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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of	:	Docket No.
	:	
Cricket Communications, Inc.’s	:	PETITION/NOTIFICATION FOR
	:	RELINQUISHMENT OF ETC
Relinquishment of Eligible	:	STATUS IN UTAH
Telecommunications Carrier Status in Utah	:	

Cricket Communications, Inc. (“Cricket”)¹ respectfully requests relinquishment of its Lifeline-only Eligible Telecommunications Carrier (“ETC”) designation pursuant to 47 U.S.C. §214(e)(4) and 47 C.F.R. §54.205 in Utah, effective as of July 31, 2015.² In support of its Petition, Cricket states as follows:

1. Cricket is licensed by the Federal Communications Commission (“FCC”) to provide commercial mobile radio service (“CMRS”) in Utah. On March 13, 2014, after

¹ Note, Cricket Communications, Inc. converted to Cricket Communications, LLC as a matter of Delaware law on February 28, 2015.

² Utah does not appear to have separate rules or standards for ETC relinquishment; instead the Commission has granted the ETC relinquishment request pursuant to the appropriate federal standards. See, Order Granting Request to Relinquish ETC Designation, Docket No. 10-2227-01 (Public Service Commission of Utah, March 10, 2011).

receiving appropriate approvals, including from the FCC,³ Cricket became a wholly-owned, indirect subsidiary of AT&T Inc.

2. On October 2, 2012, the Public Service Commission of Utah (“Commission”) granted Cricket’s request for designation as a Lifeline-only ETC in the state of Utah. See Order dated October 2, 2012 in Docket 12-2551-01.

3. Cricket intends to relinquish its Lifeline-only ETC designation in all areas of Utah for which it is currently so designated, with such relinquishment to become effective on July 31, 2015.

4. Relinquishment of Cricket’s Lifeline-only ETC designation will not affect the amount of federal Lifeline support available to other ETCs in the state.

5. Cricket is entitled to relinquish its ETC designation pursuant to 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)

³ *Applications of Cricket License Company, LLC et al., Leap Wireless International, Inc., and AT&T Inc. for Consent to Transfer Control of Authorizations, Application of Cricket License Company, LLC and Leap Licenseco Inc. for Consent to Assignment of Authorization*, Memorandum Opinion and Order, WT Docket No. 13-193, DA 14-349 (rel. March 13, 2014) (“*Cricket Transfer Order*”).

The FCC rule essentially reiterates the same requirements in §214(e)(4) and states, in pertinent part, that a “state commission shall permit” an ETC to “relinquish its designation as such in any area served by more than one [ETC].” 47 C.F.R. §54.205(a) and (b). The FCC rule also requires that the ETC “shall give advance notice to the state commission of such relinquishment.” *Id.* Finally, the FCC rules require State commissions to ensure that the relinquishing ETC’s customers will be served by the remaining ETC(s) and ensure sufficient notice to permit the purchase and construction of facilities if necessary. *Id.*

6. The wire centers impacted by this request along with the incumbent local exchange carrier (“ILECs”) currently serving those wire centers are identified in **Exhibit A**, attached hereto. To the best of Cricket’s knowledge, each of the wire centers identified in Exhibit A is currently served by the ILEC which is an ETC. In addition, the Commission has designated other competitive ETCs to provide Lifeline service within Cricket’s current ETC designated area. Competitive ETCs, including Lifeline-only providers, which provide service in at least part of Cricket’s designated service area, are identified in **Exhibit B**. As there is already at least one other ETC in all areas in which Cricket is currently designated as an ETC, the Commission is required by federal law to permit Cricket to relinquish its Lifeline-only ETC designation.

7. To the best of Cricket’s knowledge, no purchase or construction of facilities by other carriers will be necessary.⁴ Because other ETCs currently serve the entire area in which Cricket is designated as an ETC in Utah, the Commission need not provide notice to those carriers to permit them to purchase or construct facilities to ensure that Cricket’s customers will continue to receive service. In fact, post-relinquishment, Cricket customers will be able to

⁴ 47 U.S.C. §214(e)(4).

receive service through New Cricket (another AT&T affiliate)⁵ which offers competitive plans that provide all consumers, including low-income consumers, a great value.

8. Cricket seeks to relinquish its Lifeline-only ETC designation effective on July 31, 2015. Cricket requests the Commission issue an order granting Cricket's petition as soon as possible, but no later than 60 days after the date of the filing of this application, so that Cricket can provide ample notice to its customers and ensure an orderly transition.

10. Cricket is taking steps to mitigate the impact of relinquishment on its current Lifeline customers and will ensure that these customers receive ample notice of the change in their Lifeline service. Cricket Lifeline customers are already migrating from Cricket's legacy CDMA plans to the New Cricket's 4G GSM plans without the Lifeline credit. As of February 28, 2015, Cricket had just over 1,110 Lifeline customers within its ETC designated area in Utah.

11. Upon approval of the instant application Cricket will notify each Lifeline customer that it will no longer be an ETC. Cricket will offer each Lifeline customer the option of transitioning to a competitively priced 4G GSM wireless calling plan offered by New Cricket. Cricket will also inform each affected customer that a Lifeline discount can be obtained from the remaining ETC(s) in the area and will provide the link to lifelinesupport.org, through which a customer may obtain carrier-specific contact information. If a Cricket customer decides to obtain service from another provider, there will of course be no early termination fee, as Cricket customers are not subject to such fees. **Exhibit C** is a sample copy of the notification Cricket intends to send via U.S. Mail to each of its Lifeline customers upon issuance of a relinquishment order from the Commission, to be received no later than May 15, 2015. In addition, as Cricket customers are most familiar with receiving information from Cricket via text message, Cricket

⁵ The affiliate through which Cricket GSM service is provided is Cricket Wireless, LLC. ("New Cricket"), formerly known as Aio Wireless LLC. New Cricket, like Cricket, is a wholly-owned, indirect subsidiary of AT&T Inc.

will also send each Lifeline customer at least one text message no later than May 15, 2015, directing them to a website(s) with information about New Cricket's offers and alternative Lifeline providers.

12. Cricket will continue to provide existing eligible Lifeline customers with the Lifeline discount and claim reimbursement for the Lifeline discount until the effective date of relinquishment.⁶ Cricket will not seek reimbursement for the Lifeline discount after the relinquishment effective date.

In order to avoid customer confusion and assist with a smooth transition process, Cricket will stop accepting new Lifeline applications after the filing of this Petition and inform potential customers inquiring about Lifeline of the pendency of this petition. This is consistent with the approach taken in other jurisdictions.⁷ This will prevent a newly enrolled Lifeline customer on Cricket's CDMA network from having to change to another Lifeline provider shortly thereafter or having to change devices to receive GSM/LTE service from New Cricket.

⁶ Pursuant to the *Cricket Transfer Order*, Cricket will continue to provide a discount equivalent to the Lifeline discount to existing Lifeline customers until the earlier of such time as the customer voluntarily upgrades his or her device, chooses another rate plan, suspends service, migrates to the New Cricket GSM platform, or until the sunset of the CDMA network.

⁷ See *Application of Sprint Nextel Corporation to Relinquish Its Designation as an Eligible Telecommunications Carrier*, Texas PUC Docket No. 40543, Staff Memo at 2 (July 25, 2012) ("Ms. Kimberly Scardino, Deputy Division Chief, the FCC TAPD, stated in an email to Staff dated July 24, 2012, that Staff's requirement that no new Lifeline customers be enrolled in Sprint Nextel's Lifeline plan after the 90-day notices have been sent does not conflict with Federal ETC requirements."); See also, *Telecommunications Carriers Eligible for Support, Federal-State Joint Board on Universal Service*, WC Docket No. 09-197, CC Docket No. 96-45, 27 FCC Rcd 14215 (WCB 2012) (approving Verizon Wireless's ETC relinquishment notice, which also informed the Commission that it would cease enrolling new Lifeline customers prior to its relinquishment date). See also, *Cricket's Notice of Relinquishment of Eligible Telecommunications Carrier Designations*, WC Docket No. 09-197, CC Docket No. 96-45, filed with the FCC on October 14, 2014.

DESIGNATED CONTACTS

All communications and correspondence relating to this Application should be sent to:

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CONCLUSION

For the foregoing reasons, Cricket respectfully requests that the Commission grant this Application expeditiously allowing Cricket to relinquish its Lifeline-only ETC designation and right to receive federal universal service funding in Utah, effective July 31, 2015.

RESPECTFULLY SUBMITTED this 12th day of March 2015.

Cricket Communications, Inc.

By: _____

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MAILING CERTIFICATE

I hereby certify that on the 12th day of March, 2015, I caused to be served a copy of the PETITION/NOTIFICATION FOR RELINQUISHMENT OF ETC STATUS IN UTAH on the following person by overnight delivery and electronic mail:

Melissa Paschall
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I also hereby certify that on the 12th day of March 2015, I caused to be served a copy of the PETITION/NOTIFICATION FOR RELINQUISHMENT OF ETC STATUS IN UTAH on the following persons by electronic mail:

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