

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

In the matter of:

PETITION OF PEOPLES TELECOM, LLC)	
TO AMEND ITS ELIGIBLE)	Case No. 2021-00010
TELECOMMUNICATIONS CARRIER)	
DESIGNATION IN THE COMMONWEALTH OF)	
<u>KENTUCKY TO INCLUDE ADDITIONAL AREAS</u>)	

PETITION OF PEOPLES TELECOM, LLC TO AMEND ITS ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION IN THE COMMONWEALTH OF
KENTUCKY TO INCLUDE ADDITIONAL AREAS

I. REQUEST FOR ETC DESIGNATION

Peoples Telecom, LLC (“PTC”) by counsel, and pursuant to the Communications Act of 1934, as amended (the “Act”), hereby submits to the Public Service Commission of Kentucky (the “Commission”) its request that its Eligible Telecommunications Carrier (“ETC”) status in the Commonwealth of Kentucky be amended to include those areas where PTC has been allocated Rural Digital Opportunity Fund (“RDOF”) Phase I support as a winner in the Federal Communications Commission’s (“Commission”) RDOF Phase I auction (“Auction 904”). Because PTC was already deemed an ETC by the Commission, PTC seeks to amend its existing ETC designation to include the additional RDOF areas awarded to the company in Auction 904.

I. INTRODUCTION AND SUMMARY

1. PTC is incorporated in the state of Kentucky and is wholly owned by Peoples Rural Telephone Coop. Corp., Inc. 1080 Main Street South / P.O. Box 159, McKee, KY 40447-0159.

2. On February 3, 2017, PTC applied to the Commission for ETC Designation in exchanges of Beattyville, Berea, East Bernstadt, Irvine, Livingston, London, Manchester, Mt.

Vernon, and Oneida. Its Application was approved on June 9, 2017 in Case No. 2017-00061 (“2017 ETC Designation”).

3. On December 7, 2020, the FCC announced the winning bidders in Auction 904 and PTC was awarded \$5,668,121 to serve thirty (30) census blocks in Kentucky.¹

4. While the vast majority of the RDOF areas are in the exchanges already designated as ETC eligible in the 2017 ETC Designation, this application is required provide that the few census blocks outside its existing ETC designation are also awarded ETC status.

5. PTC has been operating as a competitive local exchange carrier via its own facilities since 2015 and has been meeting the obligations required in its 2017 ETC Designation.

6. Because it is required to receive ETC-designation in its additional RDOF areas no later than 180 days after the public notice identifying it as a winning bidder,² PTC respectfully requests that its request to amend its ETC-designation be granted without undue delay.

II. PTC QUALIFIES FOR DESIGNATION AS AN ETC IN ITS ADDITIONAL RDOF AREAS

In its 2017 ETC Designation, PTC committed to meeting the requirements for designation as an ETC as established under the statute and Commission rules. This petition incorporates the commitments made in its 2017 ETC Designation and with this application, PTC states that all certifications and representations made in its prior petition will extend to areas awarded support in the RDOF auction and for which PTC requests ETC designation.

The Affidavit (included here as **Attachment B**) from Keith Gabbard certifies to the accuracy of this statement.

¹ *Rural Digital Opportunity Fund Phase 1 Auction (Auction 904) Closes, Winning Bidders Announced, FCC Form 683 Due January 29, 2021, Public Notice, 35 FCC Rcd 13888, Att. A (2020)* (“Closing Public Notice”).

² 47 C.F.R. § 54.804(b)(5)

III. ETC DESIGNATION WILL ADVANCE THE PUBLIC INTEREST

PTC is seeking ETC designations in those areas which were identified as lacking in suitable service options making them eligible for inclusion in Auction 904. By obtaining ETC designation, PTC will meet its requirements for receipt of RDOF support that it needs to successfully serve its awarded areas. Designation of PTC as an ETC promotes competition and facilitates the provision of advanced communications services and the use of innovative technologies in the RDOF areas. Therefore, designation of PTC as an ETC in these additional areas will serve the public interest.

IV. PTC CERTIFICATION OF THE DISPOSITION OF FEDERAL UNIVERSAL SERVICE FUNDING

PTC certifies that it will use federal universal support “only for the provision, maintenance and upgrading of facilities and service for which the support is necessary” consistent with Section 254(e) of the Telecommunications Act of 1996. An Affidavit (included here as **Attachment B**) from Keith Gabbard certifies such and fully describes the telecommunications services PTC will offer.

V. ANTI-DRUG ABUSE CERTIFICATION

PTC certifies that no party to this Petition is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862, and Sections 1.2001-1.2003 of the Federal Communications Commission’s rules, 47 C.F.R. §§ 1.2001-1.2003. *See Attachment B.*

VI. CONCLUSION

WHEREFORE, for the reasons set forth above, PTC respectfully requests that the Commission issue an order as soon as is practicable amending PTC designation as an Eligible Telecommunications Carrier to include the additional areas awarded to the company in Auction 904 as shown in Attachment A.

Respectfully submitted,

A handwritten signature in blue ink, reading "Bobby H. Richardson", is written over a solid black horizontal line.

Bobby Richardson, Attorney
Richardson, Gardner & Alexander
117 E. Washington St.
Glasgow, KY 42141
270-651-8884; 270-651-3662 (fax)

BHR@rgba-law.com

Attachment A

List of RDOF Census Blocks

Census ID	County
210259202001	Breathitt
210259202002	Breathitt
210519501001	Clay
210519502002	Clay
210519502004	Clay
210519503001	Clay
210519503004	Clay
210519503005	Clay
210519501002	Clay
210519502001	Clay
210519502003	Clay
210519503002	Clay
210519503003	Clay
210519504001	Clay
211259702001	Laurel
211259702003	Laurel
211259702004	Laurel
211259701001	Laurel
211259701002	Laurel
211259702002	Laurel
211299501002	Lee
211299501003	Lee
211299501004	Lee
211299503001	Lee
211299503002	Lee
211299501001	Lee
211299502001	Lee
212039504002	Rockcastle
212039504003	Rockcastle
212039504001	Rockcastle

Attachment B

Declaration of Keith Gabbard

Declaration of Keith Gabbard

Pursuant to 47 C.F.R. § 1.16, I, Keith Gabbard, do declare under penalty of perjury the following is true and correct.

1. I am Keith Gabbard, President and General Manager Peoples Telecom, LLC (“PTC”). The foregoing “Petition of Peoples Telecom, LLC to Amend its Eligible Telecommunications Carrier Designation in the Commonwealth of Kentucky to Include Additional Areas.” has been prepared under my direction, supervision and control. The factual statements and representations contained therein are true and accurate to the best of my knowledge and belief.
2. PTC intends to obtain low income universal service support funding upon receipt of ETC designation and will use federal universal support only for the provision, maintenance and upgrading of facilities and services for which the support is necessary consistent with Section 254 (e) of the Telecommunications Act of 1996.
3. PTC will be capable of providing all of the service offerings required by and set forth in Section 214 (e) of the Communications Act of 1934, as amended, for “eligible telecommunications carriers.”
4. Anti-Drug Abuse Certification: To the best of my knowledge, the applicant referred to in the foregoing Petition, including all officers, directors, or persons holding 5% or more of the outstanding stock or shares (voting and/or non-voting) of the applicant as specified by Section 1.2002 (b) of the Federal Communications Commission’s rules, are not subject to a denial of federal benefits, including FCC benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.



 Keith Gabbard, President and General Manager
 Peoples Telecom, LLC

COUNTY OF Jackson)
)
 STATE OF KENTUCKY)

Subscribed and sworn to before me by Keith Gabbard on this 7th day of January, 2021.

NOTARY PUBLIC

Name LaBriska D. Smith

Signature LaBriska Smith

Commission expiration May 18, 2024