

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

December 1, 2021

IN RE:

PETITION OF AT&T TENNESSEE FOR ORDER
CONFIRMING RELINQUISHMENT OF ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION
THROUGHOUT THE STATE

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DOCKET NO.
21-00115

ORDER CONFIRMING RELINQUISHMENT OF
ELIGIBLE TELECOMMUNICATIONS CARRIER
IN THE STATE OF TENNESSEE

This matter came before Vice Chairman Herbert H. Hilliard, Commissioner Robin L. Morrison, Commissioner Clay R. Good, Commissioner John Hie, and Commissioner David F. Jones of the Tennessee Public Utility Commission (“TPUC” or “Commission”), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on November 1, 2021, for consideration of the *Petition of AT&T Tennessee for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation Throughout the State* (“*Petition*”) filed by AT&T Tennessee¹ (“AT&T,” “Company” or “Petitioner”) on October 13, 2021, requesting to relinquish its designation as an Eligible Telecommunications Carrier pursuant to 47 U.S.C. § 214(e) in the State of Tennessee.

BACKGROUND AND PETITION

AT&T is an incumbent local exchange carrier (“ILEC”) in Tennessee. In 1997, the Commission granted AT&T’s request for an Eligible Telecommunications Carrier (“ETC”)

¹ BellSouth Telecommunications, LLC d/b/a AT&T Tennessee f/k/a BellSouth Telecommunications, Inc. *See Petition*, p. 1 (October 13, 2021).

designation within its ILEC service area in accordance with 47 U.S.C. § 241(e)(1).² In 2017, the Commission granted AT&T's request to relinquish its ETC designation for areas in the State where it was not participating in Connect America Fund Phase II ("CAF II").³

In the areas where AT&T Tennessee was receiving CAF II support, such support will end on December 31, 2021.⁴ The FCC has replaced the CAF II support program with the Rural Digital Opportunity Fund ("RDOF"). AT&T did not participate in Phase I of the RDOF and will therefore no longer receive federal high-cost universal service support in Tennessee under CAF II, RDOF, or any other program after December 31, 2021.⁵

AT&T states that while ETCs are required to participate in the Lifeline program, AT&T has only 132 customers receiving Lifeline discounts. Further, these customers can continue to receive services from AT&T without the Lifeline discount or "receive services from at least 5 (and up to 6) other Commission-designated ETCs (subject to any Lifeline discounts that are available under federal or state law)...."⁶

STANDARD FOR COMMISSION APPROVAL

Commission approval of ETC designation relinquishment is required pursuant to the Telecommunications Act of 1996, 47 U.S.C.A. § 214(e)(4), which provides, in relevant part:

A State commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.⁷

² *Petition*, p. 3 (October 13, 2021). See also *In re: Universal Service Generic Contested Case*, Docket No. 97-00888, *Order Designating Eligible Telecommunications Carriers Pursuant to 47 U.S.C. § 241(e), the Telecommunications Act of 1996, Section 254(C) and FCC Order 97-157* (December 17, 1997).

³ *Id.* See also *In re: Verified Petition of AT&T Tennessee for an Order Confirming Relinquishment of its Eligible Telecommunications Carrier Designation in Specified Areas*, Docket No. 16-00123, *Order Confirming AT&T Tennessee's Relinquishment of its Eligible Telecommunications Carrier Designation in Specified Areas* (March 24, 2017).

⁴ *Id.* at 4.

⁵ *Id.*

⁶ *Id.*

⁷ 47 U.S.C.A. § 214(e)(4).

Therefore, the scope of review required by the Commission when considering a request to relinquish an ETC designation is to determine whether the area in which the petitioner seeks to relinquish such designation is served by other ETCs. If the area served by the petitioner is also served by other ETCs, then the language requires that the Commission permit relinquishment of the ETC designation.

FINDINGS AND CONCLUSIONS

The Commission's review of relinquishment of the ETC designation throughout the state by AT&T requires a determination as to whether the State of Tennessee is served by other ETCs in the areas AT&T seeks to relinquish. The panel found that each of the areas for which AT&T seeks to relinquish ETC designation is serviced by at least three (3) other ETCs. Based upon the service of other ETCs in the service areas for which AT&T seeks to relinquish ETC designation, the panel voted unanimously to approve the *Petition* and permit AT&T to relinquish its ETC designation throughout the State of Tennessee.

IT IS THEREFORE ORDERED THAT:

1. The *Petition of AT&T Tennessee for Order Confirming Relinquishment of Eligible Telecommunications Carrier Designation Throughout the State* filed by AT&T Tennessee on October 13, 2021, is granted.
2. AT&T Tennessee's Eligible Telecommunications Carrier designation is relinquished in all areas within the State of Tennessee, effective February 15, 2022.
3. Any person who is aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of this Order.

4. Any person who is aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:

**Vice Chairman Herbert H. Hilliard,
Commissioner Robin L. Morrison,
Commissioner Clay R. Good,
Commissioner John Hie, and
Commissioner David F. Jones concurring.**

None dissenting.

ATTEST:

A handwritten signature in cursive script, appearing to read "Earl Taylor", written in black ink.

Earl R. Taylor, Executive Director