

## DECISION MEMORANDUM

**TO:** COMMISSIONER KJELLANDER  
COMMISSIONER REDFORD  
COMMISSIONER SMITH  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** NEIL PRICE  
DEPUTY ATTORNEY GENERAL

**DATE:** FEBRUARY 9, 2012

**SUBJECT:** APPLICATION OF CRICKET COMMUNICATIONS, INC. FOR  
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER, CASE NO. CRI-T-11-01

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.

### THE APPLICATION

Cricket states in its Application 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. *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 RECOMMENDATION**

Staff has reviewed Cricket's Application and recommends that it be processed through Modified Procedure with a 21-day comment period.

**COMMISSION DECISION**

Does the Commission wish to process Cricket's Application for ETC designation through Modified Procedure with a corresponding 21-day comment period?



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Neil Price  
Deputy Attorney General

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