

**BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION**

*In the matter of:*

<b>PETITION OF FRANKLIN ELECTRIC PLANT</b>	)	
<b>BOARD FOR DESIGNATION AS AN ELIGIBLE</b>	)	<b>Case No. 2021-00011</b>
<b>TELECOMMUNICATIONS CARRIER IN</b>	)	
<b><u>THE COMMONWEALTH OF KENTUCKY</u></b>	)	

**PETITION OF FRANKLIN ELECTRIC PLANT BOARD FOR DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER  
IN THE COMMONWEALTH OF KENTUCKY**

**I. REQUEST FOR ETC DESIGNATION**

1. City of Franklin Electric Plant Board (“FEPB”) 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 for Eligible Telecommunications Carrier (“ETC”) status in the Commonwealth of Kentucky in all areas in which FEPB, through its participation in the Tennessee Cooperative Group Consortium,<sup>1</sup> has been allocated Rural Digital Opportunity Fund (“RDOF”) Phase I support as a winner of the Federal Communications Commission’s RDOF Phase I auction (“Auction 904”). FEPB is obligated to obtain ETC designation status within *180 days of the RDOF Phase / Auction Closing Public Notice* (i.e., by June 7, 2020), and therefore requests expeditious action by the Commission so that it may meet this requirement.<sup>2</sup>

2. A list of the census blocks is included in **Attachment A** of this Application. Grant of this Petition is in the public interest because it will allow FEPB to bring high quality advanced

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<sup>1</sup> Due to overlapping financial interests, federal rules required inter connected bidders to bid on their areas of interest through a consortium. FEPB was the sole decision maker on its census blocks of interest within the Tennessee Cooperative Group Consortium and its RDOF award is for its designated census locations in Simpson County, KY.

<sup>2</sup> See 47 CFR § 54.804(b)(5).

competitive services to subscribers, including those eligible for Lifeline services, in the communities in which it seeks ETC designation. An affidavit attesting to the Applicant's use of funds is included in **Attachment B**.

3. FEPB is incorporated in the state of Kentucky and its business address is 309 N High St. / PO Box 349, Franklin, KY 42135.

4. FEPB serves over 4,800 customers in Franklin, Kentucky as a utility regulated by the TVA. Having deployed a robust fiber-optic network for its own use, government, and industry needs throughout its municipal footprint, in 2015 Franklin EPB Fiber began providing these same high quality fiber-based broadband services to small business and residential subscribers at competitive prices. FEPB currently has 2,400 broad band customers on its network. Additionally, the company has partnered with a Voice over Internet ("VOIP") provider to provide voice services to subscribers on its broadband network.

5. Neither its voice nor broadband services have been subject to any complaints with the state of Kentucky or the FCC. The company further complies with applicable reporting requirements, has timely filed its required reports, and will continue to do so.

6. In September 2019, FEPB announced a partnership with Warren Rural Electric Cooperative ("WRECC") to leverage FEPB's knowledge of network operations and infrastructure with access to the fiber distribution facilities of WRECC to allow more than 300 WRECC customers in rural Simpson County to have access to high-speed internet service.<sup>3</sup> Under this arrangement, FEPB will provide all the end user and network services through its existing infrastructure and network operations center, and WRECC will provide the underlying fiber services to locations within the partnership area.

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<sup>3</sup> [https://www.bgdailynews.com/news/utilities-partner-to-provide-high-speed-internet/article\\_41a0d346-052b-5587-8303-165f440518aa.html](https://www.bgdailynews.com/news/utilities-partner-to-provide-high-speed-internet/article_41a0d346-052b-5587-8303-165f440518aa.html) Access date December 30, 2020

7. Recognizing the opportunity to gain federal financial support to further its efforts to bring broadband to underserved areas in its targeted communities, FEPB bid in Auction 904 on census groups in Simpson County and was awarded \$132K to serve fifty-two (52) census blocks in that county. As a condition of receiving its funds, FEPB will need to meet certain buildout criteria and be designated as an ETC.

8. The areas that FEPB is requesting ETC designation were identified by the FCC as being underserved. Accordingly, FEPB will be one of the few, if not the only, facilities-based providers of voice and broadband services in its RDOF areas.

9. FEPB will have sufficient facilities and capacity to provide supported services throughout its service area in Kentucky.

## **II. FEPB QUALIFIES FOR DESIGNATION AS AN ETC**

1. FEPB will provide the services supported by the Federal High Cost Universal Service Program, as set forth in Section 214(e) of the Act and Section 54.101(a) of the Federal Communications Commission's rules. In order to be designated as an ETC, a carrier must be a common carrier and both offer and advertise the supported services throughout the designated service area.

2. In the census blocks where FEPB receives ETC designation, it will provide interconnected Voice over Internet Protocol ("VOIP")<sup>4</sup> service on a common carrier basis. As such, with respect to the interconnected VOIP services it plans to deploy in the designated census blocks, FEPB certifies that it is a common carrier under Section 214(e)(1) and 214(e)(6) of the Act.

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<sup>4</sup> Although the PSC does not regulate VOIP services, FEPB will offer services as a common carrier.

3. Pursuant to §54.101(a)(1), FEPB’s voice services shall that meet the following requirements:

- a. Voice-Grade Access to the Public Switched Network – FEPB will provide voice-grade access, or its functional equivalent, to the public switched network. FEPB will have the capability to originate and terminate local and long distance telephone service for all of its subscribers.
- b. Local Usage – FEPB offers unlimited local calling to all of its subscribers.
- c. Access to Emergency Service – FEPB will offer access to emergency service throughout its service area by dialing 911. Enhanced 911 (“E911”), which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), is required if a public emergency service provider makes arrangements for the delivery of such information. Therefore, FEPB meets the requirement to provide access to emergency service.
- d. Toll Limitation Services to Qualifying Low-income Consumers – Once designated as an ETC, FEPB will participate in the Lifeline program for low-income subscribers as required, and will offer toll blocking to meet the FCC’s requirement.

4. Pursuant to §54.101(a)(2), FEPB will provide broadband services<sup>5</sup> with the capability to transmit data to and receive data by wire or radio from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service. Company broadband speeds will meet or exceed FCC required speed and usage allowances for fixed broadband offering.

5. FEPB will advertise and make available a “universal service” offering that includes all of the supported services for consumers in the designated service areas in Kentucky using media of general distribution, and will undertake outreach initiatives to increase consumer awareness of its service offerings, consistent with all applicable requirements. FEPB will use social media, print and radio advertising to reach its target customers.

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<sup>5</sup> FEPB recognizes that because the KY Public Service Commission does not regulate broadband, state lifeline support is not available for broadband-only service in Kentucky.

6. In addition, pursuant to §54.101(d) FEPB will offer Lifeline discounts to qualifying low-income consumers consistent with state and federal Lifeline rules in its ETC designated RDOF census blocks.

#### **IV. ADDITIONAL REQUIREMENTS**

1. Pursuant to §54.202(a)(1)(i) an affidavit supporting that FEPB will comply with the service requirements applicable to the support that it receives is provided in **Attachment B** of this Application.

2. Pursuant to §54.202(a)(2) FEPB states that it is capable of remaining functional in an emergency. Petitioner certifies that its fiber optic network will have the ability to remain functional in emergency situations, will have a reasonable amount of back-up power to ensure functionality without an external power source, will be able to reroute traffic around damaged facilities and will be capable of managing traffic spikes resulting from emergency situations. Petitioner's fiber optic network will support telephone service using Session Initiation Protocol-based VOIP technology and will support all phone features, including 911 services.

3. Pursuant to §54.202(a)(3) FEPB will satisfy consumer protection and service quality standards. FEPB anticipates that its service quality and variety of offerings will be its primary sales advantage in its market. Accordingly, the company intends to meet or exceed service quality standards. FEPB will adhere to all applicable state and federal laws regarding, but not limited to, consumer protection.

4. Pursuant to §54.202(a)(4) FEPB has the financial and technical capability to provide services for which it is requesting ETC designation. Because it already provides the majority of the services required, FEPB will leverage the existing network operations and customer service infrastructures it has already successfully deployed. Similarly, FEPB's existing

partnership with WRECC will give FEPB access to a state-of-the-art network on a cost-effective basis.

**V. FEPB CERTIFICATION OF THE DISPOSITION OF FEDERAL UNIVERSAL SERVICE FUNDING**

FEPB 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. The Affidavit (attached hereto as **Attachment B** from Bill Borders, certifies such and fully describes the telecommunications services FEPB will offer.

**VI. ANTI-DRUG ABUSE CERTIFICATION**

FEPB 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.*

## VII. CONCLUSION

WHEREFORE, for the reasons set forth above, FEPB respectfully requests that the Commission issue an order as soon as is practicable designating FEPB as an Eligible Telecommunications Carrier throughout the service areas identified in this Application.

Respectfully submitted,



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Attorney to Franklin Electric Plant Board

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**ATTACHMENT A**

**LIST OF CENSUS BLOCKS IN WHICH FEPB SEEKS DESIGNATION AS AN  
ELIGIBLE TELECOMMUNICATIONS CARRIER.**



<b>Census Block</b>	<b>County</b>
212139702001023	Simpson
212139702001024	Simpson
212139702001041	Simpson
212139702001059	Simpson
212139702003000	Simpson
212139702003001	Simpson
212139702003004	Simpson
212139702003006	Simpson
212139702003007	Simpson
212139702003008	Simpson
212139702003012	Simpson
212139702003018	Simpson
212139702003023	Simpson
212139702003026	Simpson
212139702003028	Simpson
212139702003030	Simpson
212139702003034	Simpson
212139702003035	Simpson
212139702003037	Simpson
212139702003039	Simpson
212139702003040	Simpson
212139702003041	Simpson
212139702003042	Simpson
212139702003043	Simpson
212139702003045	Simpson
212139702003050	Simpson

<b>Census Block</b>	<b>County</b>
212139702003053	Simpson
212139702003054	Simpson
212139702003060	Simpson
212139703002006	Simpson
212139704005004	Simpson
212139704005024	Simpson
212139704005027	Simpson
212139704005030	Simpson
212139704005031	Simpson
212139704005033	Simpson
212139704005035	Simpson
212139704005039	Simpson
212139704005043	Simpson
212139704005055	Simpson
212139704005056	Simpson
212139704005057	Simpson
212139704005063	Simpson
212139704005073	Simpson
212139704005075	Simpson
212139704005077	Simpson
212139704005078	Simpson
212139704005079	Simpson
212139704005080	Simpson
212139704005082	Simpson
212139704005085	Simpson
212139704005086	Simpson

**ATTACHMENT B**  
**DECLARATION OF BILL BORDERS**

**Declaration of Bill Borders**

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

1. I am Bill Borders, General Manager of Franklin Electric Plant Board (“FEPB”). The foregoing “Petition of Franklin Electric Plant Board for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Kentucky” 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. FEPB 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. As an ETC, FEPB will offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. FEPB’s service offerings will be competitive with the ILECs.
3. FEPB 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.

*Bill Borders*  
 Bill Borders, General Manager  
 Franklin Electric Plant Board

COUNTY OF Simpson )  
 )  
 STATE OF KENTUCKY )

Subscribed and sworn to before me by Bill Borders on this 13 day of January 2021.

NOTARY PUBLIC

Name Ashley D. Maggard  
 Signature Ashley D. Maggard  
 Commission expiration May 18, 2022  
#601372

