

**BEFORE THE
KENTUCKY PUBLIC SERVICE COMMISSION**

In the matter of:

PETITION OF CELLULAR SERVICES, LLC)	
TO AMEND ITS ELIGIBLE)	Case No. <u>2021- 00025</u>
TELECOMMUNICATIONS CARRIER)	
DESIGNATION IN THE COMMONWEALTH OF)	
<u>KENTUCKY TO INCLUDE ADDITIONAL AREAS</u>)	

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

I. REQUEST FOR ETC DESIGNATION

Cellular Services, LLC (“CSL”) 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 CSL 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 CSL was already deemed an ETC by the Commission, CSL 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. CSL is incorporated in the state of Kentucky and is wholly owned by Foothills Rural Telephone Cooperative, Inc. 1621 KY Rte. 40 W. / P.O. Box 240, Staffordsville, KY 41256.

2. On September 20, 2019, CSL applied to the Commission for ETC Designation in exchanges of Ashland, Catlettsburg, Grayson, Greenup, Inez, Meads, Olive Hill, Paintsville, and

Prestonsburg. Its Application was approved on March 26, 2020 in Case No. 2019-00362 (“2019 ETC Designation”).

3. On December 7, 2020, the FCC announced the winning bidders in Auction 904 and CSL was awarded \$ 3,294,968.60 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 to provide that the few census blocks outside its existing ETC designation are also awarded ETC status.

5. CSL has been operating as a competitive local exchange carrier via its own facilities since 2017 and has been meeting the obligations required in its 2019 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 CSL respectfully requests that its request to amend its ETC-designation be granted without undue delay.

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

In its 2019 ETC Designation, CSL 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 2019 ETC Designation and with this application, CSL states that all certifications and representations made in its prior petition will extend to areas awarded support in the RDOF auction and for which CSL requests ETC designation.

The Affidavit (included here as **Attachment B**) from Ruth Conley 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

CSL 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, CSL will meet its requirements for receipt of RDOF support that it needs to successfully serve its awarded areas. Designation of CSL 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 CSL as an ETC in these additional areas will serve the public interest.

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

CSL 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 Ruth Conley certifies such and fully describes the telecommunications services CSL will offer.

V. ANTI-DRUG ABUSE CERTIFICATION

CSL 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, CSL respectfully requests that the Commission issue an order as soon as is practicable amending CSL 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,



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Attachment A

List of RDOF Census Areas

Census Area	County
21-019-0311004	Boyd
21-019-0311005	Boyd
21-019-0312002	Boyd
21-043-9601001	Carter
21-043-9601002	Carter
21-043-9602001	Carter
21-043-9602002	Carter
21-043-9602003	Carter
21-043-9603001	Carter
21-043-9603002	Carter
21-043-9603003	Carter
21-043-9604001	Carter
21-043-9604002	Carter
21-043-9605001	Carter
21-043-9605002	Carter
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21-043-9606002	Carter
21-043-9606003	Carter
21-043-9606004	Carter
21-043-9607001	Carter
21-043-9607002	Carter
21-043-9607003	Carter
21-071-9201001	Floyd
21-071-9202001	Floyd
21-071-9210001	Floyd
21-071-9210003	Floyd
21-071-9210004	Floyd
21-115-9605002	Johnson
21-115-9606001	Johnson

Attachment B

Declaration of Ruth Conley

Declaration of Ruth Conley

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

1. I am Ruth Conley, President of Cellular Services, LLC ("CSL"). The foregoing "Petition of Cellular Services, 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. CSL 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. CSL 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.



 Ruth Conley, President
 Cellular Services, LLC

COUNTY OF Johnson)
)
 STATE OF KENTUCKY)

Subscribed and sworn to before me by Ruth Conley on this 21 day of January, 2021.

NOTARY PUBLIC
 Name Paula Hall
 Signature Paula Hall
 Commission expiration 3/5/22