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May 27, 2016



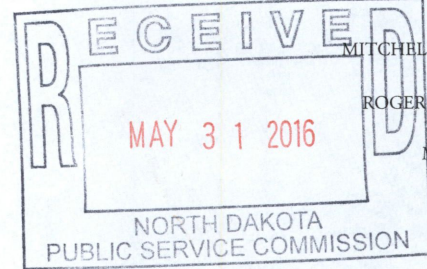
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North Dakota Public Service Commission
600 East Boulevard Avenue, Department 408
Bismarck, ND 58505-0480

RE: Nexus Communications – ND ETC Relinquishment Request

Dear Sir or Madam:

Enclosed for filing regarding the above-referenced matter, please find an original and seven (7) copies of the following:

1. Application of Nexus Communications, Inc. for Relinquishment of Eligible Telecommunications Carrier Designation and Discontinuance of Wireless Service.

Also enclosed is an extra copy of the Application to be date-stamped and returned to us in the enclosed self-addressed, stamped envelope.

Thank you for your attention. If you have any questions, please do not hesitate to contact us.

Very truly yours,

DJH/tb
Enclosures

1 **PU-16-212** Filed: 5/31/2016 Pages: 7
Notice of Relinquishment of ETC Designation

Nexus Communications, Inc.

David Hogue, Pringle&Herigstad, P.C.

**BEFORE THE NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

In the Matter of

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

Case 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 North Dakota 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 North Dakota 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 October 9, 2013, in Case No. PU-13-98, the Commission issued its initial order designating Nexus as a Lifeline-only ETC in certain wire centers served by Qwest Corporation and SRT Communications, Inc., excluding Tribal Lands, for purposes of qualifying for federal universal service fund support for low-income (“Lifeline”) services only. On January 29, 2014, the Commission issued a second order, designating Nexus as a Lifeline-only ETC in all North Dakota telephone exchanges, including Tribal Lands.

3. Nexus has no subscribers in North Dakota.

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 North Dakota.

5. Lifeline-eligible subscribers in the area served by Nexus have many other service provider options available to them. In particular, North Dakota is also served by other ETCs that provide wireless LifeLine service, including Budget Mobile, enTouch Wireless, NDNC (SRT Wireless), Sagebrush Cellular, Tempo Telecom, and Verizon Wireless.¹

6. Because there is more than one ETC in each area where Nexus is designated as an ETC in North Dakota, 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

¹ See <http://www.usac.org/ls/companies/CompanyListing.aspx?state=ND&stateName=North%20Dakota> (listing Lifeline carriers in North Dakota).

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) (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 North Dakota.

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 subscribers in North Dakota and because the company has no facilities in North Dakota, 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:

David Hogue
Pringle & Herigstad, P.C.
2525 Elk Drive
PO Box 1000
Minot, ND 58702
(701) 852-0381
dhogue@pringlend.com

Alan J. Galloway
Davis Wright Tremaine LLP
1300 SW Fifth Ave, Suite 2400

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

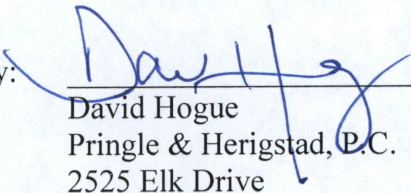
CONCLUSION

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

Dated: May 27, 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 the sections 69-02-01-03 and 69-02-02-04(2) of North Dakota Administrative Code, the original and seven (7) copies of the foregoing Application upon the North Dakota Public Service Commission, at the following address:

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Department 408
Bismarck, ND 58505-0480

Dated this 27th day of May, 2016.

By: _____

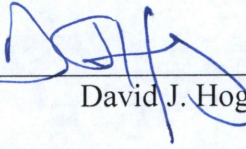

David J. Hogue

EXHIBIT A
AFFIDAVIT OF STEVEN FENKER

STATE OF OHIO

§

COUNTY OF FRANKLIN

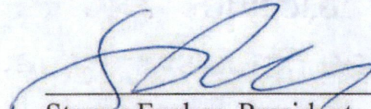
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I, the undersigned, Steven Fenker, do hereby certify as follows:

1. I serve as President of Nexus Communications, Inc. ("Nexus"), an Ohio corporation with its headquarters at 3629 Cleveland Ave., Suite C, Columbus, Ohio 43224.
2. This Affidavit is submitted in support of the Application of Nexus Communications, Inc. for Relinquishment of Eligible Telecommunications Carrier Designation (the "Application").
3. I have reviewed the Application and that the facts stated therein are true and correct to the best of my knowledge.

I certify that the foregoing is true and correct to the best of my knowledge, information and belief.



Steven Fenker, President
Nexus Communications, Inc.

SWORN TO AND SUBSCRIBED before me at Columbus, Ohio on this 18 day of May, 2016.



Notary Public
My Commission Expires: No Expiration

