

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF GIBSON)
CONNECT, LLC FOR DESIGNATION AS AN) CASE NO. 2021-00006
ELIGIBLE TELECOMMUNICATIONS)
CARRIER)

MOTION FOR CLARIFICATION

Pursuant to KRS 278.400, Gibson Connect, LLC (“Gibson Connect”) moves for clarification of the Order of February 17, 2021 regarding Gibson Connect’s eligibility to receive support from the Kentucky Universal Service Fund (“KUSF”) for service provided in the census blocks in Exhibit A1 to its Application.

In support of its Motion, Gibson Connect states:

1. On February 17, 2021, the Public Service Commission (“Commission”) entered an Order in this proceeding in which it found, *inter alia*, that Gibson Connect met all of the regulatory requirements for designation as an Eligible Telecommunications Carrier (“ETC”) and was eligible to receive Federal High-Cost and Low-Income support from the federal Universal Service Fund for the census blocks in Exhibit A1 to its Application.

2. In its Application, Gibson Connect expressly noted that the Commission’s designation of Gibson Connect as “as a High-Cost and Low-Income ETC in its winning Auction 904 census blocks, as well as a low income-only ETC designation in certain additional areas, will allow Gibson Connect to receive RDOF Phase I support, **as well as well as federal and Kentucky Lifeline support for income eligible voice customers**”¹ It requested an Order from the

¹ Application at 3 (emphasis added).

Commission “designating Gibson Connect as a High-Cost and/or Low-Income ETC in the additional areas requested to ensure Gibson Connect’s eligibility to receive the RDOF Phase I support awarded in Auction 904, **as well as state and federal Lifeline subsidies.**”²

3. In its Order of February 17, 2021, the Commission expressly designated Gibson Connect as an ETC “for the purpose of offering Lifeline service and receiving support for both Federal and State USF in the service area of its parent company . . . as depicted in . . . [Exhibit] A2 of the [A]pplication.”³ However, the Commission was silent as to Gibson Connect’s eligibility for support funds from the KUSF for service provided in the winning Auction 904 census blocks, which were listed in Exhibit A1 to its Application. This omission appears to have been an oversight.

4. For over twenty years the Commission has anticipated broad carrier participation in the Kentucky Lifeline program.⁴ Implicitly, that broad participation includes KUSF support for all ETCs providing voice telecommunications service. Indeed, the Commission has engaged in a significant public outreach program to inform low income Kentuckians about changes to the Lifeline program, emphasizing the federal and state subsidies that support voice telecommunications within the state.⁵ The Commission’s media releases and online video have announced the state subsidies that are generally available. As these messages make clear, the KUSF was created for the benefit of all low-income customers who enroll in Lifeline, as long they are served by an ETC. Gibson Connect is an ETC so its qualified Lifeline consumers are eligible

² *Id.* at 7 (emphasis added).

³ Order at 3.

⁴ *An Inquiry into Local Competition, Universal Service, and the Non-Traffic Sensitive Access Rate*, Adm. Case No. 355 (November 26, 1997) (requiring Lifeline participation by all incumbent local exchange carriers).

⁵ See, e.g., *Lifeline Program Changes Take Effect Today*, Ky. PSC news release (December 2, 2016), available at https://psc.ky.gov/agencies/psc/press/122016/1202_r01.pdf (last visited Feb. 23, 2021).

Kentucky households. As such, Gibson Connect is entitled to KUSF reimbursement when it serves such households in the census blocks listed in Exhibit A1 to its Application.⁶

5. Confirming that Gibson Connect is eligible for support payments from the KUSF does not require additional fact-finding. The Commission has already found that Gibson Connect meets the federal eligibility requirements and designated Gibson Connect as an ETC. The Commission has previously acknowledged Kentucky's state Lifeline program mirrors the federal eligibility qualifications.⁷ While it has noted that it is not prohibited from establishing different eligibility requirements for Kentucky's state Lifeline program,⁸ the Commission has not done so. Accordingly, the Commission has already made the necessary findings to determine Gibson Connect's eligibility for KUSF for service provided in the census blocks listed in Exhibit A1 to its Application and need only clarify that, as a matter of law, Gibson Connect may begin seeking state reimbursement when it files its Lifeline reports.

WHEREFORE, Gibson Connect respectfully requests that the Commission clarify its Order of February 17, 2021 to confirm that Gibson Connect may seek KUSF reimbursement for Lifeline services that it provides in the winning Auction 904 census blocks, which were listed in Exhibit A1 to its Application, on and after February 17, 2021.

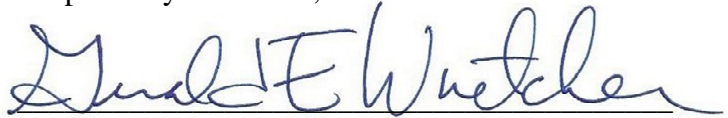
⁶ *Id.* at 1 (explaining the Kentucky contribution of \$3.50 applies “for eligible Kentucky households”).

⁷ *Inquiry into the State Universal Service Fund*, Case No. 2016-00059 (Ky. PSC Oct. 19, 2016) at 2 (“The Commission has mirrored the federal eligibility qualifications in the past. There is no reason to deviate from such requirements at this moment.”)

⁸ *Id.* at 2, n. 6.

Dated: February 24, 2021

Respectfully submitted,



Gerald E. Wuetcher
Stoll Keenon Ogden PLLC
300 West Vine St. Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3017
Fax: (859) 259-3517
gerald.wuetcher@skofirm.com

Counsel for Gibson Connect, LLC

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that Gibson Connect, LLC's electronic filing of this document is a true and accurate copy of the same document being filed in paper medium; that the electronic filing was transmitted to the Public Service Commission on February 24, 2021; that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding; and that within 30 days following the end of the state of emergency announced in Executive Order 2020-215 this Notice in paper medium will be delivered to the Public Service Commission.



Gerald E. Wuetcher