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December 18, 2014

*Via FedEx and
Electronic Filing*

Steven King
Executive Director and Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P.O. Box 47250
Olympia, WA 98504-7250

Re: Docket UT-111534

Enclosed for filing are the original plus twelve (12) copies of the Petition for Relinquishment of Eligible Telecommunications Carrier Designation filed by Cricket Communications Inc. ("Cricket") in the above mentioned docket.

Sincerely,

Cynthia Manheim by Dac with permission

Cynthia Manheim
General Attorney

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)
) **Docket UT-111534**
CRICKET COMMUNICATIONS, INC.)
)
Petition for Relinquishment of Eligible)
Telecommunications Carrier Designation)
_____)

**PETITION FOR RELINQUISHMENT OF ELIGIBLE
TELECOMMUNICATIONS CARRIER STATUS**

Cricket Communications, Inc. (“Cricket”) respectfully requests relinquishment of its Lifeline-only Eligible Telecommunications Carrier (“ETC”) designation pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205 in Washington, effective as of 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 Washington. On March 13, 2014, after receiving appropriate approvals, including from the FCC,¹ Cricket became a wholly-owned, indirect subsidiary of AT&T Inc.
2. On May 10, 2012, the Washington Utilities and Transportation Commission (“Commission”) granted Cricket’s request for designation as a Lifeline-only ETC in certain areas within Washington.² The Order set forth a number of conditions, including requiring Cricket to comply with rules on cessation of business as specified in WAC 480-120-083.³

¹ *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 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*”).

² Docket UT-111534, Order 01.

³ *Id.*, Appendix B, para. 14.

3. Cricket intends to relinquish its Lifeline-only ETC designation in all areas of Washington for which it is currently so designated with such relinquishment to become effective on April 30, 2015. Cricket is relinquishing its ETC designation in advance of the expected shut down of its CDMA network in Oregon on or before September 2015. All of Cricket's CDMA-based customers will be required to migrate off of Cricket's CDMA network prior to network shut down and retail service to Cricket customers will be terminated as early as mid-August.

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 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. The wire centers impacted by this request along with 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, which provide service in at least part of Cricket’s designated service area, are identified in **Exhibit B**.⁴ 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 law to permit Cricket to relinquish its Lifeline-only ETC designation.

7. To the best of Cricket’s knowledge, no purchase or construction of facilities by other carriers will be necessary.⁵ Because other ETCs currently serve the entire area in which Cricket is designated as an ETC in Washington, 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

⁴ This list is not exhaustive. For example, AT&T Mobility is not included in this list.

⁵ 47 U.S.C. §214(e)(4).

receive service through New Cricket (another AT&T affiliate)⁶ which offers competitive plans that provide all consumers, including low-income consumers, a great value.⁷

8. Cricket seeks to relinquish its Lifeline-only ETC designation effective on April 30, 2015. Cricket requests that the Commission issue an order granting Cricket's petition as soon as possible, but no later than February 28, 2015, so that Cricket can provide ample notice to its customers and ensure an orderly transition.

9. Cricket is taking steps to mitigate the impact of relinquishment on its current Lifeline customers and will ensure that 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 November 30, 2014, Cricket had fewer than 1,000 Lifeline customers within its ETC designated area in Washington.

10. 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 a list of ETC's in the state and carrier-specific contact information. If a Cricket customer decides to obtain service from another provider, there will 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

⁶ The affiliate through which Cricket GSM service is provided is Cricket Wireless, LLC ("New Cricket"), formerly known as Aio Wireless. New Cricket, like Cricket, is a wholly-owned, indirect subsidiary of AT&T Inc.

⁷ The New Cricket offers are appealing – in price, superior network coverage and performance. New Cricket rate plans start at \$25 for nationwide, unlimited talk and text, which includes roaming, taxes and other fees. New Cricket currently offers entry level data plans beginning at \$40/month with 1GB of high-speed data on AT&T's nationwide 4G LTE network or \$35/month with a \$5/monthly credit for auto pay.

U.S. Mail to each of its Lifeline customers on or before March 15, 2015. In addition, as Cricket customers are most familiar with receiving information from Cricket via text message, Cricket will also send each Lifeline customer at least one text message no later than April 1, 2015 directing them to a website(s) with information about New Cricket's offers and alternative Lifeline providers. This notification will be in addition to the notifications any remaining customers will receive closer to the time of CDMA network shut down.⁸

11. 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.⁹ Cricket will not seek reimbursement for the Lifeline discount after April 30, 2015.

12. In order to avoid customer confusion and assist with a smooth transition process, Cricket will stop accepting new Lifeline applications after January 31, 2015 and will inform potential customers inquiring about Lifeline of the pendency of this petition. This is consistent with the approach taken in other jurisdictions.¹⁰ This will prevent a newly enrolled Lifeline

⁸ Cricket CDMA customers will receive additional notification closer to the time of CDMA network shut down with offers including free feature phones or credits toward GSM devices which will depend on the device the customer purchased and when it was purchased.

⁹ 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.

¹⁰ 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.

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.

13. Cricket does not believe the requirement in its ETC designation order requiring it to comply with rules on cessation of business as specified in WAC 480-120-083 applies in this circumstance as Cricket is relinquishing its Lifeline designation several months in advance of shutting down its CDMA network and customers will still be able to receive service with New Cricket. Nevertheless, Cricket will comply with the spirit of this requirement closer to the time of its CDMA network shut down by providing notice to public safety answering points (PSAPs), each of its customers, and the national number administrator. This petition serves as notice to the Commission.

CONCLUSION

For the foregoing reasons, Cricket respectfully requests that the Commission grant this petition expeditiously allowing Cricket to relinquish its Lifeline-only ETC designation and right to receive federal universal service funding in Washington, effective April 30, 2015.

Respectfully submitted,

Cynthia Manheim by *DAC with permission*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served the attached Notice of Appearance upon the persons listed on the Service List below via e-mail and by depositing a copy of said document in the United States mail, addressed as shown on said Service List, with first class postage prepaid.

For WUTC:

Jing Roth
PO Box 40128
Olympia, WA 98504-0128
jroth@utc.wa.gov

Dated this 18th day of December, 2014



David Collier
Cricket Communications, Inc.

EXHIBIT A	
ILEC NAME	CLLI CODE
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	CHNYWAXC
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	EDWLWAXA
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	MDLKWAXX
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	RRDNWAXX
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	SPRGWAXA
QWEST CORPORATION/ CENTURYLINK	BTLGWA01
QWEST CORPORATION/ CENTURYLINK	DRPKWA01
QWEST CORPORATION/ CENTURYLINK	GRBLWA01
QWEST CORPORATION/ CENTURYLINK	LBLKWA01
QWEST CORPORATION/ CENTURYLINK	NWLKWA01
QWEST CORPORATION/ CENTURYLINK	ORCHWA01
QWEST CORPORATION/ CENTURYLINK	RDFDWA01
QWEST CORPORATION/ CENTURYLINK	SPKNWA01
QWEST CORPORATION/ CENTURYLINK	SPKNWACH
QWEST CORPORATION/ CENTURYLINK	SPKNWafa
QWEST CORPORATION/ CENTURYLINK	SPKNWAHD
QWEST CORPORATION/ CENTURYLINK	SPKNWAKY
QWEST CORPORATION/ CENTURYLINK	SPKNWAMO
QWEST CORPORATION/ CENTURYLINK	SPKNWAWA
QWEST CORPORATION/ CENTURYLINK	SPKNWAWH
QWEST CORPORATION/ CENTURYLINK	VANCWA01
QWEST CORPORATION/ CENTURYLINK	VANCWANO
FRONTIER NORTHWEST INC.-WA	CAMSWAXX
FRONTIER NORTHWEST INC.-WA	WSHGWAXA

EXHIBIT B	
Study Area Code	Study Area Name
529012	TRACFONE WIRELESS INC.
529013	T-MOBILE USA INC.
529014	VIRGIN MOBILE USA LP
529015	YOURTEL AMERICA INC.
529016	BUDGET PREPAY INC.
529018	I-WIRELESS LLC
529019	TELRITE CORPORATION
529020	BOOMERANG WIRELESS LLC
529022	TOTAL CALL MOBILE, INC.

EXHIBIT C
DRAFT

[Insert 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 just wanted to send you a quick note to let you know some news. **After April 30, 2015, Cricket will no longer be a Lifeline provider in Washington.**

As an existing Cricket Lifeline customer, you'll continue to receive your Lifeline Credit as long as you stay active on Cricket's "old" CDMA network -- or until Cricket has upgraded its network to 4G GSM and no longer offers service on the CDMA network.¹ Just so you know, Cricket will no longer offer CDMA service in Washington as early as mid-August 2015.

If you'd like to receive Lifeline service from another carrier, visit www.lifelinesupport.org to get information about other Lifeline providers in your area.

[Internal Note to Reader: This section may evolve to the current offers in effect at the time of Relinquishment]

We hope you'll stay with Cricket and enjoy the 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 rate plans do not include a Lifeline discount, but we encourage you to check out the great values they offer.

- Plans start at **\$25/month** - taxes and fees are included, and there is no Lifeline paperwork needed to qualify
- Plans provide **unlimited talk and text**
- You'll get **nationwide GSM coverage and no roaming charges**

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.

We look forward to continuing to serve your wireless needs.

Sincerely,

Cricket Wireless

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