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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

)	Docket No. 10-2528-01
In the Matter of the Resolution of Certain)	
Issues Related to the Designation of a)	VIRGIN MOBILE USA, L.P.
Common Carrier as an Eligible)	
Telecommunications Carrier)	MOTION FOR EXTENSION OF TIME
)	TO COMPLY WITH INTERIM
)	COMPLIANCE PROCESSES

I. INTRODUCTION

Virgin Mobile USA, L.P. (“Virgin Mobile”), a wholly owned subsidiary of Sprint Nextel Corporation (“Sprint”), by and through its counsel, Ballard Spahr LLP, hereby submits to the Public Service Commission of Utah (the “Commission”) this Motion for Extension of Time to comply with the interim compliance processes in the Commission’s Notice of Interim Compliance Processes to Address National Lifeline Accountability Database (“NLAD”), New Applications, and Annual Eligibility Certification Compliance Processes issued in this Docket on December 20, 2013 (“Notice”).

The Commission, by Report and Order in Docket No. 10-2521-01, issued May 25, 2011, granted Virgin Mobile limited Eligible Telecommunications Carrier (“ETC”) designation in the State of Utah, subject to conditions, for the limited purpose of participating in the federal Lifeline program, supported by the federal Universal Service Fund (“USF”). Virgin Mobile does not participate in the State Lifeline program and does not receive State USF support.

Allowing Virgin Mobile additional time to comply with the interim compliance processes is in the public interest. Virgin Mobile is currently developing procedures to properly implement the new Utah requirements. To complete the work necessary for this, Virgin Mobile respectfully requests that the Commission expeditiously approve an extension of six months. This would allow Virgin Mobile to continue to offer wireless telecommunications services to eligible low-income consumers in Utah, the intended beneficiaries of USF support, and to properly implement procedures to fully comply with the interim compliance processes.

II. BACKGROUND

In March 2009, the Federal Communications Commission (“FCC”) originally designated Virgin Mobile as an ETC for the purposes of offering Lifeline services in certain states.¹ Sprint acquired Virgin Mobile in November 2009, and in December 2010, the FCC designated Virgin Mobile as an ETC in several other states.² Virgin Mobile has also received ETC designations from numerous state public utility commissions. Its Lifeline service is offered under the brand name “Assurance Wireless” and has been exceptionally well received by low-income consumers. Virgin Mobile is currently designated as an ETC for the purpose of offering Lifeline service in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia and Wisconsin.

¹ *Federal-State Joint Board on Universal Service; In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Designation as an Eligible Telecommunications Carrier in the States of New York, North Carolina, Pennsylvania, Tennessee and Virginia*, Order, FCC 09-18 (Mar. 5, 2009).

² *Federal-State Joint Board on Universal Service; In the Matter of Virgin Mobile USA, L.P. Petitions for Designation as an Eligible Telecommunications Carrier in the States of Alabama, Connecticut, District of Columbia, Delaware and New Hampshire*, Order, DA 10-2433 (Dec. 29, 2010).

Virgin Mobile, as a federal only ETC, is responsible for the application process for the new enrollment of subscribers. Its application process must comply with the FCC's rules and regulations. Pursuant to the federal eligibility requirements, Virgin Mobile has been requiring each prospective subscriber to provide the information and certifications that are required by the federal rules, including the last four digits of their social security number. *See* 47 C.F.R. §§ 54.409 and 54.410. Virgin Mobile reviews each application and the supporting documents to determine whether there is sufficient proof that the applicant meets the Lifeline eligibility requirements and interfaces with the NLAD prior to enrolling a new customer.

III. NOTICE OF INTERIM COMPLIANCE PROCESSES

The Commission, in its Notice, identified compliance processes it is undertaking on an interim basis to meet the federal Lifeline program requirements and administer the state program.

The federal requirements include reforms adopted by the FCC in its *Lifeline Reform Order* to reduce waste, fraud and abuse in the program.³ To ensure the eligibility of applicants for the Lifeline program, each ETC must obtain proof of eligibility before enrolling a new subscriber and obtain certifications from each new subscriber at the time of enrollment, including a certification as to the subscriber's understanding that only one Lifeline per household is allowed. ETCs must also annually recertify the eligibility of all existing subscribers enrolled with that ETC. The FCC established the NLAD, a national database, to help detect duplicative Lifeline support by matching the subscribers or potential subscribers of ETCs within a state to determine whether a subscriber is, or would be, receiving Lifeline support from more than one ETC.

³ *See Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training*, WC Docket Nos. 11-42, 03-109, 12-23, CC Docket No. 96-45, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656 (2012) ("Lifeline Reform Order").

This Motion for Extension of Time addresses two of the interim compliance processes identified by the Commission in its Notice of December 20, 2013. First, the Commission requests that both federal only and state participating ETCs send a 2013 year-end subscriber list to the Division of Public Utilities (“DPU”) by February 28, 2014. The subscriber list must contain full participant identification information in 15 categories for each subscriber, including the subscriber’s full social security number. The lists will be submitted to the Department of Workforce Services (“DWS”) database to verify the eligibility status of each participant and the DWS will return the results to the DPU. According to the Notice, any participant record that does not have the complete information will be returned to the ETC, the participant status will be “not-eligible,” and a notice will be sent to the subscriber requesting either proof of eligibility by submitting a completed application to DWS or confirmation of ineligibility. ETCs must promptly remove participants that are found to be ineligible by DWS.

Second, the Commission requests that federal only ETCs submit a list of all changes in participant status at least once per month starting in March 2014. This would include new applicants qualifying for the discount, participants removed from the program, any change of address, and participants that switch carriers. This list of subscriber status updates must also contain full participant identification information in 15 categories, including the subscriber’s full social security number. If the participant record is incomplete, the participant will be ineligible to participate in the Lifeline program, and a notice will be sent requesting that the participant resolve the eligibility status.

IV. REQUEST FOR EXTENSION OF TIME TO COMPLY

Virgin Mobile is requesting additional time in order to comply with the two interim compliance processes identified above because both processes require ETCs to provide a subscriber’s full social security number in order to process the information for eligibility for

Lifeline service. Without the subscriber's full social security number, and without the extension of time as requested, the process would cause the Commission to list the participant status as "not-eligible." Granting this request for an extension of time will help to ensure that Virgin Mobile's low-income consumers will have access to reliable wireless services on a consistent and uninterrupted basis.

Virgin Mobile is currently in the process of developing procedures to fully implement the new Utah requirements. Procedures have already been put in place to comply with the interim compliance processes with regard to applicants for new Lifeline service. This limited request for extension of time is to allow Virgin Mobile to put the mechanisms in place to collect the full social security numbers for existing subscribers. It is estimated that this process will take approximately six months to complete, as the process will require substantial customer outreach and follow up to all Utah subscribers.

V. CONCLUSION

Good cause exists for an extension of the time to comply with the Commission's interim compliance processes. Virgin Mobile respectfully requests an extension of six months in order to complete the work necessary to meet the Commission's requirements.

Respectfully submitted,

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Dated: March 7, 2014