

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

ORDER

The purpose of the Kentucky Universal Service Fund (KUSF) is to “promote, through wireline and wireless technology, connection to the telecommunications network . . .”<sup>1</sup> and, “promote basic connectivity to the network . . . .”<sup>2</sup> The KUSF seeks to accomplish this goal by providing \$3.50 per month per Lifeline customer to Eligible Telecommunications Carriers (ETCs) that have received Commission approval to receive compensation from the KUSF. The Commission, by this Order, seeks comment on whether a temporary increase in compensation from the KUSF, in exchange for a temporary increase in services from a wireless ETC, would be beneficial to the public during the worldwide pandemic.

Numerous wireless carriers are authorized as ETCs in Kentucky and receive reimbursement from the federal Universal Service Fund. Wireless ETCs must meet minimum monthly service, currently 1,000 minutes of voice service and 3 GB of data, in order to be eligible for payment from the federal Universal Service Fund.<sup>3</sup> The KUSF

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<sup>1</sup> PSC Administrative Case No, 355, *An Inquiry into Local Competition Universal Service, and the Non-Traffic Sensitive Access Rate*, (Ky. PSC Apr. 21, 1995) at 37.

<sup>2</sup> *Id.* at 39.

<sup>3</sup> See, *In the Matter of Lifeline and Link Up Reform and Modernization Telecommunications Carriers Eligible for Universal Service Support Connect America Fund*, 09-197 (Nov. 19, 2019).

currently does not require a wireless ETC to provide any services in addition to the federal Lifeline requirements, although some ETCs voluntarily provide additional services.<sup>4</sup>

Pursuant to Executive Order 2020-215,<sup>5</sup> there exists a state of emergency in the Commonwealth of Kentucky. Due to COVID-19, all public schools in the Commonwealth are closed.<sup>6</sup> Many places of business are closed for an indeterminate length of time. Those exhibiting symptoms or those who have had contact with someone who has, or is expected to have, COVID-19 are asked to self-isolate or quarantine in their home,<sup>7</sup> thus depriving them of the opportunity to work. Restrictions have also been placed on elective medical procedures and examinations.<sup>8</sup> As a result, access to the telecommunications network to access medical advice and professionals is, and will continue to be, of utmost importance while the state of emergency continues. Moreover, the use of both voice service as well as mobile data is likely to have increased as a result.

Some wireless ETCs have voluntarily increased their data and voice limits in response to the state of emergency. For example, both TracFone<sup>9</sup> and Q-Link Wireless,

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<sup>4</sup> For example, TracFone Wireless, Inc. (TracFone) through its ETC, SafeLink Wireless, provides an additional 350 minutes of voice service per month to Lifeline customers in Kentucky. See, Case No. 2019-00185, *Electronic Petition Of Tracfone Wireless, Inc. to Amend Its Designation as an Eligible Telecommunications Carrier to Receive Kentucky Universal Service Support for Lifeline Service*, (Ky. PSC Jan. 28, 2020) Order at 2.

<sup>5</sup> [https://governor.ky.gov/attachments/20200306\\_Executive-Order\\_2020-215.pdf](https://governor.ky.gov/attachments/20200306_Executive-Order_2020-215.pdf) (Last accessed May 4, 2020).

<sup>6</sup> See, e.g., <https://www.courier-journal.com/story/news/2020/04/20/kentucky-schools-closed-remainder-school-year-beshear-says/5114849002/> (Last accessed May 4, 2020).

<sup>7</sup> <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html> (Last accessed May 4, 2020).

<sup>8</sup> <https://chfs.ky.gov/agencies/dph/covid19/HCphaseIIorder.pdf> (Last accessed May 4, 2020).

<sup>9</sup> <https://www.safelinkwireless.com/Enrollment/Safelink/en/Web/www/default/index.html#!/newHome> (Last accessed May 5, 2020).

LLC<sup>10</sup> are offering unlimited voice and 8 GB of data, a temporary increase to their Lifeline service offerings in response to the COVID-19 crisis. These increases, however, are of limited duration, (TracFone's additional services will expire at the end of May 2020) and the current state of emergency is of unknown duration. The Commission commends the ETCs that have voluntarily provided additional services to their Lifeline customers, and the Commission hopes that all wireless ETCs in Kentucky can provide additional services to their Kentucky Lifeline customers for the duration of this state of emergency.

The Commission wishes to determine if the current state of emergency has caused Lifeline customers to consume more voice minutes and data than usual, and, if so, whether additional voice minutes and data would provide a public health benefit for the duration of the state of emergency. In order to make this determination, the Commission will require ETCs receiving payment from the KUSF to respond to requests for information attached to this Order.

Based upon the foregoing, IT IS THEREFORE ORDERED that:

1. Within seven days from the date of entry of this Order, all wireless ETCs receiving reimbursement from the KUSF shall file responses to the requests for information attached as an Appendix to this Order.

2. The Commission directs the responding ETCs to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085<sup>11</sup> regarding filings with the

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<sup>10</sup> [https://qlinkwireless.com/signup/g-6-717/?B=209&A=209&SubAffiliateID=8673226018&kw=qlink+sign+up&mt=b&ca=8673226018&ag=86261375959&ad=422515542665&device=c&dm=&po=&lo=9014329&lp=https%3a%2f%2fqlinkwireless.com%2fsignup%2f&amp=&gclid=Cj0KCQjwncT1BRDhARIsAQQF9LkZ2rit7MdLit6arbcA6qSiOgewbELLjYENSOGBCm\\_NWmHWHyEBgEaAsLeEALw\\_wcB](https://qlinkwireless.com/signup/g-6-717/?B=209&A=209&SubAffiliateID=8673226018&kw=qlink+sign+up&mt=b&ca=8673226018&ag=86261375959&ad=422515542665&device=c&dm=&po=&lo=9014329&lp=https%3a%2f%2fqlinkwireless.com%2fsignup%2f&amp=&gclid=Cj0KCQjwncT1BRDhARIsAQQF9LkZ2rit7MdLit6arbcA6qSiOgewbELLjYENSOGBCm_NWmHWHyEBgEaAsLeEALw_wcB) (Last accessed May 5, 2020).

<sup>11</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. All responses in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

3. Each response shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

4. The responding ETCs shall make timely amendment to any prior response if the responding ETCs obtain information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect. For any request to which a responding ETC fails or refuses to furnish all or part of the requested information, the responding ETC shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

5. Careful attention shall be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When

filing a paper containing personal information, the responding ETC shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

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By the Commission



ATTEST:



Executive Director

## APPENDIX

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2016-00059 DATED MAY 11 2020

1. State whether the ETC has experienced an increase over the past 45 days in usage of voice minutes and data for Lifeline customers in Kentucky. If so, provide the increase over the monthly usage average.
2. For January and February 2020, provide the percentage of Lifeline customers that exceeded the monthly 1,000 voice minutes or 3 GB of data. Provide the same information for March and April 2020.
3. State whether the ETC is providing additional minutes and data in response to the current state of emergency. If the ETC is providing the additional services, state when the ETC is planning to cease providing the additional services.
4. State whether the ETC would be willing to provide unlimited voice in Kentucky if additional reimbursement from the KUSF was made available to the ETC for providing unlimited voice.
5. State whether the ETC would be willing to provide additional data in Kentucky if additional reimbursement from the KUSF was made available to the ETC for providing additional data. If so, state the amount of additional data the ETC could provide and the cost to provide the data.
6. If the ETC provided unlimited voice or increased data, state how soon the ETC could implement the increase in services.
7. State whether there is a minimum time the additional temporary KUSF support and Lifeline services should continue to provide a tangible public health benefit.

8. Provide any information regarding this inquiry that will assist the Commission in its inquiry including its experience from other jurisdictions.



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4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Rural Cellular Corporation dba Verizon Wireless  
Rural Cellular Corporation dba Verizon Wireless  
One Verizon Way, Mailcode VC53S309D  
Basking Ridge, NJ 07920

\*Talk America, LLC  
Talk America, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Windstream NTI, LLC  
Windstream NTI, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Win.Net Telecommunications, Inc.  
Win.Net Telecommunications, Inc.  
332 W Broadway, Suite 214  
Louisville, KY 40202

\*Network Telephone, LLC  
Network Telephone, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Windstream Kentucky East, LLC  
Windstream Kentucky East, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Easy Telephone Service Company dba E  
Easy Telephone Service Company dba Easy  
4352 SE 95th Street  
Ocala, FL 34480

\*McLeodUSA Telecommunications Service  
McLeodUSA Telecommunications Services, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Cellco Partnership dba Verizon Wirel  
Cellco Partnership dba Verizon Wireless  
One Verizon Way, Mailcode VC53S309D  
Basking Ridge, NJ 07920

\*Solavei, LLC  
Solavei, LLC  
10500 NE 8th Street, Suite 1300  
Bellevue, WA 98004

\*The Other Phone Company, LLC dba Access  
The Other Phone Company, LLC dba Access One  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*GTE Wireless of the Midwest dba Veri  
GTE Wireless of the Midwest dba Verizon  
One Verizon Way, Mailcode VC53S309D  
Basking Ridge, NJ 07920

\*Ted Heckman  
Managing Director, Regulatory & Government  
Cincinnati Bell Telephone Company LLC  
221 E Fourth Street, Room 103-1060  
Cincinnati, OH 45201

\*Windstream Communications, LLC  
Windstream Communications, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*Kentucky RSA #1 Partnership  
Kentucky RSA #1 Partnership  
One Verizon Way, Mailcode VC53S309D  
Basking Ridge, NJ 07920

\*Cumberland Cellular, LLC dba Duo Bro  
Cumberland Cellular, LLC dba Duo Broadband  
2150 N Main Street  
P. O. Box 80  
Jamestown, KY 41269

\*Windstream KDL, LLC  
Windstream KDL, LLC  
4001 N Rodney Parham Road  
Little Rock, AR 72212

\*New Par dba Verizon Wireless  
New Par dba Verizon Wireless  
One Verizon Way, Mailcode VC53S309D  
Basking Ridge, NJ 07920

\*Wild Telecommunications, Inc.  
Wild Telecommunications, Inc.  
220 Greenbriar Road  
Lexington, KY 40503

\*MuniNet Fiber Agency  
MuniNet Fiber Agency  
1500 Broadway Street  
Paducah, KY 42001

\*The Electric Plant Board of the City d/b/a  
The Electric Plant Board of the City of Paducah,  
1500 Broadway Street  
Paducah, KY 42001

\*Edward T Depp  
Dinsmore & Shohl, LLP  
101 South Fifth Street  
Suite 2500  
Louisville, KENTUCKY 40202

\*Cincinnati Bell Telephone Company LL  
Cincinnati Bell Telephone Company LLC  
221 E Fourth Street, Room 103-1080  
Cincinnati, OH 45201-2301

\*Duo County Telephone Cooperative Cor  
Duo County Telephone Cooperative Corporation,  
2150 N Main Street  
P. O. Box 80  
Jamestown, KY 42629

\*Velocity Networks of Kentucky, Inc.  
Velocity Networks of Kentucky, Inc.  
5550 77 Center Drive, Suite 220  
Charlotte, NC 28217

\*Eastern Telephone & Technologies  
Eastern Telephone & Technologies  
106 Power Drive  
Pikeville, KY 41501