

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of

Application of Nexus Communications, Inc.
for Relinquishment of Eligible
Telecommunications Carrier Designation

Docket No. _____

**APPLICATION OF NEXUS COMMUNICATIONS, INC.
FOR RELINQUISHMENT OF ELIGIBLE TELECOMMUNICATIONS CARRIER
DESIGNATION AND DISCONTINUANCE OF WIRELESS SERVICE**

Pursuant to 47 USC § 214(e)(4) and 47 CFR. § 54.205(a), Nexus Communications, Inc., d/b/a ReachOut Wireless (“Nexus”) submits this Application to the Utah Public Service Commission (“Commission”) requesting relinquishment of its designation as an Eligible Telecommunications Carrier (“ETC”) effective on June 30, 2016 or an earlier date determined by the Commission. As explained herein, this Application should be expeditiously granted because Nexus has no subscribers in Utah and federal law supports the grant of Nexus’ Application.

In support of this Application, Nexus states as follows:

1. Nexus is an Ohio corporation based in Columbus, Ohio, and is a reseller of Commercial Mobile Radio Services (“CMRS”).
2. On July 5, 2013, in Docket No. 13-2540-01, the Commission granted Nexus’ application for designation as an ETC in certain non-rural service territories of Qwest Corporation d/b/a CenturyLink (“Qwest”) for purposes of qualifying for federal universal service fund support for low-income (“Lifeline”) services only.
3. Nexus has no subscribers in Utah.
4. Based on market conditions and business considerations, Nexus has made the business decision to relinquish its ETC designation in all areas where it is so designated in Utah.

5. Lifeline-eligible subscribers in the area served by Nexus have many other service provider options available to them. In particular, the areas in which Nexus is designated as an ETC are all served by other ETCs that provide wireless Lifeline service, including Access Wireless, Budget Mobile, Life Wireless, SafeLink Wireless, Standup Wireless, Tempo Telecom, TerraCom Wireless, Q Link Wireless.¹ CenturyLink also provides wireline Lifeline service in the areas served by Nexus.²

6. Because there is more than one ETC in each area where Nexus is designated as an ETC in Utah, federal law provides that the Commission should permit Nexus to relinquish its Lifeline-only ETC designation under 47 U.S.C. § 214(e)(4), which states in pertinent 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.** 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 ... 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 ... 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.

Id. (emphasis added).

7. The rules of the Federal Communications Commission (“FCC”) also support the approval of Nexus’ Application. Specifically, 47 C.F.R. § 54.205(a)-(b) requires that a “**state commission shall permit**” an ETC to “relinquish its designation as such in any area served by more than one [ETC],” and similarly requires the state commission to ensure that all customers served by the relinquishing carrier will continue to be served. 47 C.F.R. § 54.205(a)-(b)

¹ See <http://www.usac.org/ls/companies/CompanyListing.aspx?state=UT&stateName=Utah>.

² See *id.*

(emphasis added). Other provisions of 47 C.F.R. § 54.205(b) concerning facilities-based providers are inapplicable because Nexus is a reseller and mobile virtual network operator, and has no facilities in Utah.

8. Because Nexus has no Lifeline subscribers, this Application presents no issues regarding the transition of Nexus' subscribers to a new service provider. To avoid inconveniencing new subscribers who would otherwise need to transition to another carrier soon after enrolling, Nexus plans to refer any new Lifeline applicants to other ETCs.

9. Because Nexus has no Lifeline subscribers and because the company has no facilities in Utah, Nexus' relinquishment of its ETC designation presents no risk of harm to the public interest.

10. Nexus' address and telephone number are set forth below:

Nexus Communications, Inc.
3629 Cleveland Ave., Suite C
Columbus, Ohio 43224
(740) 549-1092

11. Nexus' counsel in this matter are set forth below:

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12. This Application is supported by the Declaration of Steven Fenker, attached hereto as Exhibit A.

CONCLUSION

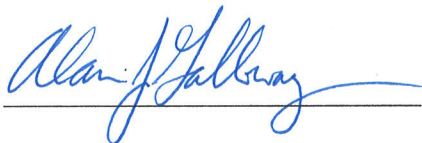
Based on the foregoing, Nexus respectfully requests that the Commission grant this Application and Nexus' relinquishment of its ETC designation.

Dated: May 20, 2016

Respectfully submitted,

Nexus Communications, Inc.

By:



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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, in accordance with Utah Administrative Code R746-100-4, the original and five (5) copies of the foregoing document(s) upon the Public Service Commission of Utah, at the following address:

Public Service Commission of Utah
Heber M. Wells Building
East 300 South
Salt Lake City, UT 84114
psc@utah.gov

and have caused an electronic copy of the foregoing document in Word format to be sent via e-mail to psc@utah.gov. I further certify that I have this day served the foregoing document on all intervening parties in this docket.

Dated this 23 day of May, 2016.

By:

