box 649, Mayfield, KY 42066; and (iii) the electronic mailing address of the applicant is [terandall@tmsvcs.com](mailto:terandall@tmsvcs.com).

2. Pursuant to 807 KAR 5:001, Section 14(2), WK&T states that it is currently in good standing in the Commonwealth of Kentucky, where it is incorporated. A certified copy of WK&T's Articles of Incorporation and all amendments thereto is on file with the Commission in Case No. 2010-00336.

3. Pursuant to 807 KAR 5:001, Section 16(1)(b)(1), WK&T provides the following statement of the reason the adjustment is requested. Further details are provided in Exhibit 1 of this Application.

a. WK&T was established in 1953 as a member owned cooperative to provide local telephone service to businesses and individual members within the Kentucky exchanges of Cunningham, Fairdealing, Fancy Farm, Farmington, Folsomdale, Hardin, Hazel, Kirksey, Lowes, Lynn Grove, Lynnville, New Concord, Sedalia, West Plains, and Wingo in addition to the Tennessee exchanges of Cottagegrove, Cypress, Puryear, and South Hazel ("Service Territory"). WK&T is a rural incumbent local exchange carrier serving Parts of Calloway, Carlisle, Graves, McCracken, Marshall, and Hickman counties in Western Kentucky; and parts of Dyer, Henry, Gibson, Obion, and Weakley counties in Northwest Tennessee. At

year-end 2016, WK&T provided 11,397 residential lines and 916 business lines to its members in Kentucky. WK&T is an eligible telecommunications carrier (“ETC”). It is also the carrier of last resort (“COLR”) in the Service Territory. The Universal Service Administrative Company reported that WK&T would receive \$4,484,196 from the Universal Service Fund, including High Cost Loop Support (“HCLS”), to support its COLR responsibilities in its Service Territory for 2016 and \$4.6M in calendar year 2017.

b. This proceeding was motivated by an order of the FCC that implemented “a rule to limit high-cost support where end-user rates do not meet a specified local rate floor.” See ICC/USF Order at ¶ 235.

c. Under the rule, local exchange carriers such as WK&T must meet a specified rate floor in each year in order to be eligible to receive the maximum possible amount of HCLS funding from the FCC. Failure to meet the rate floor by the deadline will result in a reduction in HCLS funding that the carrier could have otherwise received for that year. ICC/USF Order at ¶¶ 133, 238-40. Therefore, WK&T requires an adjustment of its rates to comply with the FCC’s 2016 rate floor, thereby maintaining eligibility for the 2016-2017 maximum amount of HCLS funding.

4. The requirements of 807 KAR 5:001, Section 16(1)(b)(2), are inapplicable because WK&T does not operate under an assumed name pursuant to KRS 365.015.

5. Pursuant to 807 KAR 5:001, Section 16(1)(b)(3), WK&T has attached its proposed tariff, in such form as is required by 807 KAR 5:011, as part of Exhibit 2. The proposed effective date of the proposed tariff is May 31, 2017, at least 30 days from the date the Application is filed.

6. Pursuant to 807 KAR 5:001, Section 16(1)(b)(4), WK&T has attached as part of Exhibit 2 its present tariff using italicizing, underscoring, and strikethroughs to show proposed revisions.

7. Pursuant to 807 KAR 5:001, Section 16(1)(b)(5), WK&T states that notice has been given in compliance with 807 KAR 5:001, Section 17, as described below:

a. Pursuant 807 KAR 5:001, Section 17(1), WK&T has posted at its place of business a copy of the Public Notice and will, within five days of the filing of the Application, post on its website a copy of the Public Notice and a hyperlink to the location on the Commission's website where the case documents are available. A copy of the Public Notice is attached hereto as part of Exhibit 3.

b. Pursuant to 807 KAR 5:001, Section 17(2), WK&T, which has more than twenty (20) customers and is not a sewage utility, is providing notice to its customers by publishing a legal notice once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in the utility's service area. The first publication was made no later than the date the Application was submitted to the Commission. A copy of the legal notice is attached hereto as part of Exhibit 3.

c. Pursuant to 807 KAR 5:001, Section 17(3), an affidavit of publication, including a copy of the published legal notice, will be provided to the Commission following the third week of publication.

d. Pursuant to 807 KAR 5:001, Section 17(4), WK&T states that the Public Notice attached to this Application as Exhibit 3 complies with all "Notice Content" requirements prescribed by regulation because it contains all of the following elements:

- i. The proposed effective date and the date the proposed rates are expected to be filed with the Commission;
- ii. The present rates and proposed rates for each customer classification to which the proposed rates will apply;
- iii. The amount of the change requested in both dollar amounts and percentage change for each customer classification to which the proposed rates will apply;
- iv. The effect upon the average bill for each customer classification for the proposed rate change in basic local service;
- v. A statement that a person may examine this Application at WK&T's offices;
- vi. A statement that a person may examine this Application at the Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the Commission's Web site at <http://psc.ky.gov>;
- vii. A statement that comments regarding the Application may be submitted to the Commission through its Web site or by mail to Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602;
- viii. A statement that the rates contained in this notice are the rates proposed by WK&T but that the Commission may order rates to be charged that differ from the proposed rates contained in the notice;

- ix. A statement that a person may submit a timely written request for intervention to the Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request including the status and interest of the party; and
- x. A statement that if the Commission does not receive a written request for intervention within thirty (30) days of initial publication or mailing of the notice, the Commission may take final action on the Application.

8. The requirements of 807 KAR 5:001, Section 16(1)(b)(6), are inapplicable because WK&T is not a water district.

9. Pursuant to 807 KAR 5:001, Section 16(2), WK&T states that it notified the Commission in writing of its intent to file the Application on March 3, 2017, at least thirty (30) days but not more than sixty (60) days prior to filing the Application. A copy of the notice of intent is included as Exhibit 4 of this Application. Pursuant to 807 KAR 5:001, Section 16(2)(a), the notice of intent stated that the Application will be supported by a historical test period. Pursuant to 807 KAR 5:001, Section 16(2)(c), WK&T sent by electronic mail a .pdf copy of the notice of intent to the Attorney General's Office of Rate Intervention ([rateintervention@ag.ky.gov](mailto:rateintervention@ag.ky.gov)) upon filing it with the Commission. A copy of this email, including the attached notice of intent, is included as part of Exhibit 4 of this Application.

10. The provisions of 807 KAR 5:001, Section 16(3), are inapplicable because WK&T is not an electric utility.

11. Pursuant to 807 KAR 5:001, Section 16(4)(a), a narrative summary of the particular circumstances that justify and support WK&T's Application, including a statement of

the reason the adjustment is required, is attached hereto as Exhibit 1 and is incorporated herein by reference. Exhibit 1 is filed subject to a Petition for Confidential Treatment pursuant to 807 KAR 5:001, Section 13, filed contemporaneously with this Application.

12. As more fully explained in WK&T's Motion for Waiver of Certain Rate Application Requirements ("Motion for Waiver") filed contemporaneously with this Application, WK&T seeks waiver of 807 KAR 5:001, Section 16(4)(b), requiring the applicant's witnesses' prepared testimony.

13. The requirements of 807 KAR 5:001, Section 16(4)(c) are inapplicable because WK&T has gross annual revenues in excess of \$5,000,000.00.

14. Pursuant to 807 KAR 5:001, Section 16(4)(d), WK&T estimates that the Kentucky portion of the revenue increase resulting from the proposed rate adjustment will be \$273K per year.

15. The requirements of 807 KAR 5:001, Section 16(4)(e), are inapplicable because WK&T is not an electric, gas, sewage, or water utility.

16. Pursuant to 807 KAR 5:001, Section 16(4)(f), WK&T states that the proposed rate adjustment will increase the average affected customer bill by \$2.00. Additional details regarding the anticipated impact on affected customers are set forth in Exhibit 1.

17. Pursuant to 807 KAR 5:001, Section 16(4)(g), WK&T states that because the FCC's rate floor requirements apply only to residential rates, only WK&T's Residential customer class will be affected by the proposed rate adjustment. WK&T's analysis of customers' bills and the corresponding revenue impact are provided in WK&T's responses to the requirements of Section 16(4)(d) and 16(4)(f) in paragraphs 14 and 16 above.



18. Pursuant to 807 KAR 5:001, Section 16(4)(h), WK&T states that parts A and B of its 2015 RUS operating report containing its TIER calculation, which assesses WK&T's actual revenue position compared to its required operating revenues, is attached as Exhibit 5. To the extent the Commission believes this section imposes additional requirements relevant to this Application, WK&T respectfully seeks waiver of those requirements for the reasons set forth in its accompanying Motion for Waiver.

19. As more fully explained in WK&T's Motion for Waiver, WK&T seeks waiver of 807 KAR 5:001, Section 16(4)(i), requiring a reconciliation of the rate base and capital used to determine revenue requirements.

20. Pursuant to 807 KAR 5:001, Section 16(4)(j), WK&T states the its current chart of accounts was provided in Case 2014-00329 and is unchanged.

21. Pursuant to 807 KAR 5:001, Section 16(4)(k), WK&T has attached its independent auditor's annual opinion report hereto as Exhibit 6. The other requirements of this section are inapplicable because WK&T's independent auditor has not indicated "the existence of a material weakness in [WK&T]'s internal controls."

22. The requirements in 807 KAR 5:001, Section 16(4)(l), are inapplicable because WK&T has not been audited by the FCC.

23. Pursuant to 807 KAR 5:001, Section 16(4)(m), WK&T states that its most recent PSC Form T is on file with the Commission.

24. Pursuant to 807 KAR 5:001, Section 16(4)(n), WK&T states a schedule identifying current depreciation rates used by major plant accounts was provided in Case 2014-00329 and is unchanged. To the extent the Commission believes this section requires more

information than WK&T has provided, WK&T seeks waiver of 807 KAR 5:001, Section 16(4)(n) for the reasons set for in its Motion for Waiver.

25. Pursuant to 807 KAR 5:001, Section 16(4)(o), requiring a schedule of detailed information regarding all software, programs, and models used to prepare the Application, WK&T states that it utilized no specialized software, program, or models, and relied on Microsoft Word and Microsoft Excel to prepare the Application and supporting exhibits.

26. The requirements of 807 KAR 5:001, Section 16(4)(p), are inapplicable because WK&T has never made a stock or bond offering.

27. Pursuant to the requirements of 807 KAR 5:001, Section 16(4)(q), WK&T's 2015 report to its members is attached hereto as Exhibit 7. To the extent the Commission believes this section requires the provision of additional materials, WK&T seeks waiver of those requirements for the reasons set forth in its accompanying Motion for Waiver.

28. As more fully explained in WK&T's Motion for Waiver, WK&T seeks waiver of 807 KAR 5:001, Section 16(4)(r), requiring monthly managerial reports.

29. The requirements of 807 KAR 5:001, Section 16(4)(s), are inapplicable because WK&T is not required to file the U.S. Securities and Exchange Commission's Form 10-K, Form 8-K, or Form 10-Q.

30. The requirements of 807 KAR 5:001, Section 16(4)(t), are inapplicable because WK&T has not had any amounts charged or allocated to it by an affiliate or general or home office, and has not paid any monies to an affiliate or a general or home office during the test period or during the previous three (3) calendar years.

31. The requirements of 807 KAR 5:001, Section 16(4)(u), are inapplicable because WK&T is not an electric, gas, sewage, or water utility.

32. The requirements of 807 KAR 5:001, Section 16(4)(v), are inapplicable because WK&T has fewer than 50,000 access lines.

33. The requirements of 807 KAR 5:001, Section 16(5), are inapplicable because WK&T's Application does not include any pro forma adjustments. To the extent the Commission believes the requirements of this section apply to this Application, WK&T respectfully seeks waiver of those requirements for the reasons set forth in its accompanying Motion for Waiver.

34. The requirements of 807 KAR 5:001, Section 16(6), are inapplicable because WK&T is not requesting a general adjustment in rates supported by a fully forecasted test period.

35. The requirements of 807 KAR 5:001, Section 16(7), are inapplicable because WK&T is not requesting a general adjustment in rates supported by a fully forecasted test period.

36. The requirements of 807 KAR 5:001, Section 16(8), are inapplicable because WK&T is not requesting a general adjustment in rates supported by a fully forecasted test period.

37. Pursuant to ¶ 3.a of the 2013 Rate Floor Order, WK&T has provided an estimate of the annual revenue to be received in 2017 from HCLS in Exhibit 1, Attachment A.

38. Pursuant to ¶ 3.b of the 2013 Rate Floor Order, WK&T has provided an estimate of the annual revenue to be lost due to adjustment of terminating access rates in the "Financial Support for Filing" section of Exhibit 1.

39. Pursuant to ¶ 3.c of the 2013 Rate Floor Order, WK&T has provided an estimate of the annual revenue to be generated by the tariff changes in Exhibit 1 and in response to the requirements of 807 KAR 5:001, Section 16(4)(d), above.

40. Pursuant to ¶ 3.d of the 2013 Rate Floor Order, WK&T has provided an estimate of historical line counts in Exhibit 1, Attachment B. As more fully explained in WK&T's

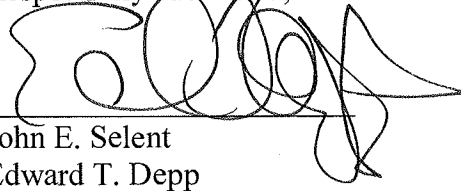
Motion for Waiver, WK&T seeks partial waiver of ¶ 3.d of the 2013 Rate Floor Order, insofar as it requests projected line losses.

41. Pursuant to ¶ 3.e of the 2013 Rate Floor Order, WK&T has provided historical and projected universal service support information in the narrative response of Exhibit 1 and in Exhibit 1, Attachment A. As is certified annually to the Commission, these funds are used by WK&T to provide voice and advanced data services to its customers, thereby providing its communities with access to critical communications and broadband services.

42. Pursuant to ¶ 3.f of the 2013 Rate Floor Order, WK&T states that narrative support for the proposed rate adjustment is contained in this Application and in Exhibit 1.

WHEREFORE, West Kentucky Rural Telephone Cooperative Corporation, Inc. respectfully requests that the Public Service Commission of the Commonwealth of Kentucky enter a final order approving WK&T's proposed revisions to the applicable tariffs and grant all other relief to which it is entitled.

Respectfully submitted,



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