

Nicole C. Hancock
Email: *nicole.hancock@stoel.com*
STOEL RIVES LLP
101 S Capitol Boulevard, Suite 1900
Boise, ID 83702
Telephone: (208) 389-9000
Facsimile: (208) 389-9040

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IDAHO PUBLIC
UTILITIES COMMISSION

Attorneys for Petitioner Cricket Communications, Inc.

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

In the Matter of the Application of	:	Case No. CRI-T-11-01
	:	
Cricket Communications, Inc.	:	NOTICE OF RELINQUISHMENT
	:	OF ETC STATUS IN IDAHO
For Designation as an Eligible	:	
Telecommunications Carrier	:	

Cricket Communications, Inc.¹ (“Cricket”) respectfully requests relinquishment of its Lifeline-only Eligible Telecommunications Carrier (“ETC”) designation in Idaho pursuant to 47 U.S.C. §214(e)(4), 47 C.F.R. §54.205 and Idaho Code §62-610D4, effective April 30, 2015. 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 Idaho. On March 13, 2014, after receiving appropriate approvals, including from the FCC,² Cricket became a wholly-owned, indirect subsidiary of AT&T Inc.

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

² *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*

2. On March 27, 2012, the Idaho Public Utilities Commission (“Commission”) granted Cricket’s request for designation as a Lifeline-only ETC in the state of Idaho. See Order dated March 27, 2012 in Case No. CRI-T-11-01.

3. Cricket intends to relinquish its Lifeline-only ETC designation in all areas of Idaho for which it is currently so designated, with such relinquishment to become effective on April 30, 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)

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

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”).

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. Similarly, Idaho Code §62-610D4 allows an ETC to relinquish upon a finding “that other eligible telecommunications carriers serving that service area are capable of and will provide continuous service to customers served by the applicant.”

7. The wire centers in Cricket’s designated ETC area and 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, that 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 and state law to permit Cricket to relinquish its Lifeline-only ETC designation.

8. To the best of Cricket’s knowledge, no purchase or construction of facilities by other carriers will be necessary.³ Because other ETCs currently serve the entire area in which Cricket is designated as an ETC in Idaho, 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

³ 47 U.S.C. §214(e)(4).

receive service through New Cricket (another AT&T affiliate)⁴ which offers competitive plans that provide all consumers, including low-income consumers, a great value.

9. Cricket seeks to relinquish its Lifeline-only ETC designation effective April 30, 2015. Cricket requests the Commission issue an order granting Cricket's petition as soon as possible, but no later than 30 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 effect of relinquishment on its current Lifeline customers and will ensure 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 the end of February 2015, Cricket had fewer than 700 Lifeline customers within its ETC designated area in Idaho.

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 April 6, 2015. In addition, as Cricket customers are most familiar with receiving information from Cricket via text message, Cricket

⁴ 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 April 13, 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.⁵ 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 March 15, 2015, and inform potential customers inquiring about Lifeline of the pendency of this petition. This is consistent with the approach taken in other jurisdictions.⁶ 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.

⁵ 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.

⁶ 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:

John D. Sisemore
Director - Regulatory
AT&T Services, Inc.
162 Roseheart
San Antonio, TX 78259
Telephone: 210-545-3519
Facsimile: 214-202-5076
E-mail: john.sisemore@att.com

Nicole C. Hancock
Attorney
Stoel Rives LLP
101 S. Capitol Blvd, Suite 1900
Boise, ID 83702
Telephone: 208-387-4231
Facsimile: 208-389-9040
E-mail: nicole.hancock@stoel.com

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 Idaho, effective April 30, 2015.

Respectfully submitted,

RESPECTFULLY SUBMITTED this 6th day of March 2015.

Cricket Communications, Inc.

By: 

Nicole C. Hancock
Attorney
Stoel Rives LLP
101 S. Capitol Blvd, Suite 1900
Boise, ID 83702
Telephone: 208-387-4231
Facsimile: 208-389-9040
E-mail: nicole.chancock@stoel.com

Exhibit A

Exhibit A

EXHIBIT A
ILEC ETCS BY WIRE CENTER

ILEC NAME	CLLI CODE
CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	HMDLIDXC
CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	MRNGIDXC
CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	PARMIDXC
CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	SWETIDXC
CITIZENS TELECOM IDAHO-FRONTIER COMM OF IDAHO	WLDRIDXC
FARMERS MUTUAL TELEPHONE CO.	FRLDIDXX
FARMERS MUTUAL TELEPHONE CO.	NUARIDXC
FRONTIER COMMUNICATIONS NORTHWEST, INC. -ID	BYVWIDXX
FRONTIER COMMUNICATIONS NORTHWEST, INC. -ID	CRALIDXX
FRONTIER COMMUNICATIONS NORTHWEST, INC. -ID	HYLKIDXX
FRONTIER COMMUNICATIONS NORTHWEST, INC. -ID	PSFLIDXX
FRONTIER COMMUNICATIONS NORTHWEST, INC. -ID	RTHDIDXX
FRONTIER COMMUNICATIONS NORTHWEST, INC. -ID	SPLKIDXX
CENTURYLINK/QWEST CORPORATION	BOISIDMA
CENTURYLINK/QWEST CORPORATION	BOISIDNW
CENTURYLINK/QWEST CORPORATION	BOISIDSW
CENTURYLINK/QWEST CORPORATION	BOISIDWE
CENTURYLINK/QWEST CORPORATION	CLWLIDMA
CENTURYLINK/QWEST CORPORATION	EAGLIDNM
CENTURYLINK/QWEST CORPORATION	EMMTIDMA
CENTURYLINK/QWEST CORPORATION	KUNRIDMA
CENTURYLINK/QWEST CORPORATION	MDTNIDMA
CENTURYLINK/QWEST CORPORATION	MELBIDMA
CENTURYLINK/QWEST CORPORATION	MRDNIDMA
CENTURYLINK/QWEST CORPORATION	NMPAIDMA
CENTURYLINK/QWEST CORPORATION	NPMOIDMA
CENTURYLINK/QWEST CORPORATION	PYTTIDMA
CENTURYLINK/QWEST CORPORATION	STARIDNM
CENTURYLINK/QWEST CORPORATION	WESRIDMA
RURAL TELEPHONE CO.	GLFYIDCO

Exhibit B

Exhibit B

EXHIBIT B

**COMPETITIVE ETCS SERVING ONE OR MORE WIRE
CENTER(S) IN CRICKET'S ETC SERVING AREA**

Study Area Code	Study Area Name
479013	T-MOBILE USA INC.
479015	VIRGIN MOBILE USA LP
479016	BUDGET PREPAY INC.
479017	NEXUS COMMUNICATIONS INC.

Exhibit C

Exhibit C

Cricket Communication/Cricket Wireless logo

IMPORTANT LIFELINE INFORMATION

{Customer Name} {Date}

{Mailing Address 1} Wireless Number(s): {Wireless Number}

{Mailing Address 2}

{City, MN Zip}

Dear {Customer Name},

We're writing to let you know that **after April 30, 2015, Cricket will no longer provide Lifeline discounts in Idaho through the federal Lifeline program.** Cricket is discontinuing its participation in the federal Lifeline program as it prepares to shut down its "old" Cricket CDMA network in Utah.

As part of shutting down Cricket's "old" network, Cricket plans on terminating **your current service for mobile number [Tel. No.] on [add dates]**. We'll contact you again in the near future to provide more information about Cricket's "old" network shutdown. In the meantime, as an existing Cricket Lifeline customer, you'll continue to receive your Lifeline Credit on your current Cricket rate plan.¹

We hope you'll stay with Cricket and enjoy the unparalleled benefits of Cricket's "new" 4G network and rate plans. All you need is a compatible GSM phone and one of Cricket's new rate plans. These new plans don't include a Lifeline discount, but we encourage you to check out the great values they offer.

- **Plans start at \$25/month** – Taxes and fees included and **no Lifeline paperwork needed to qualify**
- Plans provide **unlimited talk and text** – And they include nationwide GSM coverage and no roaming charges

[Internal Note to Reader: The above section may evolve to the current offers in effect at the time of relinquishment]

It's your choice! You can go with one of Cricket's new rate plans or you may decide to move to another service provider that still offers Lifeline discounts.

If you'd like to receive Lifeline discounts from another service provider, visit lifelinesupport.org.

If you choose to remain a Cricket customer, act before your current service terminates on **[insert dates]**. **Visit your nearest Cricket retail store** to switch to a new GSM phone and rate plan—or learn more about switching to Cricket at <http://cricketwireless.com/switch>.

- **Talk, text and share** with reliable nationwide coverage and fast 4G LTE speeds.
- **Enjoy simple, affordable**, unlimited plans with all taxes and fees included.
- **Earn a new free smartphone** every year with our Cricket rewards program.
- **Choose from** a great selection of the best phones and top brands—all at great prices.

¹ You will continue to receive a Lifeline equivalent discount until your service on the "old" network is terminated unless your service is suspended or you change your current rate plan.

ATTACHMENT C - Lifeline Relinquishment Sunset Letter

We look forward to continuing to serve your wireless needs.

Sincerely,

Cricket Wireless