

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

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

ORDER

Adopted: July 13, 2020

Released: July 13, 2020

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

1. In this Order, we approve the request of Buffalo-Lake Erie Wireless Systems Co., LLC d/b/a Blue Wireless (Blue Wireless) to relinquish its eligible telecommunications carrier (ETC) designation in New York, effective July 30, 2020.¹

2. Section 214(e)(6) of the Communications Act of 1934, as amended (the Act), authorizes the FCC 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 designated under section 214(e)(6) 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 required showing under section 214(e)(4), a state commission or the FCC must grant the request for relinquishment.

3. On November 26, 2014, the Wireline Competition Bureau (WCB) designated Blue Wireless as a Lifeline-only ETC for its service area in the State of New York.⁴ In its notice of relinquishment, Blue Wireless states that other ETCs provide Lifeline service throughout the service area in which it seeks to relinquish its ETC status.⁵ According to Blue Wireless, “[t]hese include in all cases the incumbent local exchange carrier serving the area, as well as multiple wireless carriers including Assurance Wireless and Safelink Wireless.”⁶ The Universal Service Administrative Company (USAC) has confirmed the presence of other ETCs providing Lifeline service in the impacted service area.

4. Blue Wireless also asserts that it has provided written notice to each of its current Lifeline subscribers.⁷ Blue Wireless states that it provided its customers notice via text message and mail

¹ See Buffalo-Lake Erie Wireless Systems Co., LLC dba Blue Wireless, Notice of Relinquishment of Eligible Telecommunications Carrier Designation, WC Docket No. 09-197, at 1 (filed June 2, 2020), <https://ecfsapi.fcc.gov/file/10602277647367/Blue%20Wireless%20NY%20ETC%20Relinquishment.pdf> (Blue Wireless Filing).

² 47 U.S.C. § 214(e)(6).

³ 47 U.S.C. § 214(e)(4)

⁴ *Telecommunications Carriers Eligible for Universal Service Support*, WC Docket No. 09-197, Order, 29 FCC Rcd 14393 (WCB 2014).

⁵ Blue Wireless Filing at 2.

⁶ *Id.* at 2.

⁷ See *id.* at 2-3.

on April 27 and 28, 2020, ninety days prior to discontinuing service. Blue Wireless also states that it provided a second notice on May 24, 2020, and that it would provide a third and final notice on June 24, 2020—thirty days prior to the effective date of its relinquishment. Based on these facts, we conclude that it is appropriate to grant Blue Wireless's request to relinquish its ETC designation.⁸

5. 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 Buffalo-Lake Erie Wireless Systems Co., L.L.C. d/b/a Blue Wireless IS RELINQUISHED, effective July 30, 2020 in New York (SAC 159028).⁹

6. IT IS FURTHER ORDERED that Buffalo-Lake Erie Wireless Systems Co., L.L.C. d/b/a Blue Wireless SHALL TRANSMIT a copy of this Order to the relevant state commission in New York and the Universal Service Administrative Company.

7. 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

⁸ See 47 U.S.C. § 214(e)(4).

⁹ USAC shall discontinue the eligibility of the SAC assigned to Blue Wireless in New York according to the effective dates established in this Order.