

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of,)	DOCKET UT-111534
)	
)	ORDER 02
Cricket Communications, Inc.,)	
)	ORDER GRANTING PETITION
)	FOR RELINQUISHMENT OF
For Designation as an Eligible)	ELIGIBLE
Telecommunications Carrier)	TELECOMMUNICATIONS
)	CARRIER DESIGNATION
.....)	

BACKGROUND

1 On December 18, 2014, Cricket Communications, Inc. (Cricket or Company), filed a Petition for Approval of Relinquishment of Eligible Telecommunications Carrier (ETC) Designation with the Washington Utilities and Transportation Commission (Commission). In its petition, Cricket seeks to relinquish its ETC status in Washington, effective April 30, 2015.

2 Cricket is a Commercial Mobile Radio Service (CMRS) provider licensed by the Federal Communications Commission (FCC). On March 13, 2014, Cricket became a wholly-owned indirect subsidiary of AT&T Inc. Cricket was designated as a Lifeline-only ETC in certain areas within Washington in 2012.

3 Pursuant to 47 U.S.C. § 214 (e) (4) and 47 C.F.R. § 54.205, Cricket notified the Commission of its intent to relinquish, and requested the Commission to approve the relinquishment of its ETC designation in Washington. Cricket serves lifeline customers in 14 exchanges served by two Incumbent Local Exchange Carriers (ILECs). Appendix A lists the specific ILEC exchanges for which Cricket seeks to relinquish designation.

DISCUSSION

4 Staff reviewed Cricket’s request to relinquish its ETC designation in Washington and determined it meets the statutory requirements in 47 U.S.C. § 214 (e) (4) and 47 C.F.R. §54.205. Specifically, 47 C.F.R. §54.205 (a) provides that a state commission shall permit an ETC to relinquish its designation when the area is served by more than one ETC upon advance notice of the ETC; and that an ETC should give advance notice to the state commission of such relinquishment. 47 C.F.R. §54.205 (b) further provides that prior to permitting an ETC to cease providing universal service in an area served by more

than one ETC, the state commission shall require the remaining ETC or ETCs to continue to serve the relinquishing carrier's customers, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining ETC.

- 5 Cricket meets 47 C.F.R. §54.205 (a) by giving notice and submitting a request to relinquish ETC designation in advance. Staff verified that alternative ETCs exist in Cricket's ETC-designated area in Washington. Each exchange for which Cricket seeks to relinquish its ETC status is currently served by a landline ETC and at least one other wireless ETC. Approving Cricket's relinquishment of ETC designation will not compromise consumer access to basic telephone services with reliable service quality and affordable rates.
- 6 Cricket addressed how it will mitigate the impact of relinquishing its current Lifeline Customers. Its current customers can continue to be served by the ILEC which is an ETC or by other competitive ETCs, designated to provide Lifeline service within Cricket's current ETC designated area. Cricket customers will also be able to receive service without the Lifeline credit through Cricket Wireless, LLC ("New Cricket")¹.
- 7 As of November 30, 2014, the Company had fewer than 1,000 Lifeline customers within its ETC designated area in Washington. Cricket will notify each Lifeline customer that it will no longer be an ETC. Cricket will 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. Cricket will notify all Lifeline customers by U.S. Mail on or before March 15, 2015, and also send each Lifeline customer at least one text message no later than April 1, 2015.
- 8 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

¹The 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.

relinquishment.² Cricket will not seek reimbursement for the Lifeline discount after April 30, 2015.

9 In order to avoid customer confusion and assist with a smooth transition process, Cricket stopped accepting new Lifeline applications after January 31, 2015, and will inform potential customers inquiring about Lifeline of the pendency of this petition.³ This is consistent with the approach taken in other jurisdictions.⁴

10 Staff recommends that the Commission grant the Company's petition to relinquish its Lifeline-only ETC designation.

FINDINGS AND CONCLUSIONS

11 (1) The Commission has jurisdiction over the subject matter pursuant to 47 U.S.C. § 214 (e) (4).

² 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.

³ This prevents enrolling new Low Income customers who would use Cricket's Code Division Multiple Access (CDMA) cellular network for a couple of months before the company converts its existing CDMA network to the Global System Mobile Communications – Long Term Evolution network (GSM-LTE) service. The CDMA customers' handset would need to be replaced if the customer wants to continue taking service from Cricket after the conversion to GSM-LTE.

⁴ 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.

- 12 (2) Cricket Communications, Inc., is an Eligible Telecommunications Carrier in Washington under Commission Order 01 in Docket UT-11534 effective May 10, 2012.
- 13 (3) Cricket Communications, Inc., is permitted by law to relinquish its ETC status. Cricket provided advance notice of its intent to relinquish its ETC designation as required by 47 C.F.R. §54.205. The area for which Cricket seeks to relinquish its ETC status is served by more than one other Low Income Eligible Telecommunications Carriers.
- 14 (4) The Commission acknowledges and approves Cricket Communications, Inc.'s request to relinquish the designation as an Eligible Telecommunications Carrier (ETC) in the state of Washington. Upon the effective date of this Order, Cricket Communications, Inc., will notify its Lifeline subscribers by U.S. mail about the discontinuance of Lifeline discount on or before March 15, 2015, and provide at least sixty (60) days for Lifeline subscribers to switch to a different calling plan offered by the New Cricket or to an alternative ETC in the area.
- 15 (5) Cricket Communications, Inc., will notify the Universal Service Administrative Company that it is no longer eligible for federal Universal Service Fund disbursement in Washington effective April 30, 2015.
- 16 (6) The Commission agrees with Staff's recommendation to grant the Company's petition to relinquish its Lifeline-only Eligible Telecommunications Carrier designation.

ORDER

THE COMMISSION ORDERS:

- 17 (1) The Petition for Approval of Relinquishment of Eligible Telecommunications Carrier Designation in the state of Washington, filed by Cricket Communications, Inc., is granted, effective April 30, 2015.

The Commissioners, having determined this Order to be consistent with the public interest, directed the Executive Director and Secretary to enter this Order.

DATED at Olympia, Washington, and effective February 26, 2015.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

STEVEN V. KING, Executive Director and Secretary

Exhibit A
ILEC Exchanges Subject to ETC Relinquishment

ILEC NAME	CLLI CODE	EXCHANGE
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	CHNYWAXC	CHENEY
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	EDWLWAXA	EDWALL-TYLER
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	MDLKWAXX	MEDICAL LAKE
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	RRDNWAXX	REARDAN
CENTURYTEL OF WASHINGTON, INC./ CENTURYLINK	SPRGWAXA	SPRAGUE
QWEST CORPORATION/ CENTURYLINK	BTLGWA01	BATTLE GROUND
QWEST CORPORATION/ CENTURYLINK	DRPKWA01	DEER PARK
QWEST CORPORATION/ CENTURYLINK	GRBLWA01	GREEN BLUFF
QWEST CORPORATION/ CENTURYLINK	LBLKWA01	LIBERTY LAKE
QWEST CORPORATION/ CENTURYLINK	NWLKWA01	NEWMAN LAKE
QWEST CORPORATION/ CENTURYLINK	ORCHWA01	VANCOUVER
QWEST CORPORATION/ CENTURYLINK	RDFDWA01	RIDGEFIELD
QWEST CORPORATION/ CENTURYLINK	SPKNWA01	SPOKANE
QWEST CORPORATION/ CENTURYLINK	SPKNWACH	SPOKANE
QWEST CORPORATION/ CENTURYLINK	SPKNWAFWA	SPOKANE
QWEST CORPORATION/ CENTURYLINK	SPKNWAHD	SPOKANE
QWEST CORPORATION/ CENTURYLINK	SPKNWAKY	SPOKANE
QWEST CORPORATION/ CENTURYLINK	SPKNWAMO	SPOKANE
QWEST CORPORATION/ CENTURYLINK	SPKNWAWA	SPOKANE
QWEST CORPORATION/ CENTURYLINK	SPKNWAWH	SPOKANE
QWEST CORPORATION/ CENTURYLINK	VANCWA01	VANCOUVER
QWEST CORPORATION/ CENTURYLINK	VANCWANO	VANCOUVER
FRONTIER NORTHWEST INC.-WA	CAMSWAXX	CAMAS- WASHOUGAL
FRONTIER NORTHWEST INC.-WA	WSHGWAXA	CAMAS- WASHOUGAL