

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

**Application of Eastern Telephone & Technologies, Inc. )      Case No. 2021-00089**  
**For Designation as an Eligible Telecommunications )**  
**Carrier )**

**APPLICATION OF EASTERN TELEPHONE & TECHNOLOGIES, INC.,  
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Eastern Telephone & Technologies (“Eastern”), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”), hereby submits this Application for Designation (“Petition”) as an Eligible Telecommunications Carrier (“ETC”). Eastern seeks designation for the counties of Harlan, Pike, and Powell, the proposed ETC Service Area. Eastern specifically requests Lifeline Support for the proposed ETC Service Area.

Eastern meets all of the requirements for designation as an ETC in those geographic areas and Eastern’s designation will serve the public interest. Eastern is a competitive local exchange carrier (“CLEC”) that offers a complete line of telecommunications services and products to rural customers in central and eastern Kentucky by using a combination of facilities owned by Eastern and facilities that Eastern leases from other providers, and resale of other carriers’ services. Eastern’s offerings include local service, long distance, and broadband.

**I. INTRODUCTION AND SUMMARY**

Eastern’s full name and post office address is: Eastern Telephone & Technologies, Inc., 106 Power Drive, Pikeville, Kentucky 41501. Eastern is organized under the laws of Kentucky

and is authorized to transact business in Kentucky. Eastern plans to serve portions of the following counties: Harlan, Pike, and Powell.

Eastern provides high-speed broadband Internet access and interconnected Voice over Internet Protocol (“VoIP”) services to rural communities. Eastern will offer minimum internet speeds of 25/3 Mbps throughout its proposed ETC Service Area, and will offer such service at rates that are reasonably comparable to urban rates. Eastern seeks Lifeline-only ETC designation status to participate in the federal Lifeline program in the areas identified in Exhibit A.

## **II. THE PUBLIC SERVICE COMMISSION HAS THE AUTHORITY TO GRANT ETC DESIGNATION TO EASTERN**

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

## **III. EASTERN MEETS THE STATUTORY AND REGULATORY REQUIREMENTS FOR ETC DESIGNATION**

### **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**

Eastern will provide Lifeline service only to customers whose eligibility is confirmed via the National Verifier, which launched in Kentucky on June 11, 2019. Customers will have the option to verify their eligibility for Lifeline service by applying online or through U.S. mail to the National Verifier.

### **C. LIFELINE OBLIGATIONS**

Eastern accepts and will satisfy all requirements of ETCs as set for in Section 54.405 of the FCC's rules. Eastern will:

1. Make Lifeline service available to qualifying low-income customers.
2. Publicize the availability of Lifeline service in a way reasonably designed to reach those likely to be eligible for Lifeline service.
3. Indicate on all materials describing Lifeline service that it is a Lifeline service, that Lifeline is a government assistance program, that the service is non-transferrable, that only eligible customers may enroll, and that the service is limited to one discount per household. These materials will provide this description using easily understood language.
4. Disclose its name on all materials describing the Lifeline service.
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.

### **D. MINIMUM SERVICE STANDARDS**

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

**E. ANNUAL CERTIFICATION**

Eastern will comply with the annual certification set forth in Section 54.416 of the FCC's Rules, including the requirement to provide the results of its re-certification efforts to the Commission on an annual basis.

**F. RECORDKEEPING REQUIREMENTS**

Eastern will comply with the record keeping requirements set forth in Section 54.417 of the FCC's Rules.

**G. ANNUAL REPORTING REQUIREMENTS**

Eastern 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.

**VII. GRANT OF THIS PETITION WILL SERVE THE PUBLIC INTEREST**

The grant of this petition will clearly serve the public interest. Eastern's designation as an ETC will benefit consumers in rural areas of eastern Kentucky by expanding the range of competitive choices and by providing an incentive for incumbent telephone companies to improve their existing networks. Grant of ETC designation to Eastern will allow students and teachers in the areas Eastern serves to obtain internet access for an affordable price. Eastern's designation as an ETC will also "encourage the deployment on a reasonable and timely basis of advanced telecommunications to all Americans" (47 USC § 1302(a)), and will aid the Commission's objective of ensuring that federal universal service support, including CAF Phase II support, is used "efficiently and effectively" (Connect America Fund, 32 FCC Rcd 968, 975 (¶20) (2017)). The public interest is further served by an expeditious grant of this petition and designation of Eastern as an ETC.

### VIII. KENTUCKY LOW COST CERTIFICATION

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

### IX. CONCLUSION

For all of the foregoing reasons, Eastern respectfully requests that the Commission designate it as a low-income ETC so that Eastern will be eligible to provide Lifeline services to residents who are qualified to receive Lifeline benefits in the designated ETC Service Area.

Respectfully Submitted,



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Will Fister, Esq.

Legal Counsel

Eastern Telephone & Technologies, Inc.

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Pikeville, KY 41501

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March 1, 2021

EXHIBIT A

LIST OF CENSUS TRACTS IN WHICH PETITIONER SEEKS DESIGNATION AS A  
FEDERAL LIFELINE-ONLY AND KENTUCKY USF ELIGIBLE TELECOMMUNICATIONS  
CARRIER

21195930200

21195930300

21195931900

21095970100

21197970100

21197970200

EXHIBIT B  
Affidavit of Darrell Maynard

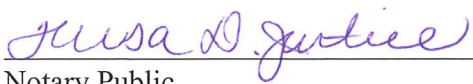
Darrell Maynard, after being duly sworn, states the following:

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 President of Eastern Telephone & Technologies ("Eastern"). 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. Eastern certifies that it is a common carrier under §§ 214(e)(1)-(2) of the Communications Act of 1934, as amended ("Act").
4. Eastern commits to provide the services and functionalities required for designation as a Lifeline-only Eligible Telecommunications Carrier ("ETC") and to participate for purposes of providing state Lifeline support to eligible customers in the requested areas.
5. Eastern 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. Eastern is eligible to be designated as an ETC within the meaning of § 214(e) of the Act and is eligible to receive federal universal service support pursuant to § 254(e) of the Act.
7. Eastern will use the federal Lifeline and supplemental state Lifeline subsidies in compliance for which the support is intended.

  
Darrell Maynard, President  
Eastern Telephone & Technologies, Inc.

STATE OF KENTUCKY            )  
  )  
COUNTY OF PIKE            )

Subscribed and sworn before me this 1 day of March, 2021.

  
Notary Public

My Commission Expires: 12-05-2023