

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INQUIRY INTO THE STATE UNIVERSAL) CASE NO.
SERVICE FUND) 2016-00059

ORDER

The Commission, on April 6, 2021, and in response to a potential shortfall in the Kentucky Universal Service Fund (KUSF), issued an Order in this docket that reduced from \$8.00 to \$6.00 the level of support from the KUSF for eligible telecommunication carriers (ETC) that received support from the KUSF for providing unlimited voice service. The Commission also stated that it would institute a formal review of the solvency of the KUSF.

Since April 6, 2021, further Commission action has prevented any shortfall in the KUSF. The Commission, on July 22, 2021, issued an Order in this proceeding requiring that ETCs participating in the Emergency Broadband Benefit (EBB) Program¹ first seek reimbursement from the federal Lifeline fund, followed by the EBB Program, and seek reimbursement from the KUSF last. This prioritization of payment helped to reduce the draw on the KUSF and allowed the KUSF to maintain its solvency and increase its balance. On August 3, 2021, the balance of the KUSF was approximately \$113,000. The balance increased to approximately \$1.8 million at the end of January 2022.

¹ *In the Matter of Emergency Broadband Benefit Program*, Report and Order, WC Dkt 20-445, (FCC 21-29), adopted Feb. 25, 2021, rel. Feb. 26, 2021 (EBB Order).

The EBB Program, however, has expired and has been replaced with the Affordable Connectivity Program. The Affordable Connectivity Program will continue to provide a monthly benefit, however the benefit will be reduced on and after March 1, 2022, from \$50 to \$30.²

The prioritization of payment from the EBB Program clearly had a positive effect on the solvency of the KUSF. However, it is unclear what effect, if any, the Affordable Connectivity Program's monthly benefits reduction will have on the monthly reimbursement from the KUSF. Furthermore, the Affordable Connectivity Program, like the EBB Program, does not have a permanent indefinite appropriation³ and, absent legislative action, will cease when its current appropriation is expended.

Because of the uncertainty of the effect of the Affordable Connectivity Program on ETC's the Commission finds that no change should be made to the KUSF surcharge nor should a change be made to the current levels of support to ETCs from the KUSF. The Commission also finds that ETCs should follow the prioritization of reimbursement that the Commission established in the July 22, 2021 Order – ETCs should seek reimbursement first from federal sources, and from the KUSF last. The Commission will also require ETCs that participate or anticipate participating in the Affordable Connectivity Program to file details regarding the service plans offered to Kentucky Lifeline customers, the total anticipated cost of the program, and a description of how the Affordable Connectivity Program and federal and state Lifeline support will be applied to eligible Lifeline plans.

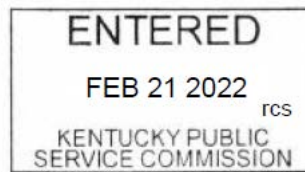
² *In the Matter of Affordable Connectivity Program Emergency Broadband Benefit Program*, 20-445, 2022 WL 218969, at *3 (Jan. 21, 2022).

³ *Id.*, 2022 WL 218969, at *48.

Based upon the foregoing, IT IS THEREFORE ORDERED that:

1. The monthly surcharge and the reimbursement levels of the KUSF shall remain unchanged.
2. No later than March 15, 2022, ETCs that are participating or anticipate participating in the Affordable Connectivity Program shall file a letter in this docket that details the service plans offered to Kentucky Lifeline customers, the total cost of the program offered through the Affordable Connectivity Program, and a description of how the Affordable Connectivity Program and federal and state Lifeline support will be applied to eligible Lifeline plans.
3. No later than February 1, 2023, the Commission shall commence a review of the solvency of the KUSF.
4. Nothing contained in this Order shall prohibit the Commission from issuing further Orders in this matter.

By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Bidwell". The signature is written in a cursive style with a large initial "L".

Executive Director

Case No. 2016-00059

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