

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of
Telecommunications Carriers Eligible for
Universal Service Support
WC Docket No. 09-197

ORDER

Adopted: January 22, 2015

Released: January 22, 2015

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we approve a request filed by NTCH, Inc. (NTCH) to relinquish its eligible telecommunications carrier (ETC) designation in the state of Tennessee. The relinquishment shall be effective on February 28, 2015.

2. Section 214(e)(6) of the Communications Act of 1934, as amended (the Act), authorizes the Federal Communications Commission to designate a carrier as an ETC when a state commission lacks jurisdiction. Section 214(e)(4) of the Act provides that the Commission "shall permit" an ETC to relinquish its designation "in any area served by more than one" ETC so long as "the remaining [ETCs] ensure that all customers served by the relinquishing carrier will continue to be served." Consistent with this statutory requirement, once the requesting ETC makes the requisite showing under section 214(e)(4), a state commission or this Commission grants the request for relinquishment.

3. The Wireline Competition Bureau designated NTCH as an ETC in the state of Tennessee on August 16, 2012. Pursuant to section 214(e) of the Act, NTCH filed notice of its intent to relinquish the ETC designation that it holds in Tennessee. In its filings, NTCH states that other carriers are designated as ETCs in the service area in which it seeks to relinquish its designations. NTCH indicates that it will provide written notice to each of the affected Lifeline customers, advising customers that NTCH will no longer participate in the Lifeline program and informing them that they will have until February 28, 2015 to select an alternative calling plan or discounted Lifeline service from another provider. Additionally, NTCH states that it will not impose an early termination fee on any Lifeline

1 See Notice of Relinquishment of Lifeline-Only Eligible Telecommunications Carrier Designations, WC Docket No. 09-197 (filed Dec. 10, 2014) (NTCH Relinquishment Notice).

2 47 U.S.C. § 214(e)(6).

3 47 U.S.C. § 214(e)(4).

4 See NTCH Relinquishment Notice at 1; Telecommunications Carriers Eligible for Universal Service Support Petition of T-Mobile USA, Inc. for Designation as a Low-Income Eligible Telecommunications Carrier, Telecommunications Carrier Eligible for Universal Service Support, Amended Petition of NTCH, Inc. for Designation as an Eligible Telecommunications Carrier in the States of North Carolina and Tennessee, Order, WC Docket No. 96-45, Order, 27 FCC Rcd 9495 (Wireline Comp. Bur. 2012).

5 See NTCH Relinquishment Notice at 1.

6 Id. at 2, Exh. A.

7 Id. at 2.

customer who changes to another service provider.<sup>8</sup> Based on these circumstances, including our finding that NTCH has demonstrated that various carriers designated as ETCs in the areas in which it seeks to relinquish its designation will continue to serve the affected Lifeline subscribers, we conclude that it is appropriate to grant NTCH's request to relinquish its ETC designation in the state of Tennessee.<sup>9</sup>

4. Accordingly, IT IS ORDERED that, pursuant to the authority contained in section 214(e)(4) of the Communications Act of 1934, as amended, 47 U.S.C. § 214(e)(4), and the authority delegated in sections 0.91 and 0.291 of the Commission's Rules, 47 C.F.R. §§ 0.91, 0.291, the ETC designation of NTCH, Inc. in Tennessee, as provided herein, IS RELINQUISHED, effective February 28, 2015.<sup>10</sup>

5. IT IS FURTHER ORDERED that, NTCH SHALL TRANSMIT a copy of this order to each of the Tennessee commission and the Universal Service Administrative Company.

6. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 C.F.R. § 1.102(b)(1), this order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Ryan B. Palmer  
Chief  
Telecommunications Access Policy Division  
Wireline Competition Bureau

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<sup>8</sup> *Id.* at 2-3.

<sup>9</sup> *Id.* at 2, Exh. A; 47 U.S.C. § 214(e)(4).

<sup>10</sup> Effective February 28, 2015, the Universal Service Administrative Company shall discontinue the eligibility of the study area codes assigned to NTCH in Tennessee.