

**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
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Connect America Fund)	WC Docket No. 10-90
)	

ORDER

Adopted: March 20, 2018

Released: March 20, 2018

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

1. In this order, we approve the request of Shenandoah Personal Communications, LLC (Shentel), successor by merger of Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a NTELOS (NTELOS), to relinquish NTELOS' eligible telecommunications carrier (ETC) designation in Virginia.¹

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.² 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."³ 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. In 2005, the Wireline Competition Bureau (Bureau) designated NTELOS as an ETC in certain areas in Virginia.⁴ In 2015, NTELOS assigned T-Mobile USA, Inc. its spectrum licenses covering NTELOS' service territory in the eastern portion of Virginia.⁵ Although the transaction did not involve

¹ See Request for Relinquishment of Eligible Telecommunications Carrier Designation, WC Docket No. 09-197 (filed June 29, 2017) (Shentel Petition); Petition for Modification of Eligible Telecommunications Carrier Service Area, WC Docket Nos. 09-197 and 10-90 (filed Oct. 1, 2015) (NTELOS Petition); Supplement to Petition for Modification of Eligible Telecommunications Carrier Service Area, WC Docket Nos. 09-197 and 10-90 (filed July 11, 2016) (NTELOS Supplement).

² 47 U.S.C. § 214(e)(6).

³ 47 U.S.C. § 214(e)(4).

⁴ See *Federal-State Joint Board on Universal Service; Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a NTELOS; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Order, 20 FCC Rcd 10716 (WCB 2005). See also *Federal-State Joint Board on Universal Service; Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a NTELOS; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Order, 20 FCC Rcd 11016 (WCB 2005) (amending the list of wire centers included in NTELOS' ETC designation).

⁵ *Wireless Telecommunications Bureau Assignment of License Authorization Applications, Transfer of Control of Licensee Applications, De Facto Transfer Lease Applications and Spectrum Manager Lease Notifications*,

(continued...)

the sale of NTELOS' customers, NTELOS transitioned its customers in eastern Virginia by November 15, 2015.⁶ Since that date, NTELOS has neither held a spectrum license nor provided service in eastern Virginia.⁷ NTELOS provided the Commission with notice of its intent to relinquish its ETC designation in the eastern portion of Virginia.⁸ NTELOS also proposed to relinquish part of the frozen high-cost universal service support it receives, consistent with the corresponding reduction in the area and customers it served.⁹

4. Subsequently, in 2016, Shenandoah Telecommunications Company, the parent company of Shentel, acquired NTELOS and its affiliates. NTELOS was later merged into Shentel.¹⁰ At the time of the transaction, Shentel and SprintCom, Inc. (Sprint) entered into a series of agreements whereby immediately after the consummation of the Shentel-NTELOS transaction, Shentel would assign Sprint all of the spectrum licenses held by NTELOS, as well as certain spectrum leases acquired by NTELOS.¹¹

5. Pursuant to section 214(e)(4) of the Act, Shentel filed the petition at issue here seeking to relinquish NTELOS' entire ETC designation in Virginia.¹² In its filing, Shentel provides a list of incumbent local exchange carrier ETCs providing service in NTELOS' service area.¹³ Shentel indicates that it will continue to manage the former NTELOS wireless network through its affiliate relationship with Sprint, and Sprint will continue to provide service as a non-ETC in these areas.¹⁴ Shentel also indicates that it provided advance notice to NTELOS' Lifeline customers to migrate to the Assurance Wireless Lifeline service, which continues to be offered throughout the former NTELOS service area; thus, any affected Lifeline customers will continue to be served by an ETC.¹⁵ In its earlier petition to relinquish its ETC designation in the eastern portion of Virginia, NTELOS similarly explained that it provided advance notice to customers in those areas about its discontinuation plans.¹⁶ Finally, Shentel more recently filed a supplement certifying that all high-cost universal service support disbursed to Shentel and NTELOS in Virginia since October 1, 2015 has been utilized only for the provision of, maintenance, and upgrading of facilities and services for which the support is intended, as required by

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Designated Entity Reportable Eligibility Event Applications, and Designated Entity Annual Reports, Public Notice, Report No. 10276 (WTB Feb. 11, 2015).

⁶ NTELOS Petition at 2.

⁷ NTELOS Supplement at 1.

⁸ See generally NTELOS Petition; NTELOS Supplement.

⁹ See generally NTELOS Supplement. NTELOS has been receiving \$22,101 in monthly frozen high-cost support.

¹⁰ Shentel Petition at 1.

¹¹ *SprintCom, Inc., Shenandoah Personal Communications, LLC, and NTELOS Holdings, Corp. for Consent to Assign Licenses and Spectrum Lease Authorizations and to Transfer Control of Spectrum Lease Authorizations and an International Section 214 Authorization*, Memorandum Opinion and Order, 31 FCC Rcd 3631, 3633-34, para. 5 (2016).

¹² See generally Shentel Petition.

¹³ See Shentel Petition at Attachment A. The NTELOS designated service area in Virginia is served by incumbent local exchange carriers Verizon South (Contel) and Verizon Virginia.

¹⁴ See Shentel Petition at 2.

¹⁵ See *id.*

¹⁶ See NTELOS Petition at 2. NTELOS further noted that it "facilitated these transitions by, among other things, waiving early termination fees, and allowing customers to access the trade-in value of their equipment. For its pre-paid subscribers, NTELOS has taken steps to reduce the dollar amounts that can be added to accounts so that customers will not have large balances in place as the shut-down date approaches, and will facilitate a process for customers seeking a refund of prepaid amounts." NTELOS Petition at 2 n.4.

section 254(e) of the Act and section 54.7 of the Commission's rules.¹⁷ Based on these circumstances, we conclude that it is appropriate to grant Shentel's request to relinquish NTELOS' ETC designation in Virginia.¹⁸

6. 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 Request for Relinquishment of Eligible Telecommunications Carrier Designation filed by Shenandoah Personal Communications, LLC is GRANTED, and the ETC designation of Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a NTELOS in Virginia in study area code 199008 IS RELINQUISHED.¹⁹

7. IT IS FURTHER 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 Petition for Modification of Eligible Telecommunications Carrier Service Area and the Supplement to Petition for Modification of Eligible Telecommunications Carrier Service Area filed by Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a NTELOS are DISMISSED as moot.

8. IT IS FURTHER ORDERED that Virginia PCS Alliance, L.C. and Richmond 20 MHz LLC d/b/a NTELOS SHALL TRANSMIT a copy of this order to the Virginia State Corporation Commission and USAC.

9. 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 Palmer
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

¹⁷ See Shentel Certification in Support of Pending Petition for Relinquishment of ETC Designation, WC Docket Nos. 09-197 and 10-90, at 1 (filed Feb. 12, 2018) (citing 47 U.S.C. § 254(e); 47 CFR § 54.7).

¹⁸ We find that our decision renders moot the original NTELOS request for partial relinquishment, including its proposal to relinquish part of the frozen high-cost universal service support it receives in Virginia. See generally NTELOS Petition; NTELOS Supplement. We therefore dismiss that original request.

¹⁹ Accordingly, USAC shall discontinue the eligibility of the SAC assigned to NTELOS, effective upon release of this Order.