

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Application of )  
H&B Cable Service, Inc. for an Order )  
Confirming Relinquishment of its Eligible )  
Telecommunications Carrier Designation ) Docket No. 17-HBCT-508-ETC  
In the Chase Exchange and Notice Pursuant )  
To K.S.A. 2015 Supp. 66-2005(d) of Intent to )  
Cease Participation in the Kansas Lifeline )  
Service Program. )

**APPLICATION OF H&B CABLE SERVICE, INC. FOR AN ORDER CONFIRMING  
RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER  
DESIGNATION IN THE CHASE EXCHANGE AND NOTICE PURSUANT TO  
K.S.A. 2015 SUPP. 66-2005(D) OF INTENT TO CEASE PARTICIPATION IN THE  
KANSAS LIFELINE SERVICE PROGRAM**

COMES NOW H&B Cable Service, Inc., (H&B Cable) pursuant to 47 U.S.C. §  
214(e)(4), 47 C.F.R. § 54.205, K. S. A. 2015 Supp. 66–2006(d), K.S.A. 2015 Supp. 66-2008,  
K. S. A. 2015 Supp. 66–2009, K.A.R. 82-1-218 and K.A.R. 2015 Supp. 82–1-219, and  
respectfully requests an order confirming:

(i) relinquishment of its Eligible Telecommunications Carrier (ETC) designation  
for the Chase exchange area, effective August 15, 2017; and

(ii) its notice of intent to cease participation in the Kansas lifeline services  
program in the same area, effective August 15, 2017.

This application and notice provides both the notice required by 47 U.S.C. § 214  
(e)(4) to relinquish an ETC designation and the 90 day written notification of H&B

Cable's intention to cease participation in the KLSP required by K.S.A. 2015 Supp. 66–2006(d). In support of its application and notice H&B Cable states as follows:

### **BACKGROUND**

1. H&B Cable is a Kansas corporation and telecommunications carrier providing competitive local exchange services pursuant to certificate of convenience and authority issued by this Commission. H&B Cable was designated as an ETC in the Chase and Claflin exchanges by Commission Order dated October 25, 2004 in KCC Docket No. 04-HBCT-1107-ETC, and was additionally designated an ETC in the Ellinwood exchange by separate Commission Order dated October 3, 2006 in Docket No. 06-HBCT-1220-ETC.

2. H&B Cable seeks to relinquish its ETC designation in the Chase exchange, while retaining such designation in the Claflin and Ellinwood exchanges.

3. H&B Cable's relinquishment is prompted by the fact that it presently serves no residential or business local exchange customers in the Chase exchange and it cannot presently be sure of its ability, should it receive a request for such service, to provide reliable and affordable local exchange service to all requesting consumers in the Chase exchange as is required of an ETC.

4. H&B Cable's relinquishment of ETC status will not affect the ability of other ETCs to participate in the federal universal service program, including Lifeline.

5. H&B Cable's relinquishment of ETC status will not adversely affect any consumer, as the company presently has no local exchange customers in the exchange.

6. H&B Cable has provided local exchange service in the Chase exchange solely to the Chase Unified School District 401, and not to any residential or business customers. Because any competitive ETC support has been paid to H&B Cable on a per-line basis, and since there has been no H&B Cable local exchange service over any

business or residential line in the Chase exchange under its ETC designation, H&B Cable has received no Kansas Universal Service Fund support in the Chase exchange. All such support to H&B Cable has been properly received and applied for service in the Claflin and/or Ellinwood exchanges.

#### **LEGAL STANDARD FOR RELINQUISHING ETC STATUS**

7. The standard for relinquishing an ETC designation is set forth in 47 U.S.C. § 214(e)(4) which states in part:

A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) **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.** An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. (emphasis added).

8. H&B Cable meets the standard for relinquishing its ETC designation in the Chase exchange. There are a total of six ETCs currently designated in the Chase exchange. In addition to H&B Cable those carriers are:

Access Point, Inc.  
Birch Telecom Of Kansas, Inc.  
Granite Telecommunications, LLC  
Sage Telecom, Inc.  
Southwestern Bell Telephone Co. (d/b/a AT&T)

Although AT&T seeks to relinquish its ETC designation in the Chase exchange, its application indicates it will continue to offer service throughout the exchange.

Following the granting of this application and the application of AT&T, there will be four high cost ETCs remaining in the Chase exchange in addition to AT&T.

#### **NOTICE OF INTENT TO CEASE PARTICIPATION IN THE KLSP**

9. Under K.S.A. 2015 66-2006(d) "Telecommunications carriers and electing carriers may cease participation in the KLSP at any time upon provision of 90-days written notice to the commission."

10. Pursuant to K.S.A. 66-2006(d) H&B Cable hereby provides written notice to the Commission of its intent to cease participation in the KLSP as of August 15, 2017. This is the same date as the ETC relinquishment date to simplify any notice message H&B Cable may be required to provide.

11. In the Chase exchange Commission Staff has identified (see Staff's Second Report and Recommendation, dated May 3, 2017, in Docket No. 17-SWBT-158-MIS) seven Lifeline-only ETCs remaining available to consumers requesting and qualifying for Lifeline service, to wit:

Boomerang Wireless, LLC  
i-wireless, LLC  
Q Link Wireless, LLC  
TAG Mobile, LLC  
Telrite Corporation  
TracFone Wireless, Inc.  
YourTel America, Inc.

12. Because H&B Cable has no residential local exchange customers in the Chase exchange the company's withdrawal from the Lifeline program will not deprive any customer of Lifeline service.

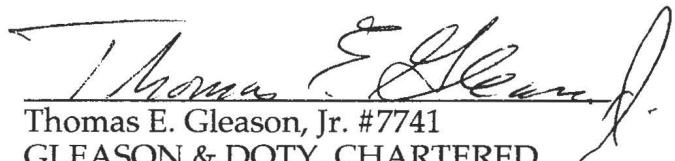
### CUSTOMER NOTIFICATION

13. Because H&B Cable currently has no lifeline customers in the Chase exchange H&B Cable believes no notice to customers of its withdrawal would be beneficial or should be required.

### RELIEF REQUESTED

WHEREFORE H&B Cable respectfully requests the Commission grant its application and issue an order confirming its relinquishment of the its ETC designation in the Chase exchange effective August 13, 2017 and confirming the foregoing notice that it will cease participation in the KLSP effective on the same date.

Respectfully submitted,



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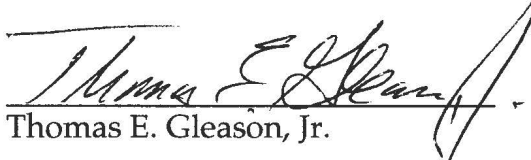
Attorneys for H&B Cable Service, Inc.

VERIFICATION

STATE OF KANSAS            )  
  ) ss:  
COUNTY OF DOUGLAS    )

Thomas E. Gleason, Jr., of lawful age, being first duly sworn upon oath, states:

I am an attorney for the H&B Cable Service, Inc. I have read the above and foregoing Application and Notice, and upon information and belief, state that the matters therein appearing are true and correct.

  
Thomas E. Gleason, Jr.

SUBSCRIBED AND SWORN to before me this 17 th day of May, 2017.



  
Notary Public

My Commission Expires:

8-29-2020