

Before the
Federal Communications Commission
Washington, DC 20554

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

ORDER

Adopted: October 20, 2016

Released: October 20, 2016

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

1. In this Order, we approve a request filed by Allied Wireless Communications Corporation (AWCC) to relinquish its eligible telecommunications carrier (ETC) designation in the state of North Carolina. The relinquishment shall be effective on October 19, 2016.

2. Section 214(e)(6) of the Communication’s Act of 1934, as amended (the Act), authorizes the Federal Communications Commission (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 AWCC as an ETC in the state of North Carolina on September 21, 2010. Pursuant to section 214(e) of the Act, AWCC filed notice of its intent to relinquish the ETC designation that it holds in North Carolina. In its filings, AWCC states that other carriers, namely AT&T, Inc. are servicing the area it intends to relinquish. Further, AWCC’s assets were acquired by AT&T, Inc. effective September 20, 2013. As a result, AWCC no longer has a network or subscribers in the state of North Carolina. Following relinquishment of AWCC’s ETC designation in North Carolina, each area AWCC identified in its request shall be served by the incumbent wireline exchange carriers and AT&T, Inc. In addition, these areas will continue to be served by at least one competitive ETC that provides Lifeline service. Based on these circumstances, including our finding that

1 See Notice of Relinquishment of the Lifeline-Only Eligible Telecommunications Carrier Designations, WC Docket No. 09-197 (filed Aug 19, 2015) (AWCC Relinquishment Notice).

2 47 U.S.C. § 214(e)(6).

3 47 U.S.C. § 214(e)(4).

4 Telecommunications Carriers Eligible for Universal Service Support, Allied Wireless Communication Corporation Petition for Eligible Telecommunications Carrier Designations in the State of North Carolina, Order, 25 FCC Rcd 12577 (WCB 2010).

5 See AWCC Relinquishment Notice at 1.

6 Id. at 2.

7 Id.

8 Id.

9 Id.

AWCC has demonstrated that AT&T, Inc., and other ETCs in the area in which it seeks to relinquish its designation will continue to serve the affected Lifeline subscribers, we conclude that it is appropriate to grant AWCC's request to relinquish its ETC designation in the state of North Carolina.

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 CFR §§ 0.91, 0.291, the ETC designation of AWCC in North Carolina, as provided herein, IS RELINQUISHED, effective October 19, 2016.

5. IT IS FURTHER ORDERED that, AWCC SHALL TRANSMIT a copy of this order to the North Carolina Utilities 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 CFR § 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