

Todd B. Lantor
8300 Greensboro Dr.
Suite 1200
Tysons, VA 22102

NOT ADMITTED IN VA
tlantor@fcclaw.com
(703) 584-8671
WWW.FCCLAW.COM

LLGS | LUKAS
LAFURIA
GUTIERREZ
& SACHS LLP

April 27, 2017

**VIA FEDERAL EXPRESS OVERNIGHT DELIVERY
AND EMAIL**

Mr. Gary Widerburg
Commission Administrator
Utah Public Service Commission
Heber M. Wells Building, 4th Floor
160 East 300 South
Salt Lake City, UT 84111
psc@utah.gov

**Re: Budget PrePay, Inc. d/b/a Budget Mobile's Application for Approval of
Relinquishment of Eligible Telecommunications Carrier Designation
Docket No. _____**

Dear Mr. Widerburg,

Enclosed for filing please find an original and two (2) copies of the Application of Budget PrePay, Inc. for Relinquishment of Its Eligible Telecommunications Carrier Designation.

If you have any questions or require any additional information, please contact the undersigned counsel directly.

Respectfully submitted,



Todd B. Lantor
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
Tysons, Virginia 22102
Phone: (703) 584-8671
E-mail: tlantor@fcclaw.com

Counsel to Budget PrePay, Inc.

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of

Petition of Budget PrePay, Inc.
for Relinquishment of Eligible
Telecommunications Designation

Docket No. _____

**PETITION OF BUDGET PREPAY, INC.
FOR RELINQUISHMENT OF ELIGIBLE TELECOMMUNICATIONS CARRIER
DESIGNATION AND DISCONTINUANCE OF WIRELESS SERVICE**

Pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205(a), Budget PrePay, Inc. (“Budget”), by counsel, submits this Petition to the Utah Public Service Commission (“Commission”) requesting relinquishment of its designation as a Lifeline-only Eligible Telecommunications Carrier (“ETC”) effective June 5, 2017 or an earlier date determined by the Commission.

In support of this Petition, Budget states as follows:

1. Budget is a Louisiana corporation based in Bossier City, Louisiana, and is a reseller of Commercial Mobile Radio Services (“CMRS”).
2. On November 26, 2012, in Docket No. 12-2554-01, the Commission granted Budget’s Petition for Limited Designation as a Non-Rural Wireless ETC for the limited purpose of offering Lifeline service to qualified households in Utah.¹
3. Due to changes in the industry and recent modifications to the Lifeline program. Budget has made the business decision to relinquish its ETC designation in all areas where it is so

¹ In the Matter of Petition of Budget PrePay, Inc. d/b/a Budget Mobile’s Petition for Limited Designation as a Non-Rural Wireless Eligible Telecommunications Carrier, *Order Approving Settlement Stipulation*, Docket No. 12-2554-01, approved Nov. 26, 2012.

designated in Utah. As of the date of this Petition, Budget has less than 150 Lifeline customers in Utah.

4. Lifeline-eligible subscribers in the areas served by Budget have many other Lifeline service providers available to them. In particular, the areas in which Budget is designated as an ETC are all served by other ETCs, including TracFone Wireless d/b/a SafeLink Wireless, Sprint d/b/a Assurance Wireless, Boomerang Wireless, Telrite d/b/a Life Wireless, Q Link Wireless and CenturyLink.

5. Because there is more than one ETC in each areas where Budget is designated as an ETC in Utah, federal law provides that the Commission shall permit Budget 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.²

6. The rules of the Federal Communications Commission (“FCC”) also support approval of Budget’s Petition. Specifically, 47 C.F.R. § 54.205(a) and (b) requires that a “state

² 47 U.S.C. § 214(e)(4)(emphasis added).

commission shall permit” an ETC to “relinquish its designation as such a carrier 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).

7. No later than May 1, 2017, Budget will send written notice by text message (which is the customary and, in Budget’s experience, the most effective form of customer communication) to affected customers, notifying them that Budget will cease providing the services they currently receive, effective June 5, 2017, if this Petition is granted by the Commission. Budget’s text message will state as follows:

Budget Mobile plans to cease service on 6-5-2017.

To continue service, you will need to contact another Lifeline provider authorized by the Utah PSC.

A list of Lifeline providers in Utah is available at <http://www.lifelinesupport.org/ls/companies/companies.aspx>

For more information, please call 888-777-4007 or visit www.budgetmobile.com.

All subscribers will receive written notice at least thirty (30) days in advance of the proposed June 5, 2017 ETC relinquishment date, which provides Budget’s subscribers with ample time to find a new Lifeline provider in a thoughtful and informed manner. The notice clearly underscores that the subscriber must make arrangements with another carrier to avoid loss of service and provides a toll-free telephone number that customers may call to reach Budget’s customer service representatives for assistance with this transition.

8. In order to avoid confusion and assist with a smooth transition process, Budget will immediately stop accepting new Lifeline customer applications, stop adding new Lifeline

customers, and inform potential customers inquiring about Lifeline of the pendency of this Petition.³

9. As noted earlier, Budget seeks to relinquish its Lifeline-only ETC designation effective June 5, 2017. Budget, therefore, requests that the Commission issue an order granting this Petition as soon as possible.

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

Budget PrePay, Inc.
1325 Barksdale Blvd.
Bossier City, LA 71111
(888) 777-4007

11. Budget's counsel in this matter is set forth below:

Todd B. Lantor
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
Tysons, VA 22102
(703) 584-8678
tlantor@fcclaw.com

³ 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.”). In that case, FCC staff explicitly expressed their preference to have Sprint notify Lifeline customers ahead of Sprint’s requested ETC relinquishment and did not want Sprint to sign-up any more customers to the federal Lifeline program in light of the impending ETC relinquishment.

CONCLUSION

Budget respectfully requests that the Commission issue an order granting relinquishment of Budget's Lifeline-only ETC designation, effective on or before June 5, 2017.

Respectfully submitted,

By: 

Todd B. Lantor
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
Tysons, VA 22102
Phone: (703) 584-8671
E-mail: tlantor@fcclaw.com

Counsel to Budget PrePay, Inc.

Dated: April 27, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on April 27, 2017, a true and correct copy of the foregoing, was served upon the following as indicated below:

By Electronic Mail:

Betsy Wolf (bwolf@slcap.org)
Salt Lake Community Action Program

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Paul Proctor (pproctor@utah.gov)
Assistant Utah Attorneys General

By Overnight Federal Express:
Division of Public Utilities
160 East 300 South, 4th Flr.
Salt Lake City, Utah 84114

By U.S. Mail:
Office of Consumer Services
160 East 300 South, 2nd Flr.
Salt Lake City, Utah 84114



Joseph Mirshak
Legal Assistant
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
Tysons, Virginia 22102
Phone: (703) 584-8698
E-mail: jmirshak@fcclaw.com