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Case No. 2021-00024

January 22, 2021

Kentucky Public Service Commission  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

Re: Application of West Kentucky Rural Telephone Cooperative Corporation, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e)(2) of the Communications Act of 1932, as amended

To Whom It May Concern:

On behalf of West Kentucky Rural Telephone Cooperative Corporation, Inc. ("WK&T"), please find the attached Application for Designation as an Eligible Telecommunications Carrier filed pursuant to Section 214(e)(2) of the Communications Act of 1934, as well as Exhibits A through C.

Please do not hesitate to contact me if you should have any questions regarding the enclosed ETC Application.

Respectfully Submitted,

John Kuykendall  
Vice President  
[jkuykendall@isitel.com](mailto:jkuykendall@isitel.com)  
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*Attachment*

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**Before the  
KENTUCKY PUBLIC SERVICE COMMISSION**

In the Matter of )  
West Kentucky Rural Telephone )  
Cooperative Corporation, Inc. )  
)  
)  
Application for Designation as an )  
Eligible Telecommunications Carrier )  
to Receive Rural Digital Opportunity Fund )  
Phase I Auction (Auction 904) Support for )  
Voice And Broadband Services )

Case No. 2021-00024

**WEST KENTUCKY RURAL TELEPHONE COOPERATIVE CORPORATION,  
INC.'S APPLICATION FOR DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER AND REQUEST FOR EXPEDITED  
CONSIDERATION**

West Kentucky Rural Telephone Cooperative Corporation, Inc. (“WK&T”), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”), and Sections 54.201 and 54.202 of the rules of the Federal Communications Commission (“FCC”),<sup>1</sup> respectfully requests designation as a High-Cost and Low Income Eligible Telecommunications Carrier (“ETC”) in the State of Kentucky in all areas where WK&T, through its participation in the Tennessee Cooperative Group Consortium, has been awarded support through the FCC’s Rural Digital Opportunity Fund (“RDOF”) Phase I Auction (“Auction 904”) (the “RDOF Auction”),<sup>2</sup> as well as Lifeline-only ETC designation status in certain additional areas throughout its Kentucky service territory where WK&T is a competitive local exchange carrier (“CLEC”).

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<sup>1</sup> 47 U.S.C. § 214(e)(6); 47 C.F.R. §§ 54.201 & 54.803(b).

<sup>2</sup> See *Rural Digital Opportunity Fund Phase I Auction (Auction 904) Closes; Winning Bidder Announced; FCC Form 683 Due January 29, 2021*, AU Docket No. 20-34, WC Docket Nos. 19-126 and 10-90, Public Notice, DA 20-1422, (rel. Dec. 7, 2020) (“*Auction 904 Results Notice*”).

WK&T will deploy broadband and TDM voice services throughout the RDOF Phase I-eligible census block groups identified in **Exhibit A** and seeks ETC designation from the Kentucky Public Service Commission (“Commission”) to participate in both High-Cost and Low-Income programs of the federal Universal Service Fund in order to serve these census block groups. In addition, WK&T seeks Lifeline-only ETC designation status in the additional service areas within its CLEC territory identified in **Exhibit B**.

WK&T’s receipt of RDOF funding is conditioned upon it obtaining ETC designation status within 180 days of the FCC’s announcement of winning bidders.<sup>3</sup> As a result, WK&T requests expeditious action by the Commission so that it may meet this requirement. Section 214(e)(2) of the Act authorizes the Commission to designate a company that meets the requirements of Section 214(e)(1) of the Act, such as WK&T, as an ETC. As demonstrated in this Application, WK&T meets all state and federal requirements for ETC designation, and, as shown by the description herein of WK&T’s planned voice and broadband deployment projects, designating WK&T as an ETC in the proposed areas would advance the goals of universal service and is in the public interest.

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

#### **I. INFORMATION AND BACKGROUND REGARDING WK&T**

WK&T is a Kentucky cooperative headquartered at 100 WK&T Technology Dr., Mayfield, KY 42066. WK&T was established in 1951 as a not-for-profit, member-owned cooperative to provide local telephone service to business and residential members within the Kentucky exchanges of Cunningham, Fairdealing, Fancy Farm, Farmington, Folsomdale, Hardin, Hazel, Kirksey, Lowes, Lynn Grove, Lynnville, New Concord, Sedalia, West Plains,

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<sup>3</sup> See *Auction 904 Results Notice*, para. 17 on p.7.

and Wingo, in addition to the Tennessee exchanges of Cottage Grove, Cypress, Puryear, and South Hazel (“Service Territory”). WK&T is a rural incumbent local exchange carrier (“ILEC”) serving parts of Calloway, Carlisle, Graves, McCracken, Marshall, and Hickman counties in western Kentucky. WK&T also provides services to parts of Dyer, Henry, Gibson, Obion and Weakley counties in northwest Tennessee. WK&T is a carrier of last resort (“COLR”) in its Service Territory. WK&T was granted CLEC authority by the Commission on December 5, 2018 (Filing No. TFS2018-00467). Today, WK&T serves approximately 7,692 customers with voice service and approximately 9,300 customers with broadband service in Kentucky, as well as approximately 2,235 customers with voice service and 3,300 customers with broadband service in Tennessee.

WK&T is dedicated to supporting its customers and economic development in the communities it serves. As such, WK&T, through the Tennessee Cooperative Group Consortium, participated in the FCC’s RDOF Auction and was awarded RDOF support in Kentucky. WK&T will provide high-quality, high-speed, reliable and affordable broadband Internet and voice service to residential and business customers in the proposed ETC designation area. WK&T will construct and operate a state-of-the-art fiber optic network to provide high-speed broadband Internet access and voice services to customers who currently lack access to such services.

## **II. COMMUNICATIONS AND CORRESPONDENCE**

Pleadings, orders, notices, or other correspondence and communications regarding this Application should be provided to:

Karen Jackson-Furman  
COO  
West Kentucky Rural Telephone Cooperative Corporation, Inc.  
100 WK&T Technology Dr., Mayfield, KY 42066  
270-856-9988

[kfurman@mywkt.coop](mailto:kfurman@mywkt.coop)

With a copy to:

Edward T. Depp  
Attorney  
Dinsmore & Shohl, LLP  
101 S. Fifth St., Suite 2500, Louisville, KY 40202  
502.540.2347  
[tip.depp@dinsmore.com](mailto:tip.depp@dinsmore.com)

### **III. WK&T'S PARTICIPATION IN THE FCC'S RDOF AUCTION**

#### **A. Background on the RDOF Auction**

On January 30, 2020, the FCC adopted the *Rural Digital Opportunity Fund Report and Order*,<sup>4</sup> establishing the framework for the RDOF including the use of reverse auctions in two phases. The RDOF was implemented to provide \$20.4 billion to connect millions of rural homes and businesses to high-speed broadband networks as part of the FCC's biggest step to close the digital divide.<sup>5</sup> On July 11, 2020, the FCC adopted final procedures for Phase I of the RDOF Auction, which utilized competitive bidding to allocate up to \$16 billion over ten years to service providers that commit to offer voice and broadband services to fixed locations in eligible unserved high-cost census blocks.<sup>6</sup>

#### **B. WK&T's Selection as a Winning Bidder**

The RDOF Auction began on October 29, 2020 and completed on November 25, 2020. On December 7, 2020, the FCC issued a Public Notice, officially announcing the results of the competitive bidding.<sup>7</sup> The FCC provisionally selected the Tennessee Cooperative Group

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<sup>4</sup> See generally *Rural Digital Opportunity Fund; Connect America Fund*, Order, 35 FCC Rcd 686 (2020) (*Rural Digital Opportunity Fund Order*).

<sup>5</sup> Id.

<sup>6</sup> See *Rural Digital Opportunity Fund Phase I Auction Scheduled for October 29, 2020; Notice and Filing Requirements and Other Procedures for Auction 904*, Public Notice, FCC 20-77, 35 FCC Rcd 686 (2020) ("*Auction 904 Procedures Public Notice*").

<sup>7</sup> *Auction 904 Results Public Notice*, Attachment A.

Consortium as a winning bidder for a number of locations throughout Tennessee and Kentucky.<sup>8</sup> Pursuant to the FCC bidding rules, the Tennessee Cooperative Group Consortium subsequently assigned a number of locations won in Kentucky to WK&T.

As a recipient of RDOF support, WK&T is required to offer at least one standalone voice plan and one service plan providing broadband at speeds of at least 1 Gbps with a latency at or below 100 ms. WK&T is required to buildout to 40% of the requisite number of locations in Kentucky within three years of authorization.<sup>9</sup> This performance benchmark increases by 20% by the end of the fourth and fifth years of support.<sup>10</sup> By the end of year six, revised location totals will be announced.<sup>11</sup> If there are fewer locations than originally estimated by the cost model, WK&T must serve the revised number of locations by the end of the sixth year of support.<sup>12</sup> If there are more locations than originally estimated by the cost model, WK&T must serve the original number of locations estimated by the cost-model by the end of the sixth year of support and must serve the rest of the locations by the end of the eighth year of support.<sup>13</sup>

**C. Need for Expedited ETC Designation**

The FCC’s rules for the RDOF Auction did not require that participants be an ETC as of the initial short-form application filing deadline.<sup>14</sup> Instead, a winning bidder that is awarded support is expected to obtain an ETC designation (encompassing receipt of high-cost support) for the areas covered by its successful bids within 180 days after being announced as a winning bidder.<sup>15</sup> Winning bidders must submit appropriate documentation of such ETC status to the

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<sup>8</sup> *Auction 904 Results Public Notice*, Attachment A. at p. 26.  
<sup>9</sup> *Auction 904 Procedures Public Notice*, para. 17.  
<sup>10</sup> *Id.*  
<sup>11</sup> *Id.*  
<sup>12</sup> *Id.*  
<sup>13</sup> *Id.*  
<sup>14</sup> *Auction 904 Procedures Public Notice*, para. 136.  
<sup>15</sup> *Id.*

FCC.<sup>16</sup> As noted, WK&T has been selected to receive RDOF support in select census block groups in Kentucky. Because the timeframe for WK&T to obtain ETC designation is short and the consequences of failure to do so are severe, WK&T respectfully requests that the Commission review this Application promptly and grant it ETC designation in the proposed ETC designation area on an expedited basis.

#### **IV. DESCRIPTION OF WK&T AND ITS QUALIFICATIONS**

##### **A. WK&T's Expertise and Experience**

WK&T is qualified to meet applicable RDOF obligations given its proven track record of technical and commercial success as a provider of voice and broadband services. As stated, WK&T has been providing voice service to customers since 1951. Today, WK&T's services go far beyond high-quality phone plans. WK&T offers video, fast broadband and infrastructure capable of meeting tomorrow's technology needs today. WK&T has always prioritized supporting its customers and economic development in the communities it serves. As such, WK&T has taken a proactive approach to developing new services.

Currently, WK&T serves approximately 9,000 customers with voice service and 12,600 customers with broadband service in the aforementioned counties located in Tennessee and Kentucky. Furthermore, WK&T serves and has already made Internet service of at least 10/1 Mbps or higher available to well over 50% of the approximately 23,000 locations throughout WK&T's incumbent ILEC service area, which is over 1,450 square miles. WK&T will leverage its resources and experience as a provider of broadband and voice services to serve customers in the proposed ETC designation area. WK&T is proud to have at its disposal its staff of experienced engineers that are familiar with the residents and businesses in the proposed ETC designation area and have

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<sup>16</sup> Id.

established relationships with contractors and officials in the proposed ETC designation area. With WK&T’s skilled and experienced customer care and technical staff of 44 employees, located in Mayfield, KY, WK&T is positioned to offer superior service to customers and will have tier two support from WK&T’s corporate office, located in Mayfield, KY, for design and construction of fiber plant and maintenance of the network. WK&T has experience constructing a fiber-to-the-premises (“FTTP”) network to offer fiber-fed broadband services to customers. As such, WK&T has experience managing the technical and customer service-related issues associated with the provision of broadband and voice service and will be able to fulfill its obligations as an ETC.

**B. WK&T’s Services and Network Architecture**

WK&T will have fiber availability over which to offer and provide affordable, high-speed broadband to customers throughout the proposed ETC designation area, which has largely lacked access to such services. WK&T will expand its state-of-the art, low latency, FTTP network to deliver high-speed broadband to homes and businesses in the proposed ETC designation area. Through the expansion of its FTTP network, WK&T will offer broadband and voice services to customers in the proposed ETC designation area.

WK&T’s FTTP network will be the backbone of the high-speed services on which customers rely. WK&T will provide customers with competitively superior broadband and voice services now and into the future. As stated, WK&T is required to offer at least one service plan providing broadband at speeds of at least 1 Gbps with a latency at or below 100 ms. WK&T plans to initially offer broadband service at the following speeds and prices with no data caps and no equipment fees:

|                    |              |                       |              |
|--------------------|--------------|-----------------------|--------------|
| <u>Residential</u> |              | • 500/500 Mbps        | \$129.90/mo. |
| • 100/100 Mbps     | \$89.90/mo.  | • 1/1Gbps             | \$149.90/mo. |
| • 250/250 Mbps     | \$109.90/mo. | <u>Small Business</u> |              |



- 100/100 Mbps            \$109.90/mo.
- 250/250 Mbps            \$139.90/mo.
- 500/500 Mbps            \$169.90/mo.
- 1/1Gbps                    \$199.90/mo.

WK&T will also offer business Internet service. However, WK&T is still conducting research and has not yet determined specific details of its rates and services to be offered to large business Internet customers. As such, WK&T will offer special quotes for large businesses and make large business Internet services available based on demand.

WK&T will provide voice services through its TDM network facilities. WK&T will provide voice services through its company-owned metaswitch voice switch over its fiber-based facilities. WK&T will offer voice service to customers at the following rates: \$18.00/mo., plus taxes and fees, for basic, standalone voice service and \$39.90/mo., plus taxes and fees, for basic, standalone voice service plus a full suite of calling features, including the following features and capabilities: Unlimited Long Distance, Speed Dialing, Repeat Dialing, Call Return, Call Trace, Caller ID, Call Forwarding on Busy, Anonymous Call Rejection, Call Forwarding, Call Forward No Answer, Call Waiting, 3-Way Calling, Voicemail and Selective Call Rejection. WK&T’s TDM voice service will satisfy the FCC’s definition of voice telephony service, as well as requirements under RDOF.

Accordingly, grant of this Application is vital for residents in rural Kentucky to be able to receive high speed broadband and access to high-quality voice services.

**V. THE COMMISSION HAS JURISDICTION OVER WK&T’S ETC DESIGNATION REQUEST**

The Commission has the authority to designate WK&T as an ETC, pursuant to Section 214(e)(2) of the Act, for the Proposed Service Area. Pursuant to Section 214(e)(2) of the Act, a State commission shall, upon its own motion or upon request, designate a common carrier, who meets the requirements of Section 214(e)(1), as an ETC for purposes of receiving universal

service support in a service area designated by the State commission.<sup>17</sup> Sections 54.201(c) and (d) of the FCC’s rules reflect the provisions of Section 214(e) of the Act and provide that, “upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements” of Section 54.201(d) of the FCC’s rules.<sup>18</sup>

WK&T therefore seeks ETC designation from the Commission pursuant to Section 214(e)(2).<sup>19</sup>

## **VI. WK&T SATISFIES THE REQUIREMENTS FOR DESIGNATION AS AN ETC**

As demonstrated herein, WK&T satisfies each of the state and federal statutory and regulatory requirements to be an ETC.

### **A. WK&T Will Provide Service as a Common Carrier**

For purposes of this designation, WK&T will provide service on a common carrier basis. WK&T will provide voice service using its own switch, and that switch is connected to multiple call origination and call termination providers. WK&T will be a common carrier by virtue of its provision of TDM voice service on a common carrier basis. As previously stated, WK&T is an ILEC within its Service Territory and is also authorized to provide competitive local exchange services throughout the state. As such, WK&T certifies that it is a common carrier under Sections 214(e)(1) and 214(e)(6) of the Act.<sup>20</sup>

### **B. WK&T Will Offer the Services Supported by Federal Universal Service Support Mechanisms**

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<sup>17</sup> 47 U.S.C. §§ 214(e)(1)-(2).

<sup>18</sup> 47 C.F.R. §§ 54.201(c)-(d).

<sup>19</sup> 47 U.S.C. § 214(e)(6).

<sup>20</sup> See Affidavit of Karen Jackson-Furman, COO, attached as **Exhibit C**.

As described below, WK&T certifies that it will provide the following services that are supported by federal universal service support mechanisms:<sup>21</sup>

(1) *Voice Grade Access to the Public Switched Telephone Network*

WK&T will meet this requirement through its provision of voice grade access over its TDM network service that will include unlimited local minutes, measured long distance minutes and access to emergency services via 911 or E-911, wherever available from local government or public safety organizations.<sup>22</sup> WK&T certifies that its TDM voice service will satisfy the FCC's definition of voice telephony service. WK&T will offer stand-alone voice telephony service throughout its proposed ETC designation areas and will offer such service at rates that are reasonably comparable to urban rates.<sup>23</sup> With respect to toll limitation services, West Kentucky commits to provide toll limitation services to qualifying low-income consumers as provided in Sections 54.400 and 54.423 of the Commission's rules.<sup>24</sup>

(2) *Broadband Internet Access Services*

WK&T's broadband Internet offering will provide the capability to transmit data to and receive data by wire and 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.<sup>25</sup> WK&T plans to initially offer low-latency Internet service at the speeds and prices stated in Section IV(B) herein. WK&T certifies that its provision of high-speed broadband Internet over its fiber-based facilities will satisfy the FCC's definition of broadband Internet access and it will therefore provide all services designated for support by the

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<sup>21</sup> See Affidavit of Karen Jackson-Furman, COO, attached as **Exhibit C**.

<sup>22</sup> 47 C.F.R. § 54.101(a)(1) and (b).

<sup>23</sup> *USF/ICC Transformation Order*, 26 FCC Rcd at 17693, paras. 80-81; see also 47 C.F.R. § 54.101(b).

<sup>24</sup> 47 C.F.R. § 54.101(a)(1).

<sup>25</sup> 47 C.F.R. § 54.101(a)(2).

FCC. WK&T commits to providing these services consistent with the rules applicable to RDOF award recipients<sup>26</sup> and will offer such services at rates that are reasonably comparable to urban rates.<sup>27</sup>

(3) *Lifeline Discounts for Qualifying Low-Income Consumers*

WK&T will offer subsidized Lifeline voice and broadband services, including a standalone voice service offering, to qualifying low-income consumers, consistent with the FCC's rules, within its proposed ETC designation areas.<sup>28</sup> WK&T certifies that it will meet or exceed the minimum service standards for Lifeline-supported services, subject to any applicable exceptions for providers of fixed broadband services.<sup>29</sup>

**C. WK&T Will Provide Service Using its Own Facilities**

WK&T will provide voice and broadband services using its own facilities. Specifically, WK&T will be a facilities-based broadband Internet access and voice service provider. WK&T will offer voice and broadband services over facilities that are wholly owned by WK&T. WK&T will construct a fiber-optic network to deliver voice and broadband services between WK&T's central office building and the customer premise. Therefore, WK&T will offer the supported services using its own facilities.<sup>30</sup> Additionally, WK&T certifies that, in accordance with 47 U.S.C. § 254(e), it will use federal universal service support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended.

**D. WK&T Will Provide Supported Services Throughout the Proposed ETC Designation Areas.**

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<sup>26</sup> 47 C.F.R. § 54.101(c).

<sup>27</sup> 47 C.F.R. § 54.101(a)(2).

<sup>28</sup> 47 C.F.R. § 54.405(a), 54.400 et. seq.

<sup>29</sup> 47 C.F.R. § 54.408(b); *see* 47 C.F.R. § 54.408(d).

<sup>30</sup> 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1).

WK&T commits to providing the supported services throughout the designated service areas for which it seeks ETC designation, consistent with all applicable requirements.<sup>31</sup>

**E. WK&T Will Advertise the Availability of the Supported Services and the Relevant Charges Using Media of General Distribution**

WK&T will advertise the availability of, and charges for, its supported service offerings using media of general distribution and will undertake outreach initiatives to increase consumer awareness of WK&T's service offerings, consistent with all applicable requirements.<sup>32</sup> Specifically, WK&T will advertise through a combination of digital and traditional media, such as the Internet, outbound Email, advertising via radio, newspapers, magazines or other print advertisements, outdoor advertising, or direct marketing, and will also publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service. WK&T's advertising strategy will build on its extensive advertising and public outreach experience in operating as a telecommunications provider since 1951.

**F. WK&T's Financial and Technical Qualifications**

WK&T possesses the financial and technical capability to provide the supported services. WK&T will offer high-speed broadband Internet and voice services to both Lifeline and non-Lifeline customers in the proposed ETC designation area and has full financial capabilities to underwrite its share of construction and start-up expenses (e.g., construction, hardware, operations, etc.) to get its fiber optic network built and begin offering voice and broadband services. As stated, WK&T has been operating as telecommunications services provider in Kentucky since 1951. WK&T does not, and will not, rely on universal service fund disbursements to operate. WK&T will be able to obtain the requisite amount of lending under its existing lines of credit and WK&T is able to obtain additional financing, if necessary, in

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<sup>31</sup> See 47 C.F.R. §§ 54.101 and 54.201.

<sup>32</sup> 47 C.F.R. § 54.201(d)(2).

addition to the RDOF Phase I support being made available to WK&T. Finally, WK&T has not been subject to any enforcement proceedings or ETC revocation proceedings. WK&T will be able to leverage its substantial experience in maintaining and upgrading utility infrastructure. Accordingly, WK&T is fully capable of managing, maintaining and repairing infrastructure for support of the proposed services. (47 C.F.R. § 54.202(a)(4));

## **VII. WK&T SATISFIES THE ADDITIONAL REQUIREMENTS FOR ETC DESIGNATION BY THE COMMISSION**

Section 54.202 of the Commission’s rules contains certain additional requirements for a common carrier to be designated as an ETC.<sup>33</sup> As set forth below, WK&T further certifies that it satisfies each of those requirements.

### **A. Compliance with Applicable Service and Performance Quality Requirements.**

WK&T certifies that it will comply with the service requirements applicable to the support that it receives,<sup>34</sup> including the requirements of the RDOF Auction. WK&T’s capabilities for providing the services in accordance with these requirements will be detailed in its FCC Form 683 long form application<sup>35</sup> and are incorporated by reference. Additionally, WK&T certifies that it will comply with the ETC-specific commitments required by the FCC in its *2005 ETC Order*.<sup>36</sup> The FCC has waived the requirement for a winning bidder to file a five-year plan as part of the ETC designation process and to demonstrate that it will satisfy applicable consumer protection and service quality standings.<sup>37</sup> Further, given that WK&T

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<sup>33</sup> 47 U.S.C. § 54.202.

<sup>34</sup> 47 C.F.R. § 54.202(a)(1)(i).

<sup>35</sup> See WK&T’s Form 683 Long Form Application.

<sup>36</sup> *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and order, FCC 05-46 (rel. Mar. 17, 2005)(“*2005 ETC Order*”).

<sup>37</sup> *Auction 904 Procedures Public Notice*, para. 136; *WCB Reminds Connect America Fund Phase II Applicants of the Process for Obtaining Federal Designation as an Eligible Telecommunications Carrier*, Public Notice, 33 FCC Rcd 6696 (WCB 2018) (*Federal ETC Public Notice*)(waiving the FCC requirement for a winning bidder to file a five-year plan (47 C.F.R. § 54.202(a)(1)(ii)) and to demonstrate that it will satisfy applicable consumer protection and service quality standings (47 C.F.R. § 54.202(a)(3))).

seeks ETC designation for Lifeline support only in additional service areas, a five-year network improvement plan is not provided. WK&T is currently subject to and complies with all state and federal consumer protection requirements and service quality standards applicable to its operations. WK&T has not been the subject of any serious consumer complaints or investigations. WK&T certifies that it will continue to prioritize complying with all applicable consumer protection and service quality standards to satisfy this requirement.<sup>38</sup>

### **B. Ability to Remain Functional in Emergency Situations**

WK&T hereby certifies that it will be able to function in emergency situations as set forth in Section 54.202(a)(2) of the FCC's rules.<sup>39</sup> WK&T will establish reasonable provisions to meet emergencies resulting from failures of power service, sudden and prolonged increases in traffic, illness of operators or other credible emergency situations. These plans will include provisions to supply a reasonable amount of emergency power and contain activation, required staffing, escalation, and communication procedures to deal with such emergencies. WK&T will have fiber availability that will be designed to remain functional in emergency situations without an external power source, reroute traffic around damaged facilities and manage traffic spikes resulting from emergency situations as required by Section 54.202(a)(2) of the FCC's rules.<sup>40</sup> WK&T will also have access to redundant uplink providers and access to generators, portable generators and battery backup that will be able to operate remotes in the event of a prolonged power outage. WK&T will also be capable of managing traffic spikes resulting from emergency situations since it will have access to adequate backhaul bandwidth to handle spikes that arise in

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<sup>38</sup> See 47 C.F.R. § 54.309.

<sup>39</sup> Section 54.202(a)(2) requires ETCs that are designated by the Commission to “demonstrate its ability to remain functional in emergency situations, including a demonstration that it has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of maintaining traffic spikes resulting from emergency situations.”

<sup>40</sup> 47 C.F.R. § 54.202(a)(2).

emergency situations. Finally, WK&T will be able to change call routing translations as needed to reroute traffic around damaged facilities.

### **VIII. WK&T MEETS THE FEDERAL STATUTORY AND REGULATORY PREREQUISITES TO BE DESIGNATED AS A LIFELINE-ONLY ETC IN THE ADDITIONAL SERVICE AREAS**

As demonstrated herein, WK&T satisfies each of the federal statutory and regulatory requirements to be designated as a Lifeline-only ETC in the additional service area requested.

#### **A. Service Plans**

WK&T will offer voice and broadband Lifeline service consistent with the rules of the FCC, including the minimum service standards for Lifeline service set forth in Sections 54.408(b)(1) and (c) of the FCC's rules. WK&T plans to offer the applicable monthly Lifeline discount on any of the voice and/or broadband plans that it offers to its non-Lifeline subscribers.

#### **B. Verification Requirements**

WK&T will provide Lifeline service only to customers whose eligibility is confirmed via the National Verifier. Customers wishing to apply for federal Lifeline benefits will be instructed to apply to the National Verifier either by submitting an application online or via U.S. Mail.

#### **C. Lifeline Obligations**

1. WK&T will publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.<sup>41</sup>

2. WK&T will indicate on all materials describing the Lifeline service, using easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, the service is non-transferable, only eligible customers may enroll in the program, and the program is limited to one discount per household.<sup>42</sup>

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<sup>41</sup> 47 C.F.R. § 54.405(b).

<sup>42</sup> 47 C.F.R. § 54.405(c).



3. WK&T will disclose its name on all materials describing the service.<sup>43</sup>

4. WK&T will de-enroll Lifeline subscribers when it has a reasonable basis to believe that the Lifeline subscriber no longer meets the criteria to be considered a qualifying low-income consumer in compliance with Section 54.409 of the FCC's Rules.<sup>44</sup>

**D. Minimum Service Standards**

WK&T will meet the minimum service standards for Lifeline service, as set forth in Sections 54.408(b)(1) and (c) of the FCC's rules.

**E. Annual Certifications**

WK&T will comply with the annual certification requirements set forth in Section 54.416 of the FCC's rules, including the requirement to provide, on an annual basis, the results of its re-certification efforts to the FCC.

**F. Recordkeeping Requirements**

WK&T will comply with applicable recordkeeping requirements, as set forth in Section 54.417 of the FCC's Rules.

**G. Annual Reporting Requirements**

WK&T will comply with applicable annual reporting requirements, as set forth in Section 54.422 of the FCC's Rules, including the requirement to file such reports with the FCC.

**IX. DESIGNATION OF WK&T AS AN ETC IS IN THE PUBLIC INTEREST**

Designation of WK&T as an ETC serves the public interest by allowing WK&T to bring high-speed broadband Internet and voice services to underserved locations in the designated census blocks, including to low-income households that qualify for Lifeline discounts. The grant of this Application will clearly serve the public interest by enabling WK&T to provide low-

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<sup>43</sup> 47 C.F.R. § 54.405(d).

<sup>44</sup> 47 C.F.R. § 54.405(e).

latency, gigabit-speed broadband and voice services to residents and businesses in its proposed ETC designation areas, as well as to provide subsidized voice and broadband services to those households that seek and qualify for federal Lifeline benefits. WK&T's participation will "encourage the deployment on a reasonable and timely basis of advanced telecommunications capability to all Americans . . . .,"<sup>45</sup> and will aid the Commission's objective of ensuring that federal universal service support, including RDOF Phase I support, is used efficiently and effectively.

As a recipient of RDOF support, WK&T is eligible to receive funding support over the next ten years to bring high-quality, innovative voice and broadband services to consumers in locations in Kentucky for which it was identified as a winning bidder. As is evidenced herein and will be confirmed by WK&T's Form 683 long form application, the voice and broadband services WK&T proposes to deploy with the funds would advance the goal of the RDOF Auction and thereby advance the goals of universal service.<sup>46</sup>

Granting WK&T's Application will serve the public interest through the deployment of broadband and voice services to unserved and underserved high-cost areas in Kentucky, support investment in facilities and equipment, and expand the number of competitive providers serving rural areas in Kentucky. Designating WK&T as an ETC will permit it to receive RDOF funds designated for Kentucky, directly advancing the goals of the FCC's RDOF and RDOF Auction. WK&T's resulting deployments will bring expanded voice and broadband connectivity to rural areas in Kentucky, helping to close the digital divide for residents of Kentucky, and expanding economic opportunity for communities that will benefit from increased connectivity. Designating WK&T as an ETC will also help promote economic and job growth in Kentucky

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<sup>45</sup> 47 U.S.C. § 1302(a).

<sup>46</sup> 47 U.S.C. § 254.

since customers will have access to more opportunities via access to broadband. Because granting WK&T's Application will allow it to use the RDOF support as intended to expand voice and broadband service in Kentucky, designating WK&T as an ETC is in the public interest.

Furthermore, the funds provisionally awarded to WK&T through the RDOF Auction will come directly from the funds annually set aside by the FCC for RDOF support. Therefore, WK&T's use of the Universal Service Fund for the provision of the services described herein will have no *per se* impact on the funds. The RDOF funding was awarded pursuant to a competitive bidding process that was designed to allocate this set-aside finding to the service providers that could demonstrate that they could efficiently and cost-effectively provide the desired level of services to the underserved areas. Additionally, any Lifeline support that WK&T receives will have *de minimis* impact on the fund, which the FCC has determined would be outweighed by the benefit of increasing participation in the Lifeline program. Finally, all providers are required to contribute a portion of their interstate revenues to the Universal Service Fund. In accordance with federal regulations, WK&T will contribute to the Universal Service Fund based upon the portion of its revenues determined to be interstate. Thus, approving WK&T as an ETC will create contributions to the Universal Service Fund that were previously nonexistent.

**X. ANTI-DRUG ABUSE CERTIFICATION**

WK&T certifies that neither the petitioner nor any party to the petition is subject to a denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988.

**XI. CONCLUSION**

For the reasons stated herein, WK&T respectfully requests (i) an expeditious Order designating it as a High-Cost and Low income ETC in Kentucky so that WK&T will be eligible to

receive the RDOF Phase I support it has been awarded in the FCC's Auction 904, as well as provide Lifeline subsidies to those within its proposed ETC designation area who are qualified to receive Lifeline benefits; and (ii) such other relief as this Commission deems to be just and equitable.

January 22, 2021

Respectfully submitted,

/s/ 

Karen Jackson-Furman, COO  
West Kentucky Rural Telephone Cooperative  
100 WK&T Technology Dr.  
Mayfield, Kentucky 42066

## **LIST OF EXHIBITS**

**Exhibit A** – List of Census Block Groups Where WK&T was Awarded RDOF Phase I Support and Seeks ETC Designation for High-Cost and Lifeline Support

**Exhibit B** – Map of Service Area for which WK&T Seeks ETC Designation for Lifeline-Only Support

**Exhibit C** – Affidavit

**EXHIBIT A**

**Census Block Groups for which WK&T Was Awarded RDOF Phase I Support**

KY-083-0201004  
KY-083-0202003  
KY-083-0203005  
KY-083-0205002  
KY-083-0205003  
KY-083-0207002  
KY-083-0207003  
KY-083-0208001  
KY-083-0208002  
KY-083-0208003  
KY-083-0209001  
KY-083-0209002

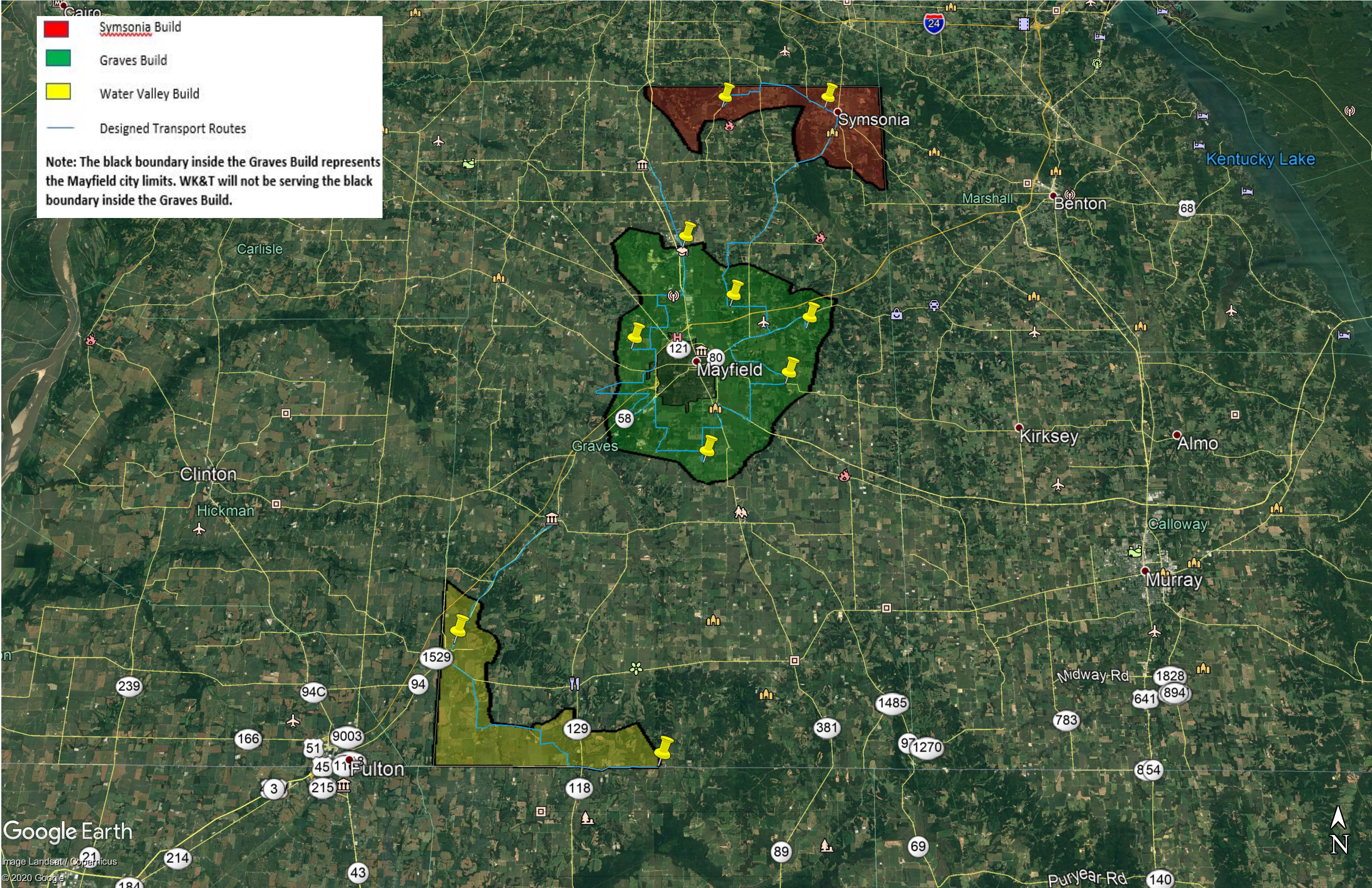
**EXHIBIT B**

**Map of Service Area For Which WK&T Seeks ETC Designation for Lifeline-Only Support**



- Symsonia Build
- Graves Build
- Water Valley Build
- Designed Transport Routes

**Note: The black boundary inside the Graves Build represents the Mayfield city limits. WK&T will not be serving the black boundary inside the Graves Build.**





**EXHIBIT C**

**AFFIDAVIT OF WEST KENTUCKY RURAL TELEPHONE COOPERATIVE  
CORPORATION, INC.**

NOW COMES Karen Jackson-Furman, upon oath, being duly sworn, and states as follows:

1. I have personal knowledge of the facts and information set forth in this Affidavit and I am competent to testify to these facts if called as a witness.

2. I am the Chief Operating Officer of West Kentucky Rural Telephone Cooperative (“WK&T”). I have read the Application to which this Affidavit is attached. I have knowledge of the facts stated in the Application and those facts are true to the best of my knowledge and my belief.

3. WK&T certifies that it is a common carrier under §§214(e)(1) and (6) of the Communications Act of 1934, as amended (“Act”).

4. WK&T commits to provide the services and functionalities required for designation as an Eligible Telecommunications Carrier (“ETC”) in the census blocks described in the Application.

5. WK&T certifies that it will meet all of the Commission’s requirements for designation as an ETC under §214(e)(6) of the Act.

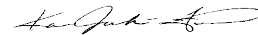
6. I am the corporate officer that will be responsible for certifying WK&T’s use of federal high-cost support.

7. WK&T is eligible to be designated as an ETC within the meaning of Section 214(e) of the Act and is eligible to receive federal universal service support pursuant to Section 254(e) of the Act.

8. WK&T will use the RDOF funds it receives only to provide, construct, upgrade, and maintain facilities and services for which the support is intended.

9. WK&T certifies that no party to this Application is subject to denial of federal benefits, including Commission benefits, pursuant to § 5301 of the Anti-Drug Abuse Act of 1988.

Dated at Mayfield, KY, this 22nd day of January 2021.



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Karen, Jackson-Furman  
Chief Operating Officer

Karen Jackson-Furman  
Chief Operating Officer

STATE OF Kentucky

COUNTY OF Graves, ss.

At Mayfield, County of Graves, State of Kentucky, this 22 day of January 2021, the above-named Karen Jackson-Furman personally appeared before me and subscribed and swore to the foregoing instrument as representing his free act and deed.



Davida K Bridges  
#598871  
Notary Public/Justice of the Peace  
My Commission Expires: 04-14-22