

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
PUBLIC UTILITIES COMMISSION**

**IN RE: PETITION OF COX RHODE ISLAND** :  
**TELCOM, LLC FOR RELINQUISHMENT OF** :  
**ITS DESIGNATION AS AN ELIGIBLE** : **DOCKET NO. 3533**  
**TELECOMMUNICATIONS CARRIER IN** :  
**RHODE ISLAND** :

**ORDER**

On July 31, 2003, the Public Utilities Commission (PUC) granted Cox Rhode Island Telecom LLC (Cox) its requested designation as an Eligible Telecommunications Carrier (ETC) throughout its service area in the State of Rhode Island, pursuant to 47 U.S.C. § 214(e).<sup>1</sup> Certification allowed Cox to receive certain subsidies from the Federal Universal Service Fund for providing discounted service to low income customers.<sup>2</sup>

On May 31, 2019, Cox filed with the PUC a request to relinquish its ETC designation, stating that there were alternate ETCs, including another wireline provider, offering lifeline service in Rhode Island.<sup>3</sup> Therefore, Cox maintained that it met the federal requirements for relinquishment.<sup>4</sup> Cox proposed to transition customers who contact the company to a different discounted rate.

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<sup>1</sup> 47 U.S.C. § 214(e) imposed a statutory responsibility upon the PUC to certify telecommunications service providers as “eligible” to receive funds from the Federal Universal Service Fund.

<sup>2</sup> Order No. 17529 (Aug. 6, 2003); [http://www.ripuc.org/eventsactions/docket/3533\\_CoxOrd17529\(8.6.03\).pdf](http://www.ripuc.org/eventsactions/docket/3533_CoxOrd17529(8.6.03).pdf).

<sup>3</sup> Pet. at 2-3 (May 31, 2019); [http://www.ripuc.org/eventsactions/docket/3533-Cox-RelinqishETC\\_5-31-19.pdf](http://www.ripuc.org/eventsactions/docket/3533-Cox-RelinqishETC_5-31-19.pdf).

<sup>4</sup> 47 U.S.C. § 214(e)(4) states: 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....

The Division of Public Utilities and Carriers (Division) reviewed Cox's petition, issued discovery, and raised several concerns to the PUC in a letter dated July 12, 2019. The Division recommended that Cox automatically transition customers to the proposed discounted rate.<sup>5</sup>

As a result of the Division's letter, the parties engaged in discussions and on September 6, 2019, Cox filed an amended petition indicating that it serves approximately 1,262 lifeline customers. Cox reiterated that as long as there is one lifeline carrier in each of its service territories, the PUC must allow the company to relinquish its designation. Cox appended a chart showing at least one carrier in each of its service territories. Cox represented that it will cease accepting new lifeline customers on October 1, 2019. Cox also provided a copy of the letter it will send to affected customers.<sup>6</sup> The company will send letters to its impacted customers sixty days prior and thirty days prior to the proposed effective date of December 1, 2019. Cox further indicated that it had developed the letter in consultation with the Division.<sup>7</sup>

On September 10, 2019, the Division submitted additional comments indicating that Cox had adequately explained why it could not automatically transition customers to a previously proposed discount rate. The Division also indicated that Cox had addressed the Division's principal concerns regarding the form of the notice to customers. Therefore, the Division opined

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<sup>5</sup> Division Comments (July 12, 2019); <http://www.ripuc.org/eventsactions/docket/3533-DPUC-Comments%207-12-19.pdf>.

<sup>6</sup> On September 25, 2019, Cox provided an amended letter providing clarity on the effect of losing the discount and on recertification as a lifeline-eligible customer. <http://www.ripuc.org/eventsactions/docket/3533-Cox-Reply-DIVComments%209-25-19.pdf>.

<sup>7</sup> Amended Pet. (Sept. 6, 2019); <http://www.ripuc.org/eventsactions/docket/3533-Cox-AmendedPetition%209-6-19.pdf>. Cox subsequently indicated it would only send one letter. The Division objected, indicating that the agreement had been for Cox to provide two letters. Division Comments (Sept. 24, 2019); <http://www.ripuc.org/eventsactions/docket/3533-DIV-Comments%209-24-19.pdf>; On September 25, 2019, Cox clarified that it was, indeed, committed to providing customers with two letters. <http://www.ripuc.org/eventsactions/docket/3533-Cox-Reply-DIVComments%209-25-19.pdf>.

that Cox had met its burden of satisfying the legal requirements and applicable regulations for relinquishment of its ETC status. The Division did not object to the Amended Petition as filed.<sup>8</sup>

On September 26, 2019, the PUC conducted an Open Meeting to consider Cox's request. The PUC found that Cox has set forth sufficient facts to satisfy the requirements for relinquishment under 47 U.S.C. § 214(e). The PUC appreciates the Division's diligence in this matter, particularly where there are over a thousand affected customers, more than in the other states that have recently allowed Cox's petitions to relinquish its participation in the lifeline program.<sup>9</sup>

Accordingly, it is hereby,

(23683) ORDERED:

1. Cox Rhode Island Telcom LLC's Amended Petition for Relinquishment of its Designation as an Eligible Telecommunications Carrier in Rhode Island is hereby approved for effect December 1, 2019.
2. Cox Rhode Island Telcom LLC shall clarify in its letter to customers that if they stay with Cox Rhode Island Telcom LLC, their telephone rates will increase.

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<sup>8</sup> Division's Supp. Comments (Sept. 10, 2019); <http://www.ripuc.org/eventsactions/docket/3533-DIV-Comments-Recommendation%209-10-19.pdf>.

<sup>9</sup> For example, a review of Cox's response to DIV 1-15, providing orders from other public utility commissions, shows that Connecticut had 192 affected customers, Arizona had less than 500 affected customers, Arkansas had less than 65 affected customers, Georgia had only 42 affected customers, Iowa had 48 affected customers, and Virginia had 221 affected customers. Cox Response to DIV 1-15, Cox Supp. Response to DIV 1-15; [http://www.ripuc.org/eventsactions/docket/3533-Cox-DR-DIV1\\_6-28-19.pdf](http://www.ripuc.org/eventsactions/docket/3533-Cox-DR-DIV1_6-28-19.pdf); <http://www.ripuc.org/eventsactions/docket/3533-Cox-SupplDR-Div1-1%20and%20Div%201-15%208-28-2019.pdf>;

EFFECTIVE AT WARWICK, RHODE ISLAND ON SEPTEMBER 26, 2019,  
PURSUANT TO AN OPEN MEETING. WRITTEN ORDER ISSUED SEPTEMBER 27, 2019.

PUBLIC UTILITIES COMMISSION



*Margaret E. Curran*

Margaret E. Curran, Chairperson

*Marion Gold*

Marion Gold, Commissioner

*Abigail Anthony*

Abigail Anthony, Commissioner

**NOTICE OF RIGHT OF APPEAL:** Pursuant to R.I. Gen. Laws §39-5-1, any person aggrieved by a decision or order of the PUC may, within seven days from the date of the order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or order.