

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF CRICKET COMMUNICATIONS, INC.) **CASE NO. CRI-T-11-01**
FOR DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER) **ORDER NO. 32501**
)

On November 7, 2011, Cricket Communications, Inc. (“Cricket” or “Company”) filed an Application, pursuant to Section 214(e)(2) of the Telecommunications Act of 1934, for designation as an Eligible Telecommunications Carrier (“ETC”) in the State of Idaho. *Application* at 1.

On February 17, 2012, the Commission issued a Notice of Application and Modified Procedure establishing a 21-day comment period. Staff was the only party to submit comments within the established comment period.

THE APPLICATION

In its Application, Cricket states that it is seeking ETC status “for the purpose of receiving only low-income Lifeline support from the Universal Service Fund (“USF”).” *Id.* “Cricket . . . 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.” *Id.*

Cricket is a Delaware corporation. *Id.* at 2. Cricket attached a copy of its Certificate of Authority to do business in Idaho to its Application. *Id.* at 31, Exh. E. Cricket is a digital wireless service provider to approximately 5.8 million customers in 34 states, and the District of Columbia. *Id.* at 2. “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”).” *Id.*

Cricket proposes as its Idaho service territory all “rural and non-rural ILEC service areas listed in attached Exhibit A, excluding any portions of said service areas on tribal lands.” *Id.* The Company included as Exhibit B three maps depicting its “proposed designated service areas in Idaho, and additionally indicating Cricket’s coverage within that proposed service area.” *Id.* at 2-3. Cricket’s proposed service area in Idaho includes wire centers currently being served by Frontier Communications Northwest 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. *Id.* at 3. Cricket states that it is currently designated as an ETC in the following states: California, Oregon, Illinois, Missouri, Maryland, Colorado, and South Carolina. *Id.* Cricket has an Application that is currently pending before the Washington Commission. *Id.*, fn. 6.

The Application contains information related to Cricket's voice grade access service, local usage plan, functionally equivalent dual tone multi-frequency signaling, single party service, access to emergency services, access to operator services, access to interexchange (long distance) services, directory assistance and toll limitation for qualifying low-income consumers. *Id.* at 5-10. Cricket has also committed to complying with the additional criteria mandated by the Idaho ETC Requirements Order No. 29841. *Id.* at 10. Cricket will provide its services through the utilization of "primarily its own facilities" and network infrastructure. *Id.* The Company pledges to advertise the availability of its services throughout its ETC service area using general media sources and "direct outreach . . . to government health, welfare and employment offices and to community groups." *Id.* at 11.

Cricket does not seek ETC designation, nor does it intend to offer its Lifeline service on federal tribal lands. *Id.* at 11-12. Cricket asserts that adequate backup battery power and the ability to re-route traffic around damaged facilities will allow the Company to remain functional during emergencies. *Id.* at 12-13. Cricket is seeking Lifeline support only and will not seek high-cost support. *Id.* at 14.

Cricket believes that designating the Company as an ETC "would serve the public interest because Cricket . . . offers a unique combination of unlimited minutes, attractive pricing, and advanced features that would be delivered over Cricket's own world-class Idaho facilities." *Id.* at 15.

Cricket states that it will "comply with the annual certification requirements adopted by the Commission's Order No. 29841. . . ." *Id.* at 17. As stated earlier, Cricket does not seek high-cost support and thus views the requirement "to annually submit a network improvement plan and progress reports on the use of high-cost fund" as inapplicable. *Id.*

STAFF ANALYSIS AND RECOMMENDATION

Staff's review of Cricket's Application focused on the Company's compliance with the federal Telecommunications Act of 1996 ("the Act") and Commission Order No. 29841. Staff also reviewed Cricket's recent FCC Petition seeking forbearance from the requirement that

the service area of a Lifeline-only ETC conform to the service area of any rural telephone company serving the same area. Finally, Staff reviewed the FCC Wireline Competition Bureau's Order approving Cricket's Compliance Plan pertaining to conditions imposed in the Cricket Forbearance Order. Staff was able to verify that Cricket has adequately fulfilled all of the ETC requirements outlined in Order No. 29841, including Appendix 1, as well as federal law and FCC regulations.¹

Staff believes that Cricket's Application demonstrates a commitment by the Company to fulfill the obligations of an ETC in Idaho. The Company will provide all universal services supported by the federal USF throughout its territory; the Company has addressed all of the public interest questions that accompany an ETC application; and the Company will provide multiple pricing plans which will increase customer choice for low-income service. Staff believes that Cricket's Application for designation as an ETC is in the public interest and should be approved.

COMMISSION DECISION

Having reviewed the filings in this case, including the Company's Application, exhibits, and Staff comments, the Commission approves Cricket's request for ETC status in Idaho. The Act treats non-rural and rural service areas differently for the purposes of ETC designation. When a carrier meets the statutory requirements set out in § 214(e)(1) for a non-rural area served by an ILEC, the statute provides that the Commission shall designate more than one common carrier as an ETC. 47 U.S.C. § 214(e)(2).

We find that designating Cricket as an ETC in the requested service areas is consistent with "the public interest, convenience, and necessity." *Id.* The Commission believes that granting ETC status to Cricket "will benefit consumers by offering services of another competitor and may be beneficial to eligible recipients of Idaho's Telecommunications Service Assistance Program (ITSAP) or Lifeline service." Order No. 30360 at 8.

The Commission finds that the public interest will be served by designating Cricket as an ETC for both the non-rural and rural wire centers currently being served by ILECs. Cricket has adequately demonstrated that it is in compliance with or validly exempt, pursuant to its FCC Forebearance Order, from the specific Idaho ETC requirements more fully described in Order

¹ Staff noted that Cricket has acknowledged its responsibility to collect and remit applicable ITSAP and E-911 fees, including any fees associated with pre-paid wireless service. The Company asserts that it has been and will continue to collect and remit ITSAP and E-911 fees.

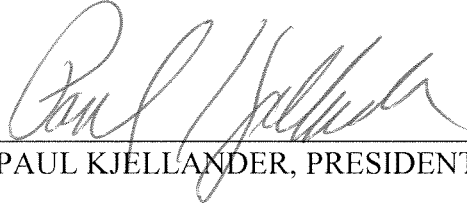
No. 29841 at 21, Appendix 1. Therefore, the Commission finds that Cricket has satisfied the requirements for designation as an ETC and approves the Company's Application for ETC status in Idaho. *See* 47 U.S.C. § 214(e)(1); Commission Order No. 29841.

ORDER

IT IS HEREBY ORDERED that the Application of Cricket Communications, Inc. for designation as an Eligible Telecommunications Carrier (ETC) in Idaho is approved.

THIS IS A FINAL ORDER. Any person interested in the Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code* § 61-626.

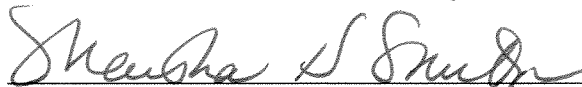
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 27th day of March 2012.



PAUL KJELLANDER, PRESIDENT

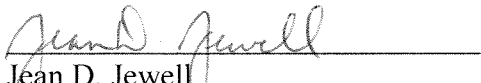


MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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