

**BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION**

*In the matter of:*

**PETITION OF ELECTRIC PLANT BOARD )  
OF THE CITY OF HOPKINSVILLE, )  
DBA HOPKINSVILLE ELECTRIC SYSTEM )  
FOR DESIGNATION AS AN ELIGIBLE ) Case No. 2021-00342  
TELECOMMUNICATIONS CARRIER IN )  
THE COMMONWEALTH OF KENTUCKY )**

**PETITION OF ELECTRIC PLANT BOARD OF THE CITY OF  
HOPKINSVILLE, DBA HOPKINSVILLE ELECTRIC SYSTEM FOR DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER  
IN THE COMMONWEALTH OF KENTUCKY**

**I. REQUEST FOR ETC DESIGNATION**

1. Electric Plant Board of the City of Hopkinsville, dba Hopkinsville Electric System (“Hopkinsville Electric”) 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 counties in which Hopkinsville Electric anticipates that it will have service.<sup>1</sup> A list of the counties is included in **Attachment A** of this Application.

2. Grant of this Petition is in the public interest because it will allow Hopkinsville Electric to bring high quality advanced competitive services to subscribers. While the primary driver in seeking ETC designation is to bring Lifeline services to its communities, Hopkinsville Electric seeks full ETC designation so as to not limit itself from future funding opportunities that may require such designation. An affidavit attesting to the Applicant’s use of funds is included in **Attachment B**.

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<sup>1</sup> Christian, Trigg, Todd, Caldwell, Lyon, Muhlenburg, Butler, Logan, Simpson, and Hopkins Counties

3. Hopkinsville Electric is incorporated in the state of Kentucky and its business address is 1820 East 9<sup>th</sup> Street, Hopkinsville, KY 42240.

4. Contact Information for questions or concerns about this application is provided below:

Richard Shaw, Telecommunications Manager  
Electric Plant Board of the City of Hopkinsville, dba Hopkinsville Electric System  
1820 East 9<sup>th</sup> Street, Hopkinsville, KY 42240  
Phone: 270-887-0762  
E-Mail: [rshaw@hop-electric.com](mailto:rshaw@hop-electric.com)

Or to its attorney:

Jack Lackey  
Deatherage, Myers & Lackey, PLLC  
701 South Main Street  
P.O. Box 1065  
Hopkinsville, KY 42241-1065  
Phone: 270-886-6800  
E-Mail: [JLackey@DMLFirm.com](mailto:JLackey@DMLFirm.com)

5. Hopkinsville Electric serves approximately 13,000 customers in Hopkinsville, Kentucky as a utility regulated by the TVA. Beginning in 1999, Hopkinsville Electric deployed its own high quality fiber-based network under the brand “EnergyNet.” EnergyNet operates to provide the highest quality business and residential internet services in the area. To support the economic growth of the region, EnergyNet extended its fiber optic internet services to the business districts of Cadiz, Elkton, Guthrie and Oak Grove. In addition to offering broadband services supporting download speeds from 50 Mbps to 1 Gbps, EnergyNet also provides point-to-point circuits to connect locations within the EnergyNet fiber optic network.

6. EnergyNet currently offers fiber optic internet services throughout Hopkinsville, including all business and industrial areas including most business districts in Cadiz, Elkton, Guthrie and Oak Grove. Hopkinsville Electric currently has 4,500 broadband customers on its

network. Additionally, the company has partnered with a Voice over Internet (“VOIP”) provider to provide voice services to residential and business subscribers on its broadband network.

7. 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.

8. Hopkinsville Electric will have sufficient facilities and capacity to provide supported services throughout its service area in Kentucky.

## **II. HOPKINSVILLE ELECTRIC QUALIFIES FOR DESIGNATION AS AN ETC**

1. Title 47 U.S.C. § 214(e)(2) of the Act provides that a state commission shall upon request designate a common carrier as an eligible telecommunications carrier for a service area designated by the state commission. Title 47 U.S.C. § 214(e)(1) provides that an ETC shall be eligible to receive universal service support in accordance with section 254 of the Act and shall, in the service area for which the designation is received, offer the services that are supported by federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services, and shall advertise the availability of such services and their costs using media of general distribution. The FCC has promulgated a list of the services or functionalities that shall be supported by federal universal service support mechanisms at 47 C.F.R. § 54.101.

2. ETC petitions should be evaluated under 47 U.S.C. § 214(e) and the relevant rules and orders of the FCC. Further, the Commission has determined that petitions for ETC designation that seek low income support from Lifeline programs should satisfy the minimum standards established under the Commission’s rules, comply with any and all applicable

Commission orders, and abide by the reporting obligations set forth in KRS 278.130-150. Hopkins Electric will comply with all applicable rules, regulations, and reporting obligations.

3. Section 214(e)(1) of the Act provides that applicants for ETC designation must be common carriers. Hopkins Electric is registered with the PSC to provide services. Hopkins Electric provides voice service using the facilities of other carriers. Therefore, Hopkins Electric satisfies the common carrier requirement of 47 U.S.C. § 214(e) for purposes of this ETC designation request.

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

- a. Voice-Grade Access to the Public Switched Network – Hopkinsville Electric will provide voice-grade access, or its functional equivalent, to the public switched network. Hopkinsville Electric will have the capability to originate and terminate local and long distance telephone service for all of its subscribers.
- b. Local Usage – Hopkinsville Electric offers unlimited local calling to all of its subscribers.
- c. Access to Emergency Service – Hopkinsville Electric 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, Hopkinsville Electric meets the requirement to provide access to emergency service.
- d. Toll Limitation Services to Qualifying Low-income Consumers – Once designated as an ETC, Hopkinsville Electric will participate in the Lifeline program for low-income subscribers as required, and will offer toll blocking to meet the FCC’s requirement.

2. Pursuant to §54.101(a)(2), Hopkinsville Electric will provide broadband services<sup>2</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

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<sup>2</sup> Hopkinsville Electric recognizes that because the KY Public Service Commission does not regulate broadband, state lifeline support is not available for broadband-only service in Kentucky.

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.

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

4. In addition, pursuant to §54.101(d) Hopkinsville Electric will offer Lifeline discounts to qualifying low-income consumers consistent with state and federal Lifeline rules in its ETC designated areas.

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

1. Pursuant to §54.202(a)(1)(i) an affidavit supporting that Hopkinsville Electric 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) Hopkinsville Electric 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) Hopkinsville Electric will satisfy consumer protection and service quality standards. Hopkinsville Electric 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. Hopkinsville Electric will adhere to all applicable state and federal laws regarding, but not limited to, consumer protection.

4. Pursuant to §54.202(a)(4) Hopkinsville Electric 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, Hopkinsville Electric will leverage the existing network operations and customer service infrastructures it has already successfully deployed.

**V. HOPKINSVILLE ELECTRIC CERTIFICATION OF THE DISPOSITION OF FEDERAL UNIVERSAL SERVICE FUNDING**

Hopkinsville Electric 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 Richard Shaw, certifies such and fully describes the telecommunications services Hopkinsville Electric will offer.


**VI. ANTI-DRUG ABUSE CERTIFICATION**

Hopkinsville Electric 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, Hopkinsville Electric respectfully requests that the Commission issue an order as soon as is practicable designating Hopkinsville Electric as an Eligible Telecommunications Carrier throughout the service areas identified in this Application.

Respectfully submitted,



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Jack Lackey, *Attorney for Electric Plant  
Board of the City of Hopkinsville, dba  
Hopkinsville Electric System*

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P.O. Box 1065  
Hopkinsville, KY 42241-1065  
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**ATTACHMENT A**

**LIST OF COUNTIES IN WHICH HOPKINSVILLE ELECTRIC SEEKS DESIGNATION  
AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

Christian  
Trigg  
Todd  
Caldwell  
Lyon  
Muhlenburg  
Butler  
Logan  
Simpson  
Hopkins



**ATTACHMENT B**  
**DECLARATION OF RICHARD SHAW**

**Declaration of Richard Shaw**

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

1. I am Richard Shaw, Telecommunications Manager of Electric Plant Board of the City of Hopkinsville, dba Hopkinsville Electric System ("Hopkinsville Electric"). The foregoing "Petition of Electric Plant Board of the City of Hopkinsville, dba Hopkinsville Electric System 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. Hopkinsville Electric 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, Hopkinsville Electric will offer a reduced-rate universal service package to subscribers who are eligible for Lifeline support. Hopkinsville Electric's service offerings will be competitive with the ILECs.
3. Hopkinsville Electric 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.



Richard Shaw, Telecommunications Manager  
Electric Plant Board of the City of Hopkinsville,  
dba Hopkinsville Electric System

COUNTY OF Christian )  
STATE OF KENTUCKY )

Subscribed and sworn to before me by Richard Shaw on this 30<sup>th</sup> day of August, 2021.

NOTARY PUBLIC

Name Lesley D. Candler, Notary ID # 602159

Signature Lesley D. Candler

Commission expiration June 1, 2022

