

ORIGINAL



STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE VERIFIED)
PETITION OF CRICKET COMMUNICATIONS,) CAUSE NO. 41052 ETC 57
INC. FOR RELINQUISHMENT OF ITS)
DESIGNATION AS AN ELIGIBLE) APPROVED:
TELECOMMUNICATIONS CARRIER)

FEB 04 2015

ORDER OF THE COMMISSION

Presiding Officers:

James F. Huston, Commissioner

David E. Veleta, Administrative Law Judge

On November 7, 2014, Cricket Communications, Inc. (“Cricket”) filed a Verified Petition for Relinquishment of its Eligible Telecommunications Carrier Status (“Verified Petition”) requesting that the Indiana Utility Regulatory Commission (“Commission”) permit the relinquishment of its designation as an eligible telecommunications carrier (“ETC”) pursuant to 47 U.S.C. § 214(e)(4).

The Commission held an Evidentiary Hearing in this Cause at 9:30 a.m. on January 14, 2015, in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Cricket and the Indiana Office of Utility Consumer Counselor (“OUCC”) were present and participated. Cricket’s Verified Petition and attached exhibits were admitted into the record. No evidence was offered by the OUCC. No members of the general public appeared or sought to testify at the hearing.

Based upon the applicable law and evidence presented, the Commission finds:

1. Notice and Jurisdiction. Notice of the public hearing was given and published by the Commission as required by the law. Pursuant to Section 214(e) of the Communications Act of 1934, as amended, 47 C.F.R. §§ 54.201 and 54.205 of the Federal Communications Commission’s (“FCC”) rules, and Indiana Code § 8-1-2.6-13(d)(5), this Commission is authorized to designate ETCs, thereby enabling those so designated to apply for federal universal service support under 47 U.S.C. § 254. Therefore, the Commission has jurisdiction over Cricket and the subject matter of this Cause.

2. Relief Requested. On October 17, 2012, the Commission designated Cricket as an ETC in this Cause for the limited purpose of participation in the Universal Service Fund’s (“USF”) Lifeline program. In its Verified Petition, Cricket requests Commission approval of its application for relinquishment of its ETC designation in Indiana effective February 28, 2015.

3. Summary of the Evidence. The evidence relating to this matter consists of Cricket’s Verified Petition and attached exhibits. Cricket currently has less than 2,000 Lifeline

customers in the State of Indiana. The areas served by Cricket are also served by at least one incumbent local exchange carrier (“LEC”) with ETC status (hereinafter referred to as ILEC-ETCs). The ILEC-ETCs will not need to purchase or construct facilities in order to provide service to customers in the ILEC-ETCs’ respective designated service areas. Cricket also provided a list of ten competitive ETCs that provide Lifeline service within Cricket’s designated ETC service area. Finally, the Petitioner provided a sample letter that it proposes to use to notify Lifeline customers of its decision to relinquish its ETC status.

4. Discussion and Findings. 47 U.S.C. § 214(e)(4) provides that the Commission shall permit an ETC to relinquish its designation in any area served by more than one ETC so long as the remaining ETCs ensure that all customers served by the relinquishing carrier will continue to be served. Pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, the requirements for relinquishing an ETC designation are: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC’s customers, sufficient notice shall be provided to ensure that the construction or purchase can be timely completed.

Cricket provided a list of the ILECs and of the competitive ETCs serving the relevant service area. Each of the relevant ILECs is also an ETC in their respective service territories and will be available to provide services, including Lifeline service. The competitive ETCs listed will also provide service options for Cricket’s Lifeline customers. Cricket provided an acceptable customer letter and a reasonable plan to communicate with all Indiana Lifeline customers still served by Cricket as of the date this Order is approved. Cricket indicated its intent to notify customers of the discontinuance of its Lifeline offering via U.S. Mail on or before December 30, 2014. Cricket also indicated the customer letter would be followed with text message notifications no later than January 28, 2015. Thus, Cricket has satisfied the requirements of 47 C.F.R. § 54.205(a). Accordingly, we approve Cricket’s Verified Petition for Relinquishment of its Designation as an ETC, effective February 28, 2015. Furthermore, Cricket is ordered to submit a compliance filing indicating the dates in which the approved customer notices via U.S. mail and text message were provided to customers.

Finally, we find that since Cricket will not be seeking certification as an ETC going forward, Cricket shall not be required to file further annual compliance reports with the Commission, including the quarterly Lifeline compliance reports, or the annual Lifeline compliance report required under 47 C.F.R. § 54.422 for time periods after it has ceased providing Lifeline service. Additionally, since Cricket does not participate in the high cost program of the universal service program in Indiana and only uses funds from the low income program to provide supported services to Lifeline customers, pursuant to 47 C.F.R. § 54.202(a)(1)(ii), Cricket is not required to certify the use of universal service funds after the effective date of this Order, unless otherwise required by the FCC and/or USAC.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION THAT:

1. This Commission grants Cricket's Petition for Relinquishment of its ETC Designation and right to receive federal universal service funding in the State of Indiana, effective as of February 28, 2015.

2. Cricket shall submit a compliance filing indicating the dates in which the approved customer notices via U.S. mail and text message were provided to customers by February 13, 2015.

3. Cricket shall not be required to file further quarterly or annual compliance reports with the Indiana Utility Regulatory Commission related to the federal Lifeline discount program for reporting periods after Cricket's service to Lifeline customers has ceased, unless otherwise required by the FCC and/or the USAC.

4. This Order shall be effective on and after the date of its approval.

STEPHAN, MAYS-MEDLEY, HUSTON, WEBER, AND ZIEGNER CONCUR:

APPROVED: FEB 04 2015

I hereby certify that the above is a true and correct copy of the Order as approved.



Brenda A. Howe
Secretary to the Commission