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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

PETITION OF T-MOBILE CENTRAL LLC AND)
POWERTEL/MEMPHIS, INC. PETITION FOR) CAUSE NO. 41052 ETC 61
LIMITED DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER FOR) APPROVED:
PURPOSES OF LOW INCOME SUPPORT ONLY)

DEC 17 2014

ORDER OF THE COMMISSION

Presiding Officers:

Carol A. Stephan, Commission Chair
Gregory R. Ellis, Administrative Law Judge

On October 9, 2014, T-Mobile Central LLC and PowerTel/Memphis, Inc. ("T-Mobile" or "Petitioner") filed with the Indiana Utility Regulatory Commission ("Commission") its Verified Notice of Relinquishment of its Eligible Telecommunications Carrier ("ETC") Designation in the State of Indiana, effective as of December 31, 2014 ("Verified Notice"). Petitioner filed its Submission of Customer Notice ("Customer Notice") on November 10, 2014. After reviewing Petitioner's Verified Notice and the Customer Notice submitted in this Cause, the Commission issued a docket entry on November 14, 2014 with questions for Petitioner. Petitioner submitted its Response to the Presiding Officers' November 14, 2014 Docket Entry Questions ("Response") on November 19, 2014.

The Commission held an Evidentiary Hearing in this Cause at 9:30 a.m. on November 26, 2014, in Room 222 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Petitioner and the Indiana Office of Utility Consumer Counselor ("OUCC") were present and participated. Petitioner's Verified Notice, Customer Notice, and Response were admitted into the record without objection. 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 the evidence presented, the Commission finds:

1. Notice and Jurisdiction. Notice of the hearing in this Cause was given and published by the Commission as required by law. Pursuant to Section 47 U.S.C. § 214(e), as amended, 47 C.F.R. §§ 54.201 and 54.205 of the Federal Communications Commission's ("FCC") rules, and Ind. Code § 8-1-2.6-13(d)(5), this Commission is authorized to designate ETCs, thereby enabling those designated to apply for federal universal support under 47 U.S.C. § 254. Therefore, the Commission has jurisdiction over T-Mobile and the subject matter of this Cause.

2. Relief Requested. On August 15, 2012, the Commission designated T-Mobile as an ETC in this Cause for the limited purpose of participation in the Universal Service Fund's ("USF") Lifeline program. In its Verified Notice, T-Mobile requests Commission approval of its application for relinquishment of its ETC designation in Indiana effective December 31, 2014.

3. Summary of the Evidence. The evidence relating to this matter consists of T-Mobile's Verified Notice, Customer Notice that T-Mobile intends to send to its Indiana Lifeline subscribers upon the relinquishment of its ETC Designation, and T-Mobile's Response.

The evidence demonstrates that on August 15, 2012, this Commission designated T-Mobile as an ETC for the limited purpose of participation in the USF's Lifeline program in the non-rural incumbent local exchange carrier ("ILEC") wire centers and rural ILEC study areas within the State of Indiana where T-Mobile has wireless coverage, except for the CenturyLink study area in the State of Indiana as depicted on the map and list of wire centers submitted by T-Mobile during its ETC Petition proceeding (the "ETC Service Area"). Subsequent to being designated as an ETC in Indiana, T-Mobile annually filed Compliance Reports with the Commission and the Commission has certified T-Mobile to the FCC each year to date. T-Mobile uses the funds it receives from the low income program of the USF to provide supported services to its Indiana Lifeline customers. T-Mobile's Verified Notice indicates that it has approximately 107 Lifeline customers in Indiana.¹ The evidence demonstrates that although T-Mobile will no longer receive reimbursement for Lifeline discounts after the effective date of its relinquishment, it will continue to provide wireless service in Indiana as a non-ETC, meaning that existing and future subscribers can continue to receive wireless service from T-Mobile.

T-Mobile's Verified Notice indicates its ETC Service Area is currently served by multiple ETCs.² T-Mobile states that none of the remaining ETCs will be required to purchase or construct additional facilities to continue to serve consumers within the ETC Service Area. T-Mobile explains that because the remaining ETCs currently serve the entire area in which T-Mobile is designated as an ETC in Indiana, the Commission need not provide notice to these carriers to permit them to purchase or construct facilities to ensure that T-Mobile's customers will continue to receive service.

The evidence of record demonstrates that T-Mobile is providing advance notice to the Commission of relinquishment of its ETC designation. Its Verified Notice was filed on October 9, 2014, which is 76 days prior to its requested effective date of the relinquishment of its ETC designation. T-Mobile indicates that its advance notice to the Commission of its intent to relinquish its ETC designation satisfies the requirements of 47 U.S.C. § 214(e) and 47 C.F.R. § 54.205(a). T-Mobile also provided the Commission with a copy of the Customer Notice that it intends to send to its Indiana Lifeline subscribers upon the relinquishment of its ETC Designation.

T-Mobile's Verified Notice indicates it will continue to serve customers throughout the ETC Service Area, providing uninterrupted service upon the effective date of its relinquishment of its ETC designation. T-Mobile explains that TracFone, Virgin Mobile, i-Wireless, Cricket, Budget Mobile, Tempo Telecom, and the additional Lifeline ETCs presently operating in Indiana will also continue to serve customers in Indiana. Following relinquishment of T-Mobile's ETC designation, in accordance with 47 U.S.C. § 214(e)(4) and consistent with this Commission's past practice, T-

¹ T-Mobile's Compliance Report filed in this docket on October 20, 2014 indicated that, as of September 30, 2014, it has 110 Lifeline customers.

² See, e.g., IURC Cause Nos. 41052-ETC-54 (TracFone); 41052-ETC-55 (Virgin Mobile); 41052-ETC-56 (i-Wireless); 41052-ETC-57 (Cricket); 41052-ETC-63 (Budget Mobile); 41052-ETC-70 (Tempo Telecom).

Mobile will provide written notice to the former T-Mobile Lifeline customers that it no longer participates in the Lifeline program.³ T-Mobile states the notice will inform its Lifeline customers that they will continue receiving service and will receive courtesy credits in the amount of their Lifeline discount for 45 days. T-Mobile's Customer Notice indicates that after 45 days its customers have the option to either select another service from T-Mobile or obtain service through another authorized Lifeline provider in the service area which can be found on the Universal Service Administration Company ("USAC") website. The Customer Notice encourages customers to allow a reasonable amount of time to transition service to ensure no loss of service. In its Response, T-Mobile indicates that in January, 2015, T-Mobile plans to mail via U.S. mail the Customer Notice to customers at the address previously provided by each customer. T-Mobile also states that more than one attempt will be made to provide notification to existing Lifeline customers by sending a short message service text message to Indiana Lifeline customers.

T-Mobile notes that through its filings, it has complied with all requirements of 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205. T-Mobile concludes there is no barrier to prevent it from relinquishing its ETC designation in Indiana. T-Mobile further indicates that because it will not be seeking certification as an ETC going forward, it will not be filing further annual Compliance Reports with the Commission, including the quarterly Lifeline Compliance Reports, or the annual Lifeline Compliance Report due in July, 2015. Additionally, T-Mobile explains since it 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)(i), T-Mobile should not be required to certify the use of universal service funds after the effective date of its ETC relinquishment unless otherwise required by the FCC and/or USAC.

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.

T-Mobile submitted evidence demonstrating that there is at least one ETC providing Lifeline service to qualified customers in T-Mobile's ETC Service Area. The Commission finds that T-Mobile has provided an acceptable Customer Notice that should be used to communicate with all Indiana Lifeline customers still served by T-Mobile up to the date of relinquishment of its ETC designation. The evidence of record also demonstrates that the requirements of the FCC's rules at 47 C.F.R. § 54.205 are satisfied because there is more than one ETC serving in T-Mobile's ETC Service Area; T-Mobile provided advance notice of its ETC relinquishment to this Commission; T-Mobile's Lifeline customers will have the option to receive service from another Indiana Lifeline

³ See the Commission's Order dated June 29, 2011 in Cause No. 41052 ETC 47 allowing the relinquishment of the ETC designation of Sprint Nextel.

ETC; and no additional facilities are required to serve any of T-Mobile's Indiana Lifeline customers. Accordingly, we find it is appropriate to grant T-Mobile's request to relinquish its ETC Designation in the State of Indiana, effective as of December 31, 2014. T-Mobile is ordered to provide the approved Customer Notice to its remaining Lifeline customers within 30 days of the effective date of this Order.

We find that since T-Mobile will not be certified as an ETC going forward, T-Mobile will no longer need to file with the Commission annual Compliance Reports required by 47 C.F.R. § 54.422 for time periods after they have ceased providing Lifeline service. Additionally, since T-Mobile 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)(i), T-Mobile 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. The Commission approves T-Mobile's Verified Notice of Relinquishment of its Eligible Telecommunications Carrier Designation in the State of Indiana and its right to receive federal universal service funding in the State of Indiana, effective as of December 31, 2014.
2. T-Mobile shall provide notice to each of its then-current Indiana Lifeline customers using the Customer Notice as discussed above in Paragraph 3 and approved in Paragraph 4.
3. T-Mobile shall not be required to file further quarterly or annual Compliance Reports with the Commission related to the USF Lifeline program for reporting periods after T-Mobile's service to Lifeline customers has ceased, unless otherwise required by the FCC and/or USAC.
4. This Order shall be effective on and after the date of its approval.

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

APPROVED:

DEC 17 2014

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



Brenda A. Howe
Secretary to the Commission