

Washington State Conditions on Designation of Virgin Mobile as an Eligible Telecommunications Carrier

1. Virgin Mobile's designation as an Eligible Telecommunications Carrier (ETC) shall be for an interim period of one year from the effective date of the Commission's Order approving such designation, subject to Commission review. Before the end of one year after the effective date of the Order, Virgin Mobile may seek to renew its designation pursuant to WAC 480-123-030 through -040. Virgin Mobile's designation for the interim period shall continue until the Commission's decision to the designation.
2. Within 30 days of approval of its ETC designation in Washington and prior to offering Lifeline services, Virgin Mobile must make a compliance filing for approval by the Commission containing the following:
 - a. Virgin Mobile's Lifeline rate plans, terms and conditions. The rates, terms and conditions shall include all provisions that apply to the Lifeline services offered by Virgin Mobile in Washington state and detailed procedures explaining how customers can participate in a particular Lifeline plan.
 - b. Virgin Mobile's proposed language to be used in all advertising of Lifeline services and on its websites. The language shall include information directing customers to the Washington State Office of the Attorney General for complaints regarding any Lifeline service issues.
 - c. Virgin Mobile's Lifeline Customer Application Form.

Commission Staff shall review Virgin Mobile's compliance filing and recommend to the Commission whether it should be approved or rejected within ten business days. Virgin Mobile shall not offer Lifeline services until the Commission has approved its compliance filing.

3. Virgin Mobile shall file with the Commission any future changes to its rates, terms, or conditions at least one day prior to the effective date of the change.
4. The information on Virgin Mobile's rates, terms and conditions shall be provided in a package sent to Lifeline customers after enrollment in Virgin Mobile's Lifeline program, as well as at Virgin Mobile's official Lifeline websites.
5. Virgin Mobile shall also provide Lifeline customers with the choice of all other rate plans available to its regular customers.
6. During this interim period (i.e., the time until the Commission issues an order recertifying Virgin Mobile's ETC designation for Lifeline services), Virgin Mobile must offer a minimum of 250 minutes. The company may invoke Condition No. 3 only for the purpose of increasing the number of minutes in the Lifeline plan.

7. Virgin Mobile shall deactivate an Assurance Wireless account if the customer has no usage for 60 consecutive days. No fewer than eight business days before deactivation, Virgin Mobile shall send the customer a written notice by mail about the potential deactivation and ways to avoid unwanted deactivation. The customer shall have a 30 day grace period from the deactivation date to reactivate the Assurance Wireless account by making a call. When a customer reactivates the account, the customer will be able to use the allotment of free minutes deposited into the customer's account by Virgin Mobile.
8. On a quarterly basis beginning with the quarter ending on December 31, 2010, Virgin Mobile shall provide the number of Lifeline customers that it enrolls each month. Virgin Mobile shall also report the number of deactivated Lifeline customers each month by service plan and the reasons for deactivation (e.g., no usage for 60 consecutive days, annual verification unsuccessful, or voluntary exit). Quarterly reports shall be filed with the Commission no later than 30 days after the end of each quarter.
9. Virgin Mobile shall respond within 30 days to Commission Staff's information requests on Virgin Mobile's Lifeline operations, including but not limited to Lifeline customers' usage patterns and Lifeline customer records.
10. Virgin Mobile shall cooperate with the Commission and the Department of Social and Health Services (DSHS) to work out a procedure to verify Virgin Mobile Lifeline customers' eligibility.
11. Virgin Mobile must not deduct airtime minutes for calls to customer care made from the customer's handset by dialing 611. Virgin Mobile shall explicitly state the policy of free 611 calls in its Lifeline service agreements. Virgin Mobile may require the customer to call the toll-free customer care number from another phone if necessary to resolve technical issues related to the handset or its programming.
12. By March 31 of each year, Virgin Mobile shall file with the Commission its complete Lifeline customer records of the prior calendar year. The customer records are subject to review of the Commission and DSHS. The records must have all the necessary information and be in an electronic format required by DSHS. After the Commission and DSHS notify Virgin Mobile of the results of the review, Virgin Mobile must take appropriate measures to either correct the customer records or stop providing services to ineligible customers and report the resolutions to the agencies within 60 days of the notice.
13. Virgin Mobile shall provide the Commission a copy of its annual Lifeline Verification survey results that it files with the Universal Service Administration Company (USAC) by August 31 of each year.
14. Virgin Mobile shall file with the Commission, by March 31 of each year, a report on the number of complaints, categorized by the different nature of complaints that it received

from Washington Lifeline customers during the prior calendar year (e.g., billing disputes and service quality complaints). This report shall include complaints filed with Virgin Mobile, the Commission's Consumer Protection and Communications Section, the Washington State Office of the Attorney General, and the Federal Communications Commission (FCC). The Commission reserves the rights to revoke Virgin Mobile's ETC designation if Virgin Mobile fails to provide reasonable quality of service.

15. Virgin Mobile shall cooperate with the Washington State Enhanced 911 Program (E911) and all Public Safety Answering Points on E911 issues and shall, upon request, designate a representative to serve as a member or alternate member of the Washington State E911 Advisory Committee or its Communications Sub-committee.
16. Virgin Mobile shall participate in the Washington State E911 Program's "What's Your Location" public information campaign if the E911 Program requests the participation of wireless carriers.
17. Virgin Mobile shall collaborate with the Washington State E911 Program to test the compatibility of its handsets with the new Emergency Service Information Network in Washington, including supplying handsets representative of Virgin Mobile's proprietary software and technical assistance should call delivery discrepancies be discovered.
18. Virgin Mobile shall comply with rules on cessation of business as specified in WAC 480-120-083.
 - a. Prior to cessation of business, Virgin Mobile shall make arrangements with its underlying carriers to provide minutes already sold to customers under the same terms and conditions it has with the customers, or provide refunds to the existing customers.
 - b. Virgin Mobile shall provide written notice to the following persons at least 30 days in advance of cessation of service:
 - i. The Commission;
 - ii. The state 911 program;
 - iii. Each of its customers;
 - iv. The national number administrator.
 - c. The notice to the Commission and the state 911 program must include the same information required by WAC 480-120-083 (3).
 - d. The notice to the customers must include the same information required by WAC 480-120-083 (4).
 - e. The notice to the national number administrator must include the same information required by WAC 480-120-083 (7).

- f. Virgin Mobile shall file with the Commission at least 30 days in advance of its cessation of business and request the relinquishment of its ETC designation in Washington.
19. Virgin Mobile shall collect and maintain necessary records and documentation to ensure its compliance with the applicable FCC and Commission requirements, including existing requirements and any future modifications. The records and documentation shall be provided to Commission staff upon request.
20. Virgin Mobile shall cooperate with Commission staff on phone number conservation issues and shall comply with 47 C.F.R. §52.
21. Virgin Mobile shall comply with all applicable federal and Washington state statutes and regulations.