

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
CUMBERLAND CONNECT, LLC FOR)	CASE NO. 2021-00041
DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER)	

APPLICATION FOR DESIGNATION
AS A LIFELINE-ONLY ELIGIBLE TELECOMMUNICATIONS CARRIER

Pursuant to § 214(e)(2) of the Communications Act of 1934 (“Act”), as amended, Cumberland Connect, LLC (“Cumberland Connect” or “Applicant”) respectfully requests designation as a Eligible Telecommunications Carrier (“ETC”) in the Commonwealth of Kentucky for the purpose of participating in the federal Low-Income Program of the Universal Service Fund (“USF”), as well as the Kentucky USF program for the purpose of providing supplemental state Lifeline discounts to qualified customers. Applicant meets the statutory and regulatory prerequisites for Lifeline-only ETC designation. Designating Applicant as a Lifeline-only ETC in the requested areas will serve the public interest.

I. INTRODUCTION AND SUMMARY

Applicant’s full name and post office address is: Cumberland Connect, LLC, 1940 Madison Street, Clarksville, Tennessee 37043. Applicant is a limited liability company organized under the laws of Tennessee and is authorized to transact business in Kentucky.

Applicant is a wholly owned subsidiary of Cumberland Electric Membership Corporation (“CEMC”), a non-profit, member-owned electric cooperative headquartered in Clarksville, Tennessee.¹ Applicant plans to serve portions of the following Kentucky counties: Trigg, Todd, Logan, Simpson and Allen.

Applicant will assist with the deployment and operation of a new state-of-the-art, low latency, fiber-to-the-home (“FTTH”) network that will provide high-speed broadband Internet access and interconnected Voice over Internet Protocol (“VoIP”) services to CEMC members who lack access to such services. Applicant will offer Internet service at speeds of 1 gigabyte per second or higher and will provide its customers with voice grade access to the Public Switched Telephone Network (“PSTN”) through its interconnected VoIP service. Applicant seeks Lifeline-only ETC designation status from the Public Service Commission (“Commission”) to participate in the federal Lifeline and Kentucky USF programs in the areas identified in **Exhibit A**.

II. THE COMMISSION HAS AUTHORITY TO GRANT LIFELINE-ONLY ETC DESIGNATION AS REQUESTED BY APPLICANT

Section 214(e)(2) of the Communications Act provides state public utility commissions with the “primary responsibility” for the designation of ETCs.² Pursuant to this authority, the Commission has historically participated in determining whether to grant ETC status to an applying carrier.³

¹ Cumberland Electric Membership Corporation is supplied electricity through the Tennessee Valley Authority and serves approximately 103,456 members in the Tennessee counties of Cheatham, Montgomery, Robertson, Sumner and Stewart. It supplies electric power to 28 members in Kentucky.

² 47 U.S.C. § 214(e)(2).

³ See, e.g., *Petition of T-Mobile Central LLC and Powered/Memphis for Designation as Eligible Telecommunications Carriers*, Case No. 2010-00050 (Ky. PSC July 14, 2010) (“*T-Mobile Designation Order*”).

III. APPLICANT MEETS THE FEDERAL STATUTORY AND REGULATORY PREREQUISITES TO BE DESIGNATED AS A LIFELINE-ONLY ETC

As demonstrated herein, Applicant satisfies each of the federal and state statutory and regulatory requirements to be designated as a Lifeline-only ETC in the additional census blocks requested.

A. Service Plans

Applicant will offer voice and broadband Lifeline service consistent with the rules of the Federal Communications Commission (“FCC”) and the Commission, including the minimum service standards for Lifeline service set forth in Sections 54.408(b)(1) and (c) of the FCC’s Rules. Applicant plans to offer monthly Lifeline discounts on any voice and/or broadband plan that it offers to its non-Lifeline subscribers.

B. Verification Requirements

Applicant will provide Lifeline service only to customers whose eligibility is confirmed via the National Verifier, which launched in Kentucky on June 11, 2019.⁴ Customers wishing to enroll in Applicant’s Lifeline service will be instructed to apply either online or via U.S. Mail to the National Verifier.

C. Lifeline Obligations

Applicant accepts and will meet all obligations required of ETCs as set forth in Section 54.405 of the FCC’s Rules. It will:

⁴ See Section 54.404(a)(“an [ETC] operating in a state that provides an approved valid certification to the [FCC] is not required to comply with the [NLAD] requirements set forth in subsections (b) and (c)”) and Section 54.410(c) (an ETC must determine eligibility “[e]xcept in states where the National Verifier or state Lifeline administrator or other state agency is responsible for the initial determination”). See also Public Notice, Wireline Competition Bureau Announces the Launch of the National Lifeline Eligibility Verifier for All New Enrollments in Three States, WC Docket No. 11-42, 34 FCC Rcd 1133 (2019), available at <https://docs.fcc.gov/public/attachments/DA-19-167A1.pdf> (last visited Jan. 27, 2021).

1. Make available Lifeline service to qualifying low-income consumers.⁵
2. Publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.⁶
3. 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.⁷
4. Disclose its name on all materials describing the service.⁸
5. 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.⁹

D. Minimum Service Standards

Applicant will meet the minimum service standards for Lifeline service, set forth in Sections 54.408(b)(1) and (c) of the FCC's Rules.

E. Annual Certifications

Applicant 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 Commission.

F. Recordkeeping Requirements

Applicant will comply with the recordkeeping requirements set forth in Section 54.417 of the FCC's Rules.

⁵ 47 C.F.R. § 54.405(a).

⁶ 47 C.F.R. § 54.405(b). *See also* 47 U.S.C. § 214(e)(1)(B).

⁷ 47 C.F.R. § 54.405(c).

⁸ 47 C.F.R. § 54.405(d).

⁹ 47 C.F.R. § 54.405(e).

G. Annual Reporting Requirements

Applicant will comply with the annual reporting requirements set forth in Section 54.422 of the FCC's Rules, including the requirement to file such reports with the Commission.

IV. GRANT OF THIS APPLICATION WILL SERVE THE PUBLIC INTEREST

Granting this Application will clearly serve the public interest by enabling Applicant to provide subsidized voice and broadband services, including up to gigabit tier broadband services and VoIP-based voice services, to low-income households in the designated areas that seek and qualify for federal Lifeline and supplemental state Lifeline benefits. By obtaining designation as a Lifeline-only ETC and offering Lifeline service, Applicant hopes to do its part to help close the digital divide throughout CEMC's electric service territory and eliminate the "homework gap" – *i.e.*, the difficulty students experience completing homework when they lack internet access at home, compared to those who have access – that currently exists in some of these areas.

V. KENTUCKY SPECIFIC LOW-COST CERTIFICATION

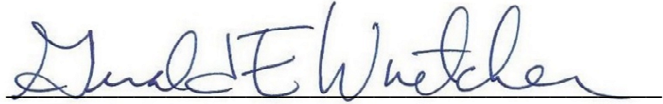
Applicant respectfully requests that the Commission find that the Petitioner has met the low-income certification requirements in the Commonwealth of Kentucky and is, therefore, entitled to receive Kentucky USF low-income subsidies. Applicant commits that all subsidies received will be used in accordance with applicable state and federal rules.

VI. CONCLUSION

For these reasons, Cumberland Connect respectfully requests Commission designation as a Lifeline-only ETC throughout the proposed ETC designation area and authorization to participate in and receive support from the federal Lifeline program, as well as the Kentucky USF program.

Dated: January 29, 2021

Respectfully submitted,

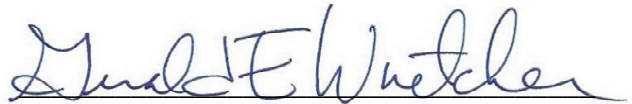


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Counsel for Cumberland Connect, LLC

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that Cumberland 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 January 29, 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

EXHIBIT A

**LIST OF CENSUS BLOCKS IN WHICH
PETITIONER SEEKS DESIGNATION
AS A FEDERAL LIFELINE-ONLY AND KENTUCKY USE
ELIGIBLE TELECOMMUNICATIONS CARRIER**

212219703003234
210039206001032
212199503002011
212139704004083
211419606003044
212219703003223
212219703003235
212139701002024
212139704004088
212139704005071
212139701002068
212219703003219
211419606003037
211419606003038
211419606003043
212199504001112
211419606003036
212139704004064

EXHIBIT B

AFFIDAVIT OF MARK T. COOK, P.E.

Mark T. Cook, P.E., after being duly sworn, states the following:

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 Broadband Manager of Cumberland Connect, LLC ("Applicant"). 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. Applicant certifies that it is a common carrier under §§ 214(e)(1)-(2) of the Communications Act of 1934, as amended ("Act").
4. Petitioner commits to provide the services and functionalities required for designation as a Lifeline-only Eligible Telecommunications Carrier ("ETC") and to participate in the Kentucky USF for purposes of providing state Lifeline support to eligible customers in the requested areas.
5. Petitioner certifies that it will meet all of the FCC's requirements for designation as an ETC under § 214(e)(1) of the Act, and all of the Commission's requirements for designation as an ETC.
6. Applicant 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.
7. Applicant will use the federal Lifeline and supplemental state Lifeline subsidies in compliance for which the support is intended.

Mark T. Cook, P.E.

Mark T. Cook, P.E.
Cumberland Connect, LLC

STATE OF TENNESSEE)
) ss
COUNTY OF MONTGOMERY)

Subscribed and sworn to before me this 28 day of January, 2021.



Leah A. Clinard
Notary Public

My Commission expires: 1-16-2024