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IDAHO PUBLIC
UTILITIES COMMISSION

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November 4, 2011

VIA UPS OVERNIGHT MAIL

Ms. Jean Jewell, Commission Secretary
Idaho Public Utilities Commission
P.O. Box 83720
472 West Washington
Boise, ID 83720-0074

CRI-T-11-01

Re: Cricket Communications, Inc.'s Application for ETC Designation

Dear Ms. Jewell:

On behalf of Cricket Communications, Inc., enclosed please find the Application of Cricket Communications, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to 47 U.S.C. § 214(e)(2) for the Idaho Public Utilities Commission's consideration.

Enclosed for filing is the original Application, seven copies, and a Stamp and Return copy. Please acknowledge receipt by date-stamping the extra copy of the Application and returning it in the self-addressed stamped envelope provided.

Should you have any questions regarding this application, please contact me.

Very truly yours,

Davis Wright Tremaine LLP

Alan J. Galloway
AJG/cap

Enclosures

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UTILITIES COMMISSION

ORIGINAL

Attorneys for Cricket Communications, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

In the Matter of the Application of)	Case No. <i>CR1-T-11-01</i>
)	
Cricket Communications, Inc.)	APPLICATION OF CRICKET
)	COMMUNICATIONS, INC. FOR
For Designation as an Eligible Telecommunications)	DESIGNATION AS AN ELIGIBLE
Carrier Pursuant to 47 U.S.C. § 214(e)(2))	TELECOMMUNICATIONS
)	CARRIER PURSUANT TO
)	47 U.S.C. § 214(e)(2)

Cricket Communications, Inc. ("Cricket") respectfully submits this Application for Designation as an Eligible Telecommunications Carrier ("ETC"), pursuant to 47 U.S.C. § 214(e) of the Communications Act of 1934, as amended (the "Act"), and the ETC designation requirements of the Idaho Public Utilities Commission ("Commission")¹ for the purpose of receiving only low-income Lifeline support from the federal Universal Service Fund ("USF"). Cricket would primarily use its will not seek access to funds from the USF for the purpose of providing service to high-cost areas, nor does Cricket seek Link Up support in Idaho.² Granting this Application would serve the public interest because it would enable Cricket to bring its innovative telecommunications services,

¹ See *In the Matter of the Application of WWC Holding Co., Inc. dba CellularOne Seeking Designation as an Eligible Telecommunications Carrier That May Receive Federal Universal Service Support*, Order No. 29841, Appendix pp. 1-3 (IPUC Case No. WST-T-05-1, served August 4, 2005) (hereinafter "*IPUC ETC Requirements Order*").

² As discussed herein, because Cricket seeks only low-income program support, and not high-cost support, ETC designation requirements for the high-cost program do not apply to this petition.

delivered over its own state-of-the art network facilities in Idaho, to low-income Idaho residents that may not be able to afford telephone service today. In support of this Application, the following is respectfully shown:

I. INTRODUCTION

Cricket provides digital wireless services on a common carrier basis, offering customers unlimited calling at flat rates without requiring a fixed-term contract or a credit check. Directly and through its affiliates, Cricket currently serves approximately 5.8 million customers in 34 states, and the District of Columbia. Cricket is a Delaware corporation authorized to do business in Idaho.³ Cricket is authorized to deliver Commercial Mobile Radio Service (“CMRS”) throughout the requested ETC designation area pursuant to license(s) granted by the Federal Communications Commission (“FCC”).⁴

A. Commission’s Authority

Under Sections 214(e) and 254 of the Act, the Commission is authorized to designate Cricket as an ETC. Section 214(e)(2) of the Act requires state commissions to designate as an ETC, throughout the service area for which ETC status is sought, any common carrier that: (i) offers services that are supported by federal universal service support mechanisms; and (ii) advertises the availability of such services.

B. Identification of the Service Area.

Cricket seeks to be designated as an ETC in the rural and non-rural ILEC service areas listed in attached Exhibit A, excluding any portions of said service areas on tribal lands. Attached as Exhibit B are three maps depicting Crickets’ proposed designated service areas in Idaho, and additionally

³ See Exhibit E, Certificate of Authority issued by the Idaho Secretary of State in 2003, File No. C 150970.

⁴ Cricket holds the following FCC licenses covering its Idaho markets: WPOK575 – BTA050, WPRV980 – BTA050, WPVP254 – BTA250, WPOK602 – BTA425, WQGD766 – BEA152, WQGD769 – BEA143 and WQGD765 – BEA142.

indicating Cricket's coverage within that proposed service area.⁵ Cricket's proposed ETC area comprises several Frontier Communications Northwest wire centers near Coeur d'Alene, several CenturyLink wire centers near the Boise metropolitan area, Citizens Telecom's Parma non-rural Parma service area, and Farmers' Mutual Telephone Company's rural Nu Acres service area. Cricket is currently designated as an ETC in seven States: California, Oregon, Illinois, Missouri, Maryland, Colorado and South Carolina.⁶

II. CRICKET SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS A FEDERAL ETC

Cricket satisfies each of the statutory and regulatory requirements set forth in the Act,⁷ the FCC's Rules⁸, and Commission's rules,⁹ and Idaho law.¹⁰ On March 17, 2005, the FCC released its *ETC Requirements Order*¹¹ establishing additional requirements for carriers seeking ETC designation before the FCC. These additional requirements, however, are not binding on state commissions. Following the FCC's action, the Commission then considered whether to adopt all or some portion of the rules promulgated by the FCC, and issued its regulations governing petitions for ETC designation in Order No. 29841.¹² In this Petition, Cricket provides all of the information required by the Commission pursuant to state and federal requirements.

In particular, as discussed in more detail below, Cricket:

- A. is a common carrier [see 47 U.S.C. §§ 153(10), 214(e)(1), and 214(e)(6); 47 C.F.R. § 54.201(d)];

⁵ Due to the nature of wireless service, these areas are not strictly identical. However, as this Commission has unequivocally held, "[a]n ETC applicant is not required to demonstrate that it has the present or current ability to serve the entire service area." *In the Matter of the Petition of Edge Wireless, LLC for Designation as an eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2)*, Case No. EDG-T-07-01, Order No. 30360 at 11 (June 29, 2007).

⁶ In addition, Cricket has an ETC application pending in Washington State.

⁷ 47 U.S.C. § 214(e)(1)-(2).

⁸ 47 C.F.R. § 54.201.

⁹ See *IPUC ETC Requirements Order*.

¹⁰ See, e.g., Idaho Emergency Communications Act, Idaho Code 31-4817.

¹¹ *FCC ETC Requirements Order*.

¹² *IPUC ETC Requirements Order*.

- B. offers the nine services supported by federal universal service support mechanisms as defined in 47 C.F.R. § 54.101(a) [*see* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- C. will use its own facilities primarily to provide the supported services [*see* 47 U.S.C. § 214(e)(1)(A); 47 C.F.R. § 54.201(d)(1)];
- D. will provide the supported services throughout its designated service area, including responses to requests for new service in compliance with state and federal rules [*see* 47 U.S.C. § 214(e)(1); 47 C.F.R. §§ 54.405, 54.201(d); *IPUC ETC Requirements Order*, App., at 2];
- E. will advertise the availability and cost of its universal service offerings using media of general distribution, specifically publicizing the availability of Lifeline service [*see* 47 U.S.C. § 214(e)(1)(B); 47 C.F.R. § 54.201(d)(2); *IPUC ETC Requirements Order*, App., at 1];
- F. will comply with tribal notification requirements [*IPUC ETC Requirements Order*, App., at 2];
- G. is able to remain functional in emergencies [*IPUC ETC Requirements Order*, App., at 3];
- H. is committed to consumer protection and service, including the CTIA Code [*IPUC ETC Requirements Order*, App., at 3];
- I. will offer local usage plans, described herein, that compare favorably to those of incumbent Local Exchange Carriers (“ILECs”) [*IPUC ETC Requirements Order*, App., at 3];
- J. need not file inapplicable network improvement plans and progress reports because Cricket does not seek high-cost support;
- K. demonstrates herein that ETC designation is consistent with the public interest, convenience, and necessity, and further that the public interest is met by designation of Cricket in the designated service area [*IPUC ETC Requirements Order*, App., at 2].

A. Cricket is a common carrier.

Cricket is a “common carrier” under 47 U.S.C. §§ 153(10), 214(e)(1), and 214(e)(6) for purposes of ETC designation.

B. Cricket offers the services and functionalities supported by the federal low-income universal service program.

Section 214(e)(1) of the Act and Section 54.201(d) of the FCC's rules provide that carriers designated as ETCs shall, throughout their service area, (1) offer the services that are supported by the federal universal service support mechanisms either using their own facilities or a combination of their own facilities and resale of another carrier's services, and (2) advertise the availability of such services and the charges therefore using media of general distribution.¹³ The services which are supported by the federal USF are:

- (1) voice grade access to the public switched telephone network;
- (2) local usage;
- (3) dual-tone multi-frequency signaling or its functional equivalent;
- (4) single-party service or its functional equivalent;
- (5) access to emergency services;
- (6) access to operator services;
- (7) access to interexchange service;
- (8) access to directory assistance; and
- (9) toll limitation for qualifying low-income consumers.¹⁴

Cricket provides all of the nine supported services in satisfaction of the requirements of Section 214(e)(1) of the Act as reflected in Commission Order No. 29841, Appendix, at A.2(a)-(i). Cricket accepts the obligation to offer these supported services throughout its ETC designated area in the state upon reasonable request in full compliance with the obligation of an ETC.

Voice Grade Access. "Voice grade access" permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. The FCC has determined that voice grade access to the public switched telephone network means the ability

¹³ 47 U.S.C. § 214(e)(1); 47 C.F.R. § 54.201(d); *see also* Commission Order No. 29841, Appendix, at A.2(a)-(i).

¹⁴ 47 C.F.R. § 54.101(a)(1)-(9).

to make and receive calls with a minimum bandwidth of 300 to 3000 Hertz.¹⁵ Through its interconnection agreements with local exchange carriers (LECs) in Idaho, Cricket's customers are currently able to make and receive calls on the public switched telephone network within the specified bandwidth.

Local Usage. "Local usage" is defined as an amount of minutes of use of exchange service, as prescribed by the FCC, provided without an additional charge to end users.¹⁶ For those carriers seeking ETC designation before the FCC, the carrier must demonstrate that it offers at least one rate plan that is comparable to the local usage plan of the ILEC serving the same area.¹⁷ The FCC has declined to adopt a specific local usage threshold; it instead requires that the local usage plan of an ETC applicant be reviewed on a case-by-case basis. Similarly, the Commission's Order No. 29841 merely requires a description of local usage plans and a description of the local usage plan(s) of the ILEC, but no specific threshold.

Cricket is committed to providing all its customers with valuable calling plans and believes that its calling plans are comparable in value to those offered by the incumbent LECs. Calling plans cannot be compared solely on price, but must also consider calling scope and the additional features and functionalities offered. Cricket's current calling plans offer consumers numerous benefits including the inherent mobile nature of wireless service. All of Cricket's "local" usage plans include unlimited local and long distance calling. Furthermore, customers can choose from among plans that also provide unlimited domestic text, picture, and video messaging; data backup; navigation; and call waiting, three-way calling, and voicemail, among other services. Cricket's plans are superior to Frontier, FMTC, and CenturyLink plans that do not offer unlimited long-

¹⁵ *Federal-State Joint Board on Universal Service, First Report and Order*, 12 FCC Rcd 8776 (1997) ("First Report and Order"), ¶¶63-64.

¹⁶ 47 C.F.R. §54.101(2).

¹⁷ See *Federal-State Joint Board on Universal Service, Report and Order*, 20 FCC Rcd 6371, 6385 (2005); *In the Matter of Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, FCC 05-46, ¶ 20 (2005).

distance calling.¹⁸ Cricket's additional features, coupled with the mobile nature of the service, make Cricket's offerings superior in many respects even to ILEC plans offering unlimited local and long-distance calling. Such plans lack the Cricket plans' mobility and additional available features described above.¹⁹

Summaries of Cricket's varied individual calling plans are attached as Exhibit C.²⁰ All of Cricket's plans are inclusive of taxes. All plans include free activation. The Basic \$35 per month plan offers unlimited local calls and unlimited long distance through the United States and Puerto Rico, unlimited domestic text messaging, voice mail and caller ID. This entry-level plan is the only Cricket plan not including unlimited 411 directory assistance. However, customers on the \$35 per month plan may purchase unlimited 411 service for an additional \$5 per month, and may otherwise use \$1 in account funds per directory assistance call. The \$45 Value plan includes all the items above, while adding unlimited international text messaging, unlimited picture and video messaging with capable phones, three-way calling, call forwarding, 411, navigation, and mobile web allowing users to access the Internet. There are three \$55 rate plans. One is the Muve Feature plan, which has all the same features as the Value plan plus Muve Music services. The second is the Smart Phone rate plan, which has all Value features noted above, plus Mobile Video Entertainment. The third is the Mexico rate plan, which offers the Value features above, plus 500 Mexico landline minutes and 30 Mexico mobile minutes each month. Finally, Cricket offers two \$65 rate plans. The Muve Smart plan combines the features of the Smart Phone and Muve Feature plans above. The Global plan offers the Value features, plus 500 Global landline minutes and 30 Global mobile minutes per month, allowing customers to call virtually anywhere in the world.

¹⁸ See the CenturyLink Home Phone plan described at <http://www.centurylinkquote.com/phone.html>. Frontier's Premium Flat Rate Service plan described at <http://www.frontier.com/products/ProductOverview.aspx?type=1&p=758> and descriptions of FMTC service and long distance rates at <http://online.fmtc.ltbx.com>.

¹⁹ E.g., Frontier's Digital Phone Value plan, www.frontier.com/products/ProductOverview.aspx?type=1&p=744.

²⁰ See also <http://www.mycricket.com/cricketplans/>.

Cricket's calling plans are attractive to low income customers. By offering unlimited voice service at affordable rates starting as low as \$35 per month without the typical strings attached (such as credit checks, long-term commitments, and early termination fees) that otherwise prevent many economically disadvantaged customers from obtaining wireless services.

The variety of plans Cricket offers benefits low-income customers, allowing them to pick the features that they value. Any customer qualifying for the Lifeline discount could apply the discount to any of Cricket's plans.

Dual Tone Multi-frequency Signaling or its Functional Equivalent. "DTMF" is a method of signaling that facilitates the transportation of call set-up and call detail information. DTMF makes "touchtone" dialing possible by facilitating the transportation of signaling through the network. The FCC has recognized that "wireless carriers use out-of-band signaling mechanisms...[It] is appropriate to support out-of-band signaling mechanisms as an alternative to DTMF signaling."²¹ Cricket currently uses out-of-band digital signaling and in-band multi-frequency signaling that is the functional equivalent to DTMF signaling, in accordance with the FCC's requirements.

Single-party Service. "Single-party service" permits the exclusive use of a particular subscriber loop or access line by a single subscriber. The FCC has determined that a CMRS provider meets the requirement of offering single party service when it offers a dedicated message path for the length of a user's particular transmission.²² Cricket meets the requirement of single-party service in all of its service offerings by providing a dedicated message path for the length of a user's wireless transmission.

Access to Emergency Services. "Access to emergency service" means the ability to reach a public service answering point ("PSAP") by dialing "911". The FCC requires that a carrier must

²¹ *Federal-State Joint Board on Universal Service, Report and Order*, CC Docket No. 96-45, FCC 97-157 (May 8, 1997), ¶ 71 (hereafter "*Universal Service Order*").

²² 47 C.F.R. § 54.101(a)(4); *Universal Service Order*, ¶ 62.

provide access to enhanced 911 or “E911”, which includes the capability of providing both automatic numbering information (“ANI”) and automatic location information (“ALI”), when the PSAP is capable of receiving such information and the service is requested from the carrier.²³

Cricket currently provides its voice customers in the requested ETC area with E911 service according to FCC requirements. Cricket is also capable of delivering ANI and ALI information over its existing network and is in compliance with all applicable federal E911 requirements.

Access to Operator Services. “Access to operator services” means any automatic or live assistance provided to a customer to arrange for the billing or completion, or both, of a telephone call.²⁴ Cricket meets this requirement by providing access to operator services to its customers by dialing “411”.

Access to Interexchange Services. An ETC must offer consumers access to interexchange service to make and receive toll or interexchange calls. Cricket currently meets this requirement by providing all of its subscribers with the ability to make and receive interexchange or toll calls.²⁵ Cricket agrees to abide by this requirement consistent with the parameters of federal law.

Directory Assistance. “Access to directory assistance” means the ability to provide access to a service that makes directory listings available.²⁶ Cricket currently meets this requirement by providing its customers access to directory assistance by dialing “411.”²⁷

Toll Limitation. “Toll limitation” includes the offering of either “toll control” or “toll blocking” to qualifying low-income customers, as a means of limiting or blocking the completion of

²³ 47 C.F.R. § 20.18(j); *Universal Service Order*, ¶ 73.

²⁴ 47 C.F.R. § 54.101(a)(6); *Universal Service Order*, ¶ 75.

²⁵ Cricket notes that, in contrast to the FCC requirements, this Commission does not require ETC applicants to make a certification regarding equal access.

²⁶ 47 C.F.R. § 54.101(a)(8).

²⁷ As described in the plan summaries provided in this petition and in Exhibit C, directory assistance is offered at an additional charge of \$2 per month for the rate plans set at \$30, \$35, and \$40 per month; if that service is not purchased in advance, then each call to directory assistance costs \$1 under those plans. Directory assistance is included in the bundled charge for the \$45, \$50, and \$60 per month rate plans. This pricing is reflected in the calling plans attached as Exhibit C.

outgoing toll calls.²⁸ An ETC is not required to provide both services if the carrier is incapable of providing both.²⁹ The specific Lifeline calling plans that Cricket intends to offer do not distinguish between local and toll calls. If for any reason Cricket changes that offer, it will meet the toll limitation requirement by providing toll blocking.

C. Cricket will provide the supported services using its own facilities.

Cricket will meet the requirement of 47 C.F.R. § 54.201(d)(1) by offering the nine services primarily using its own facilities. Cricket's own network infrastructure, which it will use for Lifeline customers, consists of the same antennae, cell-sites, towers, trunking, mobile switching and interconnection facilities used to serve its existing customers. In limited instances, such as out-of-area coverage and roaming coverage, provision of service will utilize other carrier's services.

D. Cricket will provide the supported services throughout designated service areas, responding to service requests in compliance with applicable rules.

Cricket commits to provide the supported services throughout its designated service area, consistent with all applicable requirements, including the FCC's ETC service provisioning requirements found in 47 C.F.R. § 54.202 and the Commission's Order No. 29841. To the extent that Cricket's network already covers a potential customer's premises, Cricket will provide service on a timely basis. For instances where a request comes from a potential customer within Cricket's licensed service area but outside its existing network coverage, Cricket will provide service within a reasonable period of time by: (1) modifying or replacing the requesting customer's equipment; (2) deploying a roof-mounted antenna or other equipment; (3) adjusting the nearest cell tower; (4) adjusting network or customer facilities; (5) reselling services from another carrier's facilities to provide service; or (6) employing, leasing, or constructing an additional cell site, cell extender, repeater, or other similar equipment. If Cricket determines that it cannot reasonably serve a

²⁸ 47 C.F.R. § 54.400(b)-(d); *Universal Service Order*, ¶82.

²⁹ 47 C.F.R. § 54.400(d).

consumer, then it will report the unfulfilled request within thirty (30) days after making such determination.

E. Cricket will advertise the availability of its universal service offerings and charges for such offerings using media of general distribution.

Cricket commits to advertise the availability of, and charges for, the supported services using media of general distribution. Cricket advertises its wireless services, and commits to advertise the supported services, using a combination of media channels such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and Internet advertising. Cricket also advertises through retail stores and authorized agents in area in which it seeks designation. Consistent with state and federal requirements, Cricket will use appropriate media outlets to advertise its universal service offerings. Specifically, in compliance with 47 C.F.R. § 54.201, Cricket will advertise the availability of the supported services discussed above and the rates and charges for the same in a manner designed to inform the general public, and potential low-income customers in particular, within its designated ETC service areas. This advertising will occur through some combination of media channels, as described above. Cricket plans to promote its Lifeline service in Idaho primarily through print advertising, radio spots, in-store displays, and direct outreach by Cricket to government health, welfare and employment offices and to community groups.

F. Cricket will comply with this Commission's tribal notification requirements.

The Commission's Order No. 29841 requires that "An ETC applicant seeking ETC designation for any part of tribal lands shall provide a copy of its application to the affected tribal government or tribal regulatory authority" Although one service area in which Cricket seeks designation overlaps with the Coeur d'Alene Indian Reservation, Cricket neither seeks designation in the portion of the service area that is on Tribal lands, nor will seek to provide Tier IV support.

Cricket proposes that to ensure that it does not serve residents of tribal lands: First, Cricket will not advertise in zip codes located within tribal lands, and to the extent feasible, would work with the Community Action Partnership Association of Idaho (“CAP”), which maintains the list of eligible customers, to indicate that customers in such zip codes were not deemed eligible for Lifeline service from Cricket. Based upon a federal map of Idaho tribal areas, also included in Exhibit D, Cricket does not believe that its designation area encompasses any other part of tribal lands. Because Cricket will not offer Lifeline service on tribal lands, no further action by Cricket is needed to comply with the Commission’s tribal notification requirements.

G. Cricket is able to remain functional in emergencies.

Cricket satisfies the Commission’s requirement that an ETC applicant demonstrate an ability to remain functional in emergencies. First, Cricket maintains “a reasonable amount of back-up power to ensure functionality without an external power source.”³⁰ Specifically, Cricket has at least four hours of back up battery power at all of its cell sites in Idaho in case external power sources are lost, e.g., in the event of a commercial power outage. In addition, Cricket has at least eight hours of back up battery power and generators at each switch. Cricket is committed to maintaining reasonable back-up power at all cell sites and switches within the areas where Cricket is seeking ETC designation, including new sites or switches that may be constructed in the future.

Second, Cricket “is able to re-route traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.”³¹ Cricket’s network is designed, maintained and operated in a manner intended to ensure continued functioning in emergency conditions in compliance with this requirement. Cricket owns and operates many facilities in Idaho, and has the ability to re-route traffic from damaged facilities to other Cricket facilities if needed.

³⁰ *IPUC ETC Requirements Order*, App. at 3.

³¹ *IPUC ETC Requirements Order*, App. at 3.

Additionally, in the event of a damaged cell site, customers will retain service where additional sites provide overlapping coverage, and Cricket has the ability to deploy mobile cell sites and power sources to areas where needed to avoid significant interruptions in coverage.

H. Cricket is committed to consumer protection and the CTIA Code.

Consistent with the FCC's ETC Report and Order and this Commission's requirements, Cricket will abide by the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service ("CTIA Code").³² Cricket has already adopted the CTIA Code and is committed to compliance with the CTIA Code throughout its service areas, including in those areas where it is seeking designation as an ETC.

As it does today, Cricket agrees to use its best efforts to resolve complaints received by the Commission, and designates the following contact person to work with the Commission's Consumer Services Division for complaint resolution: Bill Smith, Corporate Relations Supervisor, Cricket Communications, Inc., 6380 South Fiddlers Green Circle, Greenwood Village, CO 80111, (720) 374-2855, governmentinquiry@cricketcommunications.com.

I. Cricket is committing to provide new service upon reasonable request.

Cricket commits that if a request is made by a potential customer within its existing network coverage, Cricket will provide service immediately using its standard customer equipment (handsets/wireless devices). If a potential customer requests service within Cricket's designated area, but outside its existing network coverage, Cricket will follow the six-step process specified in 47 C.F.R. 54.202(a)(1)(A). Specifically, Cricket will determine if service can be provided at reasonable cost by (a) modifying or replacing the requesting customer's equipment; (b) deploying a roof-mounted antenna or other equipment; (c) adjusting the nearest cell tower; (d) adjusting network or customer facilities; (e) reselling services from another carrier's facilities to provide service; or (f)

³² See 47 C.F.R. § 54.202(a)(3); *IPUC ETC Requirements Order*, App., at 3.

employing, leasing or constructing an additional cell site, cell extender, repeater, or other similar equipment.

J. Requirements concerning network improvement plans and progress reports are inapplicable because Cricket does not seek high-cost support.

Because Cricket seeks only low-income support, the requirement of providing a network improvement plan does not apply to this petition. As the Commission's Order No. 29841 confirms, the requirement of a two-year network improvement plan concerns high-cost support, which Cricket does not seek. For example, the plan is to demonstrate "how signal quality, coverage, or capacity will improve due to the receipt of high-cost support," and specify "the estimated amount of investment for each project that is funded by high-cost support." Because Cricket does not seek high-costs support, this requirement is inapplicable. Similarly, because Cricket is seeking Lifeline support only, the annual recertification plan and progress report contemplated for recipients of high-cost support should not be required. To the extent that the Commission needs to formally waive these requirements, rather than to simply deem them inapplicable, Cricket hereby requests such a waiver.

K. Designating Cricket as an ETC in the requested areas would not only be consistent with, but would advance serve the public interest.

Under this Commission's rules, ETC applicants must demonstrate that designation is "consistent with the public interest, convenience, and necessity." In the case of non-rural areas, the applicant must demonstrate that "the public interest will be met by an additional designation" in rural areas.³³ Because Cricket is not applying for high-cost universal service, no cream-skimming analysis and no further redefinition of services areas is required.³⁴

³³ *IPUC ETC Requirements Order*, App., at 2.

³⁴ See *In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A)*, CC Docket No. 96-45, Order 09-18, ¶ 39 n. 101 (March 5, 2009) (explaining that "we need not perform a creamskimming analysis because Virgin Mobile is seeking eligibility for Lifeline support only") (hereinafter "*Virgin Mobile Order*").

Cricket's designation an ETC would serve the public interest because Cricket not only meets all of the requirements for ETC designation, but offers a unique combination of unlimited minutes, attractive pricing, and advanced features that would be delivered over Cricket's own world-class Idaho facilities.

As explained above, Cricket meets all the ETC requirements. Cricket provides the supported services, commits to use its extensive facilities in Idaho to serve all consumers in the designated service area, would offer Lifeline service consistent with all applicable requirements, and would advertise the availability of its universal service offerings. Cricket's designation would have no adverse impact the universal service fund,³⁵ but would instead advance the goal of universal service. Indeed, Cricket's combination of features and Lifeline discounts uniquely serve the goal of universal service by offering unlimited nationwide calling on a feature-rich mobile device to those that could otherwise not afford such a service.

Designating Cricket would increase access to wireless telephone services in the designated areas, and would thereby advance universal service.³⁶ In rural areas, such as the Nu Acres wire center for which Cricket seeks designation, the need to expand service has been recognized both by the FCC and this Commission. The FCC has stated:

Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.³⁷

³⁵ Due to the current FCC cap on universal service support payments to competitive carriers, Cricket's designation as an ETC will not increase the federal universal service fund.

³⁶ See 47 U.S.C. § 254(b).

³⁷ 47 U.S.C. § 254(b)(3).

In that same vein, the Commission has recognized the benefits of designating wireless carriers as ETCs in rural areas.³⁸ Although rural telephone companies may resist the idea of increased competition, the FCC recognizes that competition is beneficial in *all* areas—rural and high-cost:

We note that an important goal of the Act is to open local telecommunications markets to competition. Designation of competitive ETCs promotes competition and benefits consumers in rural and high-cost areas by increasing customer choice, innovative services, and new technologies. . . . [C]ompetition will result not only in the deployment of new facilities and technologies, but will also provide an incentive to the incumbent rural telephone companies to improve their existing network to remain competitive, resulting in improved service to Wyoming consumers [consumers in the proposed ETC service area]. In addition, we find that the provision of competitive service will facilitate universal service to the benefit of consumers in Wyoming by creating incentives to ensure that quality services are available at “just, reasonable, and affordable rates.”³⁹

Designating Cricket would offer low-income consumers a competitive choice not already available in the marketplace. Cricket offers Lifeline customers service that is not only very affordable, but predictable, because each plan includes unlimited voice that eliminates the need to purchase expensive additional minutes. In comparison to ILEC offerings, Cricket offers not only competitive pricing, but mobility, expanded calling areas and new features and services. Cricket’s calling plans and substantial network infrastructure sets Cricket apart from wireless carriers that offer, or propose to offer, only limited minutes delivered by other carriers’ networks.⁴⁰

Consumers win when carriers compete for their business, driving prices down, service quality and coverage up, and causing companies to innovate with respect to features. The Commission’s granting of Cricket’s application will enable Cricket to bring its innovative and competitive services to economically depressed Idahoans for whom affordable wireless service is

³⁸ See, e.g., *In the Matter of the Petition of Edge Wireless, LLC for Designation as an eligible Telecommunications Carrier under 47 U.S.C. § 214(e)(2)*, Case No. EDG-T-07-01, Order No. 30360 at 14 (June 29, 2007).

³⁹ *In the Matter of the Federal-State Joint Board on Universal Service, Western Wireless Corp. Petition for Designation as an Eligible Telecommunications Carrier in the State of Wyoming*, CC Docket No. 96-45, *Memorandum Opinion and Order*, DA. 00-2896, ¶ 17 (released December 26, 2000).

⁴⁰ See, e.g., *In the Matter of the Application of TracFone Wireless, for Designation as an Eligible Telecommunications Carrier*, Case No. TFW-T-09-01, First Amended Application (filed March, 01, 2011), at 4 and 25 (offering Lifeline customers a “free” plan including only 67 minutes with additional use cards priced at \$0.20 per minute).

more critical than ever. Cricket's low-priced, feature-rich mobile services are ideally suited for helping hard-working individuals of limited means stay connected to job opportunities, medical care, education, and family without worrying about limited minutes. Cricket believes that its plans meet the needs of these customers better than plans offered by other carriers, and looks forward to offering supported services in Idaho.

III. ANNUAL RECERTIFICATION PROCESS

Cricket commits to comply with the annual certification requirements adopted by the Commission's Order No. 29841, with the exception of the requirement to annually submit a network improvement plan and progress reports on the use of high-cost fund. As explained above, this requirement is inapplicable because Cricket does not seek high-cost support.

IV. LEGAL AUTHORITY

The Commission has the legal authority to grant the relief requested by the Applicant pursuant to 47 U.S.C. §214(e)(2); 47 C.F.R. § 54.201.

V. RELIEF REQUESTED

For the reasons set forth above, and pursuant to Section 214(e)(2) of the Act, Cricket requests that the Commission enter an Order designating Cricket as an ETC for the areas described herein, holding that the network improvement plan and progress report requirements set forth in Order No. 29841 are inapplicable and/or waived. Cricket respectfully asks that the Commission enter this Order at the earliest possible date.

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Dated this 4th day of November, 2011.

Respectfully submitted,

CRICKET COMMUNICATIONS, INC.

By: 
DAVIS WRIGHT TREMAINE LLP
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Portland, Oregon 97201

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Phone: (503) 778-5219

Mark P. Trincherro, OSB #88322
Email: marktrincherro@dwt.com
Phone: (503) 778-5318

Exhibit A

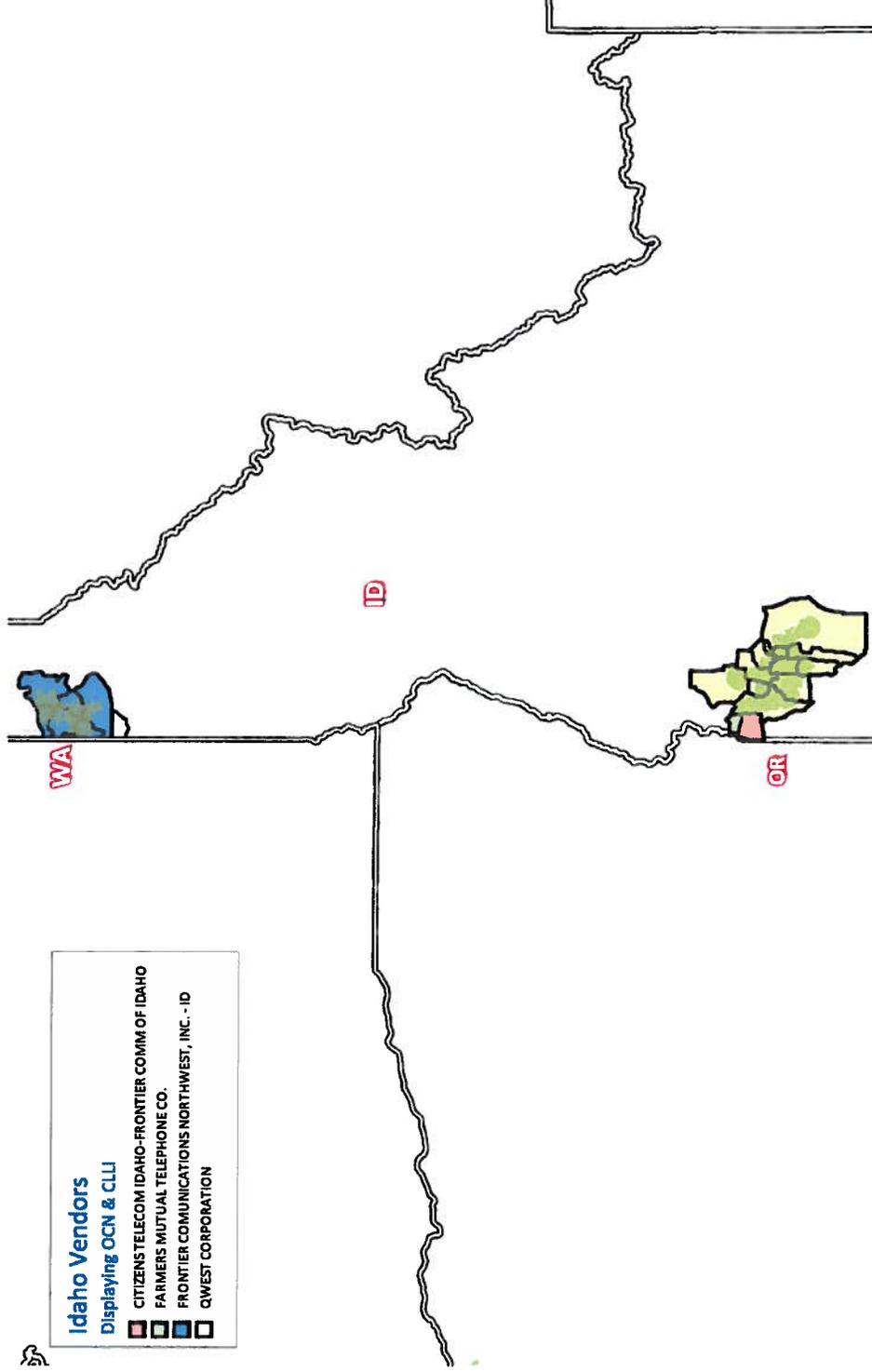
Proposed designated rural and non-rural ILEC service areas

CLLI	OCN	Incumbent	Exchange
NUARIDXC	FARMERS MUTUAL TELEPHONE CO.	FARMERS MUTUAL TELEPHONE CO -ID	NU ACRES
CLLI	OCN	Incumbent	Exchange
PARMIDXC	CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	FRONTIER COMMUNICATIONS	PARMA
BYVWIDXX	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	FRONTIER COMMUNICATIONS	BAYVIEW RATE CENTER NOT APPLICABLE
CRALIDXX	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	FRONTIER COMMUNICATIONS	NOT APPLICABLE
HYLKIDXX	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	FRONTIER COMMUNICATIONS	HAYDEN LAKE
RTHDIDXX	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	FRONTIER COMMUNICATIONS	RATHDRUM
SPLKIDXX	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	FRONTIER COMMUNICATIONS	SPIRIT LAKE
PSFLIDXX	FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID	FRONTIER COMMUNICATIONS	POST FALLS RATE CENTER NOT APPLICABLE
BOISIDMA	QWEST CORPORATION	QWEST	NOT APPLICABLE
BOISIDNW	QWEST CORPORATION	QWEST	BOISE
BOISIDSW	QWEST CORPORATION	QWEST	BOISE
BOISIDWE	QWEST CORPORATION	QWEST	BOISE
CLWLIDMA	QWEST CORPORATION	QWEST	CALDWELL
EAGLIDNM	QWEST CORPORATION	QWEST	BOISE
EMMTIDMA	QWEST CORPORATION	QWEST	EMMETT
KUN AidMA	QWEST CORPORATION	QWEST	BOISE

MDTNIDMA	QWEST CORPORATION	QWEST	BOISE
MRDNIDMA	QWEST CORPORATION	QWEST	BOISE
NMPAIDMA	QWEST CORPORATION	QWEST	NAMPA
STARIDNM	QWEST CORPORATION	QWEST	BOISE

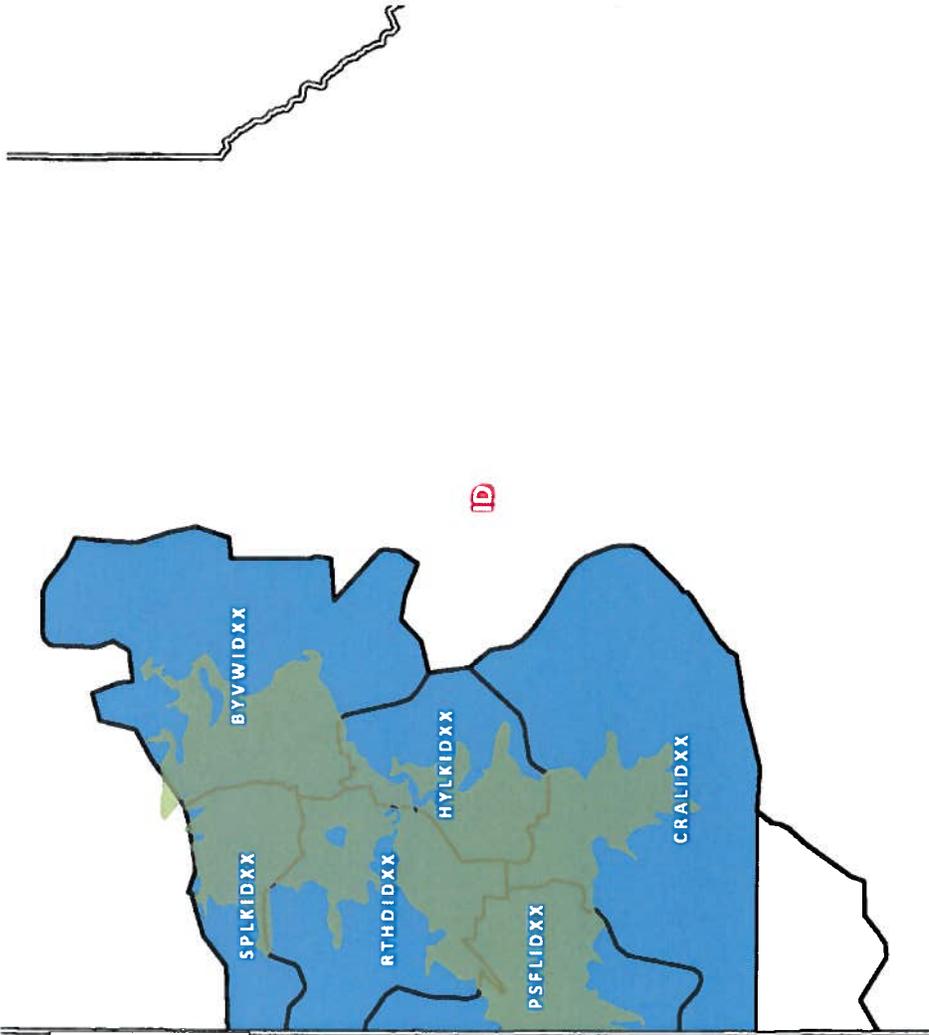
Exhibit B

Proposed ETC designation areas and Cricket's signal coverage



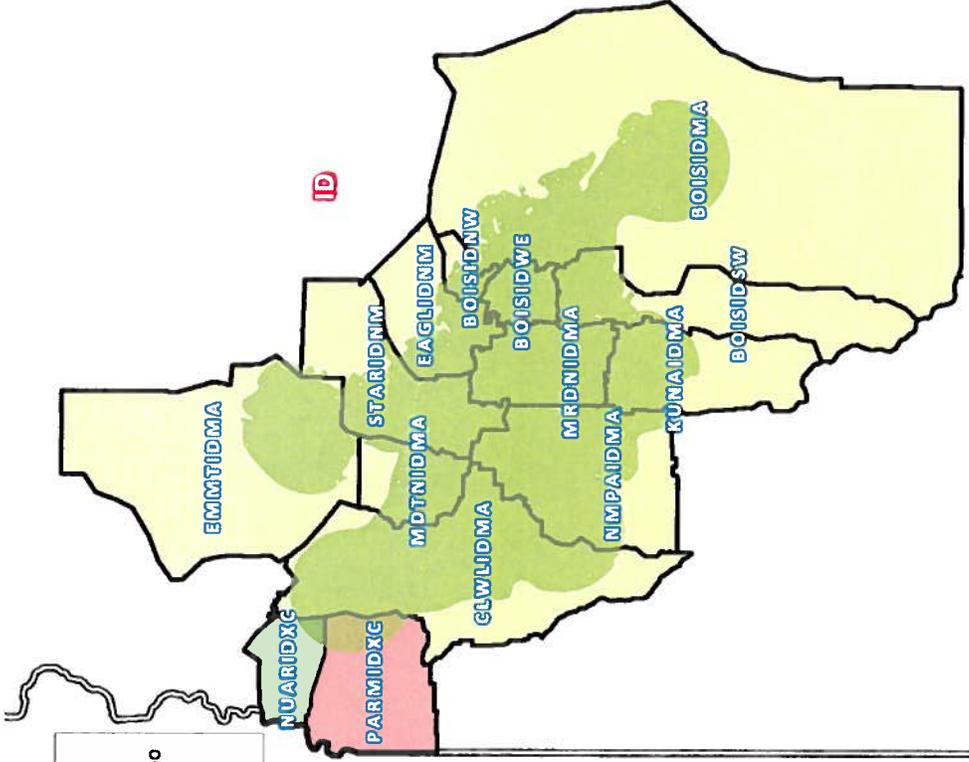
Idaho Vendors
 Displaying OCN & CLLI

- CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO
- FARMERS MUTUAL TELEPHONE CO.
- FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID
- QWEST CORPORATION



Idaho Vendors
 Displaying OCN & CLLI

- CITIZENSTELECOM IDAHO-FRONTIER COMM OF IDAHO
- FARMERS MUTUAL TELEPHONE CO.
- FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID
- QWEST CORPORATION



Idaho Vendors
 Displaying OCN & CLI

- CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO
- FARMERS MUTUAL TELEPHONE CO.
- FRONTIER COMMUNICATIONS NORTHWEST, INC. - ID
- QWEST CORPORATION

ID

OR

Exhibit C
Proposed Cricket calling plans

Rate Plan Includes	Cricket Wireless						
	\$35	\$45	\$55			\$65	
	Basic	Value	Mexico†	Muve Feature	Smart	Global†	Muve Smart
Calling							
unlimited nationwide local calling	x	x	x	x	x	x	x
unlimited nationwide US long distance*	x	x	x	x	x	x	x
caller ID	x	x	x	x	x	x	x
voicemail	x	x	x	x	x	x	x
call waiting & 3-way calling	\$5	x	x	x	x	x	x
call forwarding	N/A	x	x	x	x	x	x
Messaging							
unlimited US text	x	x	x	x	x	x	x
unlimited US picture	-	x	x	x	x	x	x
unlimited US video	-	x	x	x	x	x	x
unlimited int'l text	-	x	x	x	x	x	x
unlimited int'l picture†	-	x	x	x	x	x	x
unlimited int'l video†	-	x	x	x	x	x	x
unlimited global messaging (includes all the above)	\$5	x	x	x	x	x	x
More Features							
mobile web	\$5	x	x	x	x	x	x
data backup & 411	\$5	x	x	x	x	x	x
Muve Music	N/A	N/A	N/A	x	N/A	N/A	x
Mexico landline (included minutes)	-	-	500	-	-	-	-
Mexico mobile (included minutes)	-	-	30	-	-	-	-
Mexico local number†	\$5	\$5	x	\$5	\$5	\$5	\$5
int'l landline (included minutes)	-	-	-	-	-	500	-
int'l mobile (included minutes)	-	-	-	-	-	30	-
global local number†	\$5	\$5	\$5	\$5	\$5	x	\$5
unlimited international long distance	\$10	\$10	\$10	\$10	\$10	\$10	\$10
roaming (30 minutes)	\$5	\$5	\$5	\$5	\$5	\$5	\$5
Cricket navigator	\$5	\$5	\$5	N/A	N/A	\$5	N/A
handset protection	\$5	\$5	\$5	\$5	\$5	\$5	\$5

* Unlimited US long distance includes calling to all 50 states, Puerto Rico, and Canada

† Launches October 30, 2011

Exhibit D

Map regarding tribal notification compliance

Exhibit E
Certificate of Authority

State of Idaho

Office of the Secretary of State

**CERTIFICATE OF AUTHORITY
OF
CRICKET COMMUNICATIONS, INC.**

File Number C 150970

I, BEN YSURSA, Secretary of State of the State of Idaho, hereby certify that an Application for Certificate of Authority, duly executed pursuant to the provisions of the Idaho Business Corporation Act, has been received in this office and is found to conform to law.

ACCORDINGLY and by virtue of the authority vested in me by law, I issue this Certificate of Authority to transact business in this State and attach hereto a duplicate of the application for such certificate.

Dated: 22 September 2003



Ben Yursa
SECRETARY OF STATE

By *Sally Loyal*