

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF T-MOBILE CENTRAL)
LLC FOR RELINQUISHMENT OF ITS)
LIFELINE-ONLY ELIGIBLE) CASE NO. 2022-00304
TELECOMMUNICATIONS CARRIER)
DESIGNATION PURSUANT TO 47 U.S.C.)
§ 214(e)(4))

**T-MOBILE CENTRAL LLC’S APPLICATION FOR RELINQUISHMENT
OF ITS LIFELINE-ONLY ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION PURSUANT TO 47 U.S.C. § 214(e)(4)**

Pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205(a), T-Mobile Central LLC (“T-Mobile” or the “Company”) applies for relinquishment of its eligible telecommunications carrier (“ETC”) designation in the Commonwealth of Kentucky, effective as of December 31, 2022.

I. INTRODUCTION

The full name and post office address of T-Mobile Central LLC is: 12920 SE 38th Street, Bellevue, Washington 98006. Its e-mail address is William.Haas@T-Mobile.com. T-Mobile Central LLC is a limited liability company organized in the state of Delaware on April 5, 1999. It is currently in good standing in the state of Delaware and is authorized to transact business in the Commonwealth of Kentucky.

All correspondence and communications regarding this Application should be addressed as follows:

Kendrick R. Riggs
Stoll Keenon Ogden PLLC
500 West Jefferson Street
Suite 2000
Louisville, Kentucky 40202-2828
(502) 560-4222
kendrick.riggs@skofirm.com

William A. Haas
Managing Corporate Counsel
P.O. Box 10076
Cedar Rapids, IA 52410
(630) 290-7615
William.Haas@T-Mobile.com

II. BACKGROUND

On July 14, 2010, the Kentucky Public Service Commission (“Commission”) entered an Order in Case No. 2010-00050¹ (“*High-Cost Designation Order*”), designating T-Mobile as an ETC for purposes of receiving federal high-cost support and low income (“Lifeline”) universal service support. On May 18, 2012, the Commission issued an Order in Case No. 2012-00135² (“*MF I Designation Order*”), granting T-Mobile conditional designation as an ETC for the purpose of participating in the Mobility Fund Phase I auction. T-Mobile’s MF I ETC designation covered all blocks and census tracts not previously designated by the Commission,³ conditioned on the results of the Mobility Fund Phase I auction.⁴

On February 16, 2021, the Commission entered an Order in Case No. 2020-00415,⁵ granting T-Mobile’s request to convert its ETC designation to Lifeline-only and permitting the relinquishment of all previous high-cost ETC designations, including its MF I ETC designation.

¹ *Petition of T-Mobile Central and Powertel/Memphis, Inc. for Designation as Eligible Telecommunications Carriers Pursuant to Section 214(e)(2) of the Communications Act of 1934*, Case No. 2010-00050 (Ky. PSC July 14, 2010). The Commission designated T-Mobile Central LLC and Powertel/Memphis, Inc. as ETCs. On December 31, 2019, Powertel/Memphis, Inc. merged with T-Mobile Central LLC and ceased existence.

² *Application of T-Mobile Central LLC and Powertel/Memphis, Inc. For Conditional Designation as Eligible Telecommunication Carriers for the Purpose of Establishing Eligibility to Participate in the Mobility Fund Phase I Auction on September 27, 2012 at The Federal Communications Commission*, Case No. 2012-00135 (Ky. PSC May 18, 2012).

³ *Id.* at 6.

⁴ *Mobility Fund Phase I Auction Closes, Winning Bidders Announced for Auction 901*, Public Notice, 27 FCC Rcd 12031, DA 12-1566 (WTB 2012); *Mobility Fund Phase I Support Authorized for 42 Winning Bids*, Public Notice, 28 FCC Rcd 9001, 9003, Attachment A, DA 13-1429 (WTB 2013).

⁵ *Electronic Application of T-Mobile Central LLC And Powertel/Memphis, Inc. for Conversion of Its High-Cost Eligible Telecommunications Carrier Designation and for Relinquishment of Its Mobility Fund I Eligible Telecommunications Carrier Designation Pursuant to 47 U.S.C. § 214(E)(4)*, Case No. 2020-00415 (Ky. PSC Feb. 16, 2021).

T-Mobile was permitted to offer Lifeline service only with the service area designated in Case No. 2010-00050.⁶

III. T-MOBILE'S PROPOSED RELINQUISHMENT OF ITS ETC DESIGNATION

Upon further review of its on-going business plans, T-Mobile has decided to relinquish its Lifeline-only ETC designation in Kentucky. T-Mobile is at the forefront in providing innovative and superior service offerings to its customers. In particular, T-Mobile offers a variety of low-cost service plans to various consumers in Kentucky, including Connect by T-Mobile and Project 10 Million. For example, Connect by T-Mobile plans include talk, text and high-speed data starting at \$10.00 per month.⁷ Project 10 Million represents a \$10.7 billion investment over five years that offers individual students and school districts free Internet access of 100 gigabytes (“GB”) of data per year and mobile hotspots for 10 million eligible households.⁸

Also, T-Mobile's affiliates Assurance Wireless and MetroPCS participate in the Federal Communications Commission's (“FCC”) Affordable Connectivity Program (“ACP”), which is an FCC benefit program providing up to \$30 per month toward internet service for eligible households, in addition to other benefits. Assurance Wireless is also a Lifeline provider in Kentucky.

Due to T-Mobile's focus on these and other initiatives, it has determined that it will not continue to operate as a Lifeline-only ETC in Kentucky. T-Mobile, therefore, provides advanced notice through this Application of its intent to relinquish its ETC designation in Kentucky,

⁶ For a list of the study area codes, wire centers and associated exchanges in which T-Mobile is currently permitted to provide Lifeline service, see Case No. 2010-00050, Order of Aug. 24, 2010, Appendix A.

⁷ Press Release, T-Mobile, *T-Mobile Launches Early to Help the Most Vulnerable in America Get and Stay Connected* (Mar. 23, 2020); <https://www.t-mobile.com/news/offers/tmobile-connect-launch>. See also <https://prepaid.t-mobile.com/prepaid-plans/connect>.

⁸ Project 10 Million Launch Page, T-MOBILE.COM, <https://www.t-mobile.com/business/education/project-10-million>.

effective December 31, 2022. T-Mobile will no longer seek federal Lifeline support after December 31, 2022.

IV. T-MOBILE'S RELINQUISHMENT OF ETC DESIGNATION COMPLIES WITH FEDERAL LAW

47 U.S.C. Section 214(e)(4) addresses an ETC's relinquishment of its designation as an ETC. It provides:

A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) **shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.** An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall establish a time, not to exceed one year after the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) approves such relinquishment under this paragraph, within which such purchase or construction shall be completed. [Emphasis added.]

In summary, the statutory requirements for relinquishing ETC designation are: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient

notice must be provided to ensure that the construction or purchase of any additional facilities necessary to serve the relinquishing ETC's customers can be timely completed.⁹ The relevant FCC rule essentially reiterates the same requirements.¹⁰

T-Mobile's application for relinquishment of its ETC designation in Kentucky demonstrates: (1) there is currently more than one ETC serving the ETC Service Area; (2) T-Mobile is providing advance notice to the Commission of such relinquishment; (3) the remaining ETCs in the market are able to serve the Lifeline needs of consumers within their respective designated ETC service areas that cover the ETC Service Area; and (4) no additional facilities will need to be purchased or constructed by the remaining ETCs. Thus, T-Mobile's application meets these requirements¹¹ and, therefore, must be granted.

A. More Than One ETC Currently Serves Each Wire Center in the ETC Service Area

T-Mobile's ETC Service Area is currently served by more than one ETC. Because at least one other ETC (in addition to T-Mobile) serves in T-Mobile's ETC Service Area, applicable federal law requires the Commission to permit T-Mobile to relinquish its ETC designation.¹²

B. T-Mobile Is Providing Advance Notice to the Commission

Consistent with 47 U.S.C. § 214(e)(4), T-Mobile is filing this application over three months in advance of its requested effective date of relinquishment of ETC designation. This advance

⁹ 47 U.S.C. §214(e)(4).

¹⁰ 47 C.F.R. § 54.205(a).

¹¹ There are no Commission rules regarding relinquishment of ETC status. However, to be an ETC in Kentucky, a carrier must be designated an ETC under federal law. Thus, T-Mobile's relinquishment of its ETC designation under federal law effectively terminates its ETC status in Kentucky as well.

¹² All of the wire centers comprising T-Mobile's ETC Service Area are served by incumbent local exchange carriers that are ETCs required to provide Lifeline service. In addition, Lifeline services are available from the following competitive ETCs: Access Wireless, Assurance Wireless, enTouch Wireless, Life Wireless, Qlink Wireless and Safelink Wireless.

notice satisfies the requirement to provide advance notice to the Commission of the Company's intent to relinquish its ETC designation.

C. The Remaining ETCs Will Serve Consumers Within the ETC Service Area

To the best of T-Mobile's knowledge, the incumbent exchange carriers and competitive ETCs in the ETC Service Area will also continue to serve customers in the ETC Service Area. Thus, all customers within the Company's ETC Service Area will continue to be served by an ETC, consistent with 47 U.S.C. § 214(e).

T-Mobile has approximately 40 Lifeline customers in Kentucky. Following relinquishment of its ETC designation, effective December 31, 2022, T-Mobile will provide notice to the former T-Mobile Lifeline customers that it no longer participates in the Lifeline program. The notice will inform these customers that they will receive courtesy credits in the amount of their Lifeline discount for 60 days. This notice process will afford T-Mobile's Lifeline customers time to select an alternative calling plan,¹³ remain on their existing plan or secure discounted Lifeline service from another provider.

D. No Additional Facilities Will Need to Be Purchased or Constructed by the Remaining Eligible Telecommunications Carriers

To the best of T-Mobile's knowledge, none of the remaining ETCs will be required to purchase or construct additional facilities to continue to serve consumers within the ETC Service Area. Because the remaining ETCs collectively currently serve the entire area in Kentucky in which the Company is designated as an ETC in Kentucky, the Commission need not provide notice

¹³ For example, customers could apply to receive ACP benefits from MetroPCS or Lifeline or ACP benefits from Assurance Wireless.

to these carriers to permit their purchase or construction of facilities to ensure continued service to T-Mobile's customers.

V. CONCLUSION

T-Mobile has met the conditions set forth in 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 for relinquishment of its designation as an ETC in Kentucky.

WHEREFORE, T-Mobile requests that the Commission:

1. Place this application at the head of its docket and enter a final decision on the application within 60 days of the filing of this application.
2. Enter an Order approving T-Mobile's application for relinquishment of its ETC designation, effective December 31, 2022.

Dated: September 1, 2022

Respectfully submitted,



Kendrick R. Riggs
Stoll Keenon Ogden PLLC
500 West Jefferson Street
Suite 2000
Louisville, Kentucky 40202-2828
Telephone: (502) 333-6000
Fax: (502) 627-8722
kendrick.riggs@skofirm.com

Counsel for T-Mobile Central LLC

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8 and the Commission's Order of July 22, 2021 in Case No. 2020-00085, I certify that this document was electronically transmitted to the Public Service Commission on September 1, 2022; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



Kendrick R. Riggs