

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

On May 11, 2020, the Commission issued an Order in this proceeding directing Eligible Telecommunications Carriers (ETCs) that receive reimbursement from the Kentucky Universal Service Fund (KUSF) to file certain information with the Commission no later than May 18, 2020, so that the Commission could determine if a temporary increase in payment from the KUSF, in exchange for an increase in voice or data, would be beneficial to the public during the worldwide pandemic. The Commission requested information regarding usage for both voice service and data in order to determine whether the current crisis has caused an increase in voice or data usage and whether a temporary increase in available voice minutes or data, or both, would be beneficial during the crisis.

The Commission's request focused on several areas, particularly on Lifeline customers' increased usage of voice and data, and whether those increases led to the customers exceeding the ETCs' voice and data limits. The Commission sought information on the ETCs' willingness to increase voice or data limits and the approximate costs for providing that additional service.

The Commission received several responses to its request for information. In response to Commission inquiries, several ETCs provided information regarding the approximate costs to provide unlimited voice and also to increase data limits over the

Federal minimum requirements for Lifeline customers. The responses varied. For example, Telrite Corporation (Telrite)¹ and TAG Mobile, LLC (TAG Mobile)² reported that they had not experienced an increase in voice usage. Other ETCs, however, reported that they had experienced increases in voice usage. A group of ETCs (Kentucky ETCs), filing a joint response, reported an increase of 35 percent in voice usage and 37 percent in data usage, and noted that Lifeline customers may also be taking advantage of large carriers temporarily opening their Wi-Fi networks, and that this availability may have offset a more significant increase in data and voice usage.³ Boomerang Wireless, LLC (Boomerang Wireless) reported a 30 percent increase in voice usage.⁴

The Commission also sought information regarding whether the ETCs would be willing to provide additional data or unlimited voice if the Commission increased the payment from the KUSF and the cost to provide additional data. All responding ETCs stated that they would be willing to provide unlimited voice service and increased data if the Commission would increase the payment from the KUSF.

The ETCs did not provide a specific amount an increased payment from the KUSF would have to be to cover the cost of providing unlimited voice service. Boomerang Wireless stated that, when determining a possible increase in unlimited voice, the

¹ Telrite Corporation's d/b/a Life Wireless Response to Commission's Requests for Information (filed May 25, 2020), Response to Request 1. (Telrite's Response).

² Tag Mobile, LLC's Responses to Commission's Requests for Information (filed May 26, 2020), Response to Request 1. (Tag Mobile's Response).

³ Joint Responses of Q Link Wireless, LLC, Global Connection Inc. of America Dba Standup Wireless, Amerimex Communications Corp. Dba Safetynet Wireless, I-Wireless, LLC Dba Access Wireless, Airvoice Wireless, LLC Dba Feel Safe Wireless and Sage Telecom Communications, LLC Dba Truconnect (collectively Kentucky ETC) to Commission Staff's Information Requests In the Order Dated May 11, 2020 (filed May 26, 2020), Response to Request 1. (Kentucky ETCs' Response).

⁴ Response of Boomerang Wireless LLC to the Commission's Order of May 11, 2020 (filed May 22, 2020), Response to Request 1. (Boomerang Wireless' Response).

Commission should consider reductions in federal support for voice services due to the Federal Communications Commission's *2016 Lifeline Modernization Order*⁵ and 47 C.F.R. § 54.403.⁶ The Kentucky ETCs also raised recent cost increases to ETCs in Kentucky for the Commission to consider when considering an increase in payment from the KUSF.⁷ The information provided also indicates that an extra gigabyte per month would require an additional payment of between \$10.00 and \$12.50 per month.⁸

Telrite recommended that any additional payment and provision of additional services be as permanent as possible.⁹ TAG Mobile recommended that the increased services remain in place until the ramifications of the pandemic can be determined,¹⁰ the Kentucky ETC's recommended that the additional services remain in place at least through December 31, 2020,¹¹ and Boomerang Wireless recommended that they remain in place for at least a year.¹²

The nation is in the grip of a pandemic to which there is no discernible end. The Commission noted in its May 11, 2020 Order in this matter that "access to the

⁵ *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42; *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No 09-197; *Connect America Fund*, WC Docket No. 10-90, *Third Report and Order*, *Further Report and Order*, and *Order on Reconsideration* (Rel. April 27, 2016). (Lifeline Modernization Order).

⁶ Boomerang Wireless' Response to Request 4.

⁷ Kentucky ETCs' Response to Request 5, noting that ETCs have to pay a \$.70 fee for 911, \$.07 for the KUSF, and \$.03 for the Telecommunications Relay Service/Telecommunications Access Program.

⁸ *Id*; TAG Mobile stated that an additional gigabyte of data would cost it \$11.35 per month. TAG Mobile's Response to Request 5.

⁹ Telrite's Response to Request 7.

¹⁰ TAG Mobile's Response to Request 7.

¹¹ Kentucky ETCs' Response to Request 7.

¹² Boomerang Wireless' Response to Request 7.

telecommunications network to access medical advice and professionals is, and will continue to be, of utmost importance while the state of emergency continues.”¹³ As of the date of this Order, the pandemic and the corresponding state of emergency still continue, and the need to access the telecommunications network is just as urgent now as it was in May of this year.

Based upon the responses to its May 11, 2020 Order, the Commission finds that, beginning August 1, 2020, payment from the KUSF should be increased temporarily by \$4.50 for a total of \$8.00 per Lifeline customer for ETCs that provide unlimited voice service to Kentucky Lifeline customers on and after August 1, 2020. The increased payment will continue until July 31, 2021; however, the Commission will initiate a review of the effect the increased payment has on the KUSF no later than March 1, 2021.¹⁴ The Commission has calculated that, under current circumstances,¹⁵ the KUSF can sustain the increased payment for over one year before the Commission would have to increase the KUSF surcharge.

The Commission will not provide increased support for additional data; the necessary increase in the surcharge to cover the cost of only one gigabyte of data, in addition to unlimited voice, would require a significant increase in the KUSF surcharge. The Commission has previously signaled its reluctance to substantially increase the

¹³ Case No. 2016-00059, *An Inquiry Into the State Universal Service Fund* (Ky. PSC May 11, 2020), Order at 2.

¹⁴ The Commission’s review will take into account, *inter alia*, the benefit of the provision of unlimited voice and the increased draw on the KUSF, as well as the federal decrease of support for voice-only services pursuant to the *Lifeline Modernization Order*.

¹⁵ Nothing will prevent the Commission from adjusting the surcharge should it become necessary for the continuation of the provision of unlimited voice service.

KUSF surcharge¹⁶ and finds that equities weigh against a substantial increase in the KUSF surcharge in exchange for only one additional gigabyte of data.

ETCs that currently do not provide unlimited voice but elect to increase their service to include unlimited voice service should file with the Commission a notice that they will begin offering unlimited voice service. The notice should also include the services they were providing to Lifeline customers prior to providing unlimited voice. ETCs that currently offer unlimited voice service should also update the Commission on the services they are providing Lifeline customers.

Based upon the foregoing, IT IS THEREFORE ORDERED that:

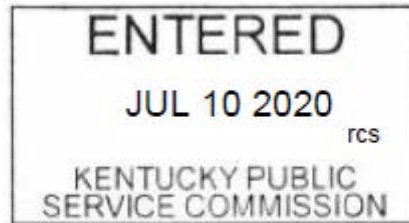
1. Beginning August 1, 2020, and ending July 31, 2021, unless otherwise ordered by the Commission, the payment from the KUSF shall be increased to \$8.00 per month per Lifeline customer for ETCs that provide unlimited voice service in Kentucky.
2. ETCs that currently do not provide unlimited voice service, upon electing to provide unlimited voice service, shall file notice in this docket of their intent to do so. The notice shall contain all current services the ETC provides to Lifeline customers in Kentucky.
3. ETCs that currently do provide unlimited voice service shall file in this docket a notice of the current services that the ETC provides to Lifeline customers in Kentucky.
4. No later than March 1, 2021, the Commission shall initiate a formal review of the effect on the KUSF from the increased payment for unlimited voice service.

¹⁶ See Case No. 2016-00059, *An Inquiry Into the State Universal Service Fund* (Ky. PSC Mar. 10, 2020), Order at 7–8.

5. Nothing contained in this Order shall prohibit the Commission from issuing further Orders in this matter.

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By the Commission



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Case No. 2016-00059

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