

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

<p>In the Matter of the Petition of</p> <p>VIRGIN MOBILE USA, L.P.,</p> <p>For an Exemption from WAC 480-123-030(1)(d) and Designation as an Eligible Telecommunications Carrier</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. UT-100203</p> <p>VIRGIN MOBILE USA, L.P.’S</p> <p>APPLICATION TO RENEW ELIGIBLE</p> <p>TELECOMMUNICATIONS CARRIER</p> <p>DESIGNATION</p>
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1 Virgin Mobile USA, L.P. (“Virgin Mobile”) respectfully requests that the Commission renew its designation as an Eligible Telecommunications Carrier (“ETC”) in accordance with the Commission’s Order Granting the Exemption from Provisions of WAC 480-123-030(1), Investment Plan and Designation as an Eligible Telecommunications carrier issued in this docket on November 10, 2010.

BACKGROUND

2 On February 1, 2010, Virgin Mobile, a provider of prepaid wireless mobile service, filed a petition with the Commission requesting designation as an ETC pursuant to section 214(e)(2) of the Communications Act of 1934, as amended (“the Act”), and WAC 480-123-030. Virgin Mobile subsequently submitted two supplements to its petition, to clarify details of Virgin Mobile’s Lifeline offering. The Commission considered Virgin Mobile’s original and supplemental petition at its open meeting on November 10, 2010 and issued Order 01 on that date.

3 Commission Staff recommended to the Commission that Virgin Mobile be subject to the same conditions imposed upon TracFone Wireless, Inc. in UT-093012, UTC TracFone Proceeding. TracFone also provides prepaid wireless service to Lifeline customers in Washington. The Commission imposed the TracFone conditions on Virgin Mobile in Order 01, Appendix B. Condition 1 in Appendix B states:

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.

In accordance with this condition, Virgin Mobile files this Application seeking renewal of its ETC designation. As demonstrated below, Virgin Mobile has complied with all conditions of Appendix B. Therefore, Virgin Mobile requests the Commission to approve its Application and issue an order renewing Virgin Mobile's ETC designation.

APPLICATION

I. Virgin Mobile Meets the Requirements of WAC 480-123-030.

4 WAC 480-123-030 sets forth the information that must be contained in a petition for designation as an ETC. Virgin Mobile provides all of the information in compliance with this rule in its initial Petition for Limited Designation as an Eligible Telecommunications Carrier, as supplemented, filed in this docket. Virgin Mobile incorporates these filings herein. The Commission found in Order 01 that this petition met the requirements of WAC 480-123-030, except for on provisions for which a waiver was granted. Virgin Mobile has no changes to what its filed in 2010, so there is no reason to find that Virgin Mobile does not satisfy WAC 480-123-030.

II. Virgin Mobile Has Complied With All Conditions of Appendix B to Order 01.

5 Appendix B to Order 01 lists the Washington State conditions on the Designation of
Virgin Mobile as an ETC. Virgin Mobile complies with each of those conditions, referenced
herein as “Condition #_____.”

6 **Condition #1:** States that Virgin Mobile’s designation as an ETC shall be for an
interim period of one year and that Virgin Mobile may seek to renew its designation pursuant
to WAC 480-123-030 through -040. This Application is being filed in accordance with
Condition 1.

7 **Condition #2:** Requires Virgin Mobile to make a compliance filing within 30 days of
the Commission’s designation of Virgin Mobile as an ETC and that Virgin Mobile shall not
offer Lifeline services until the Commission has approved its compliance filing. Virgin
Mobile submitted its Compliance Filing on November 16, 2010. In response to comments
from Commission Staff, Virgin Mobile filed revised compliance filings on December 3 and
10, 2010. In a letter dated December 20, 2010, from David W. Danner, Executive Director
and Secretary, the Commission approved Virgin Mobile’s compliance filing.

8 **Condition #3:** Requires Virgin Mobile to 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. Virgin Mobile agrees to this condition.

9 **Condition #4:** Requires Virgin Mobile to provide information on its rates, terms and
conditions in a welcome package sent to Lifeline customers after enrollment in Virgin
Mobile’s Lifeline program, as well as at Virgin Mobile’s official Lifeline websites. Virgin
Mobile complies with this condition by providing information regarding rates, terms and
conditions in a welcome package sent to Lifeline customers and by posting that information
on its website at <https://www.assurancewireless.com>.

10 **Condition #5:** Requires Virgin Mobile to provide Lifeline customers with the choice of all other rate plans available to regular customers. Virgin Mobile complies with the condition by offering its Lifeline customers in Washington with a choice of three options that build upon 250 free voice minutes each month, all of which include features and functionalities associated with non-Lifeline Virgin Mobile services (including voice mail, caller ID, call waiting, etc.).

11 **Condition #6:** Requires Virgin Mobile to offer a plan with a minimum of 250 free minutes each month. Virgin Mobile offers this plan.

12 **Condition #7:** Requires Virgin Mobile to deactivate a Virgin Mobile account if the customer has no usage for 60 consecutive days. In addition, Condition 7 provides that 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 and that the customer shall have a 30-day grace period from the deactivation date to reactivate the Virgin Mobile account to restore the minutes accrued during the 60-day non-usage period and the 30-day grace period. Virgin Mobile has a non-usage procedure in place that complies with this condition.

13 **Condition #8:** Requires Virgin Mobile to file quarterly reports 30 days after the end of each quarter that provide the number of Lifeline customers by service plan that it enrolls each month and the number of deactivated Lifeline customers each month by service plan and the reasons for deactivation. Virgin Mobile has filed quarterly reports on May 19, 2011, July 29, 2011 and October 26, 2011.

14 **Condition #9:** Requires Virgin Mobile to respond within 30 days to Commission Staff's information requests on Virgin Mobile Lifeline operations. Virgin Mobile has timely responded to all requests for information from Commission Staff.

15 **Condition #10:** Requires Virgin Mobile to cooperate with the Commission and the Department of Social and Health Services (“DSHS”) to work out a procedure to verify Virgin Mobile’s Lifeline operations. Virgin Mobile has timely responded to all requests for information from Commission Staff. Virgin Mobile has and will continue to work with DSHS.

16 **Condition #11:** Requires Virgin Mobile to not deduct airtime minutes for calls to customer service made from the customer’s handset by dialing 611. All Virgin Mobile Washington Lifeline customers may contact customer service by dialing 611 from their handsets without having any minutes deducted.

17 **Condition #12:** Requires Virgin Mobile to file with the Commission its complete Lifeline customer records of the prior calendar year by March 31. In accordance with Condition 12, Virgin Mobile wrote a letter to the Commission on April 13, 2011 informing it that it had no Washington customers in calendar year 2010.

18 **Condition #13:** Requires Virgin Mobile to provide the Commission a copy of its annual Lifeline Verification survey results that it files with the Universal Service Administrative Company (“USAC”) by August 31 of each year. On September 7, 2011, Virgin Mobile provided these survey results to the Commission.

19 **Condition #14:** Requires Virgin Mobile to 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. Virgin Mobile complied with this condition with its April 13, 2011 letter to the Commission. See Condition #12.

20 **Condition #15:** Requires Virgin Mobile to 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. Virgin Mobile will cooperate with the Washington State Enhanced 911 Program (E911) and all Public Safety Answering Points on E911 issues. However, Virgin Mobile is not aware of any E911 issues that it needs to address. Virgin Mobile has not received any requests to designate a representative to serve as a member of the Washington E911 Advisory Committee or its Communications Sub-committee.

21 **Condition #16:** Requires Virgin Mobile to participate in the Washington State E911 Program's "*What's Your Location*" public information campaign if the E911 Program requests that participation of wireless carriers. The E911 Program has not requested Virgin Mobile to participate in the "*What's Your Location*" campaign.

22 **Condition #17:** Requires Virgin Mobile to collaborate with the Washington State E911 Program to test the compatibility of its handsets with the new Emergency Service Information Network in Washington. Virgin Mobile provided handsets to the Washington State E911 Program with the understanding that those handsets were to be tested.

23 **Condition #18:** Requires Virgin Mobile to comply with rules on cessation of business as specified in WAC 480-120-083. Virgin Mobile will comply with WAC 480-120-083.

24 **Condition #19:** Requires Virgin Mobile to collect and maintain necessary records and documentation to insure its compliance with the applicable FCC and Commission requirements, including existing requirements and any future modifications. Virgin Mobile collects and maintains all records required by applicable state and federal requirements and will provide them to the Commission Staff upon request.

25 **Condition #20:** Requires Virgin Mobile to cooperate with Commission Staff on
phone number conservation issues and shall comply with 47 C.F.R. § 52. Virgin Mobile will
comply with this condition.

26 **Condition #21:** Requires Virgin Mobile to comply with all applicable federal and
Washington state statutes and regulations. Virgin Mobile complies with applicable federal
and state law.

27 Based on the foregoing, Virgin Mobile has complied with all conditions set forth in
Appendix B to Order 01.

**III. Renewal of Virgin Mobile’s ETC Designation Advances the Purpose of Universal
Service and is in the Public Interest.**

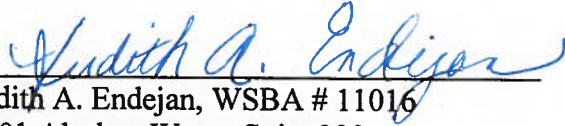
28 WAC 480-123-040 provides: “The commission will approve a petition for
designation as an ETC if the petition meets the requirements of WAC 480-123-030, the
designation will advance some or all of the purposes of universal service found in 47 U.S.C. §
254, and the designation is in the public interest.” In Order 01, the Commission found that
granting Virgin Mobile ETC status is “consistent with the public interest, the purposes
underlying regulation, and applicable statutes.” (§ 21) There is no change in circumstances
in the past year to warrant a different conclusion.

CONCLUSION

29 Virgin Mobile meets this Commission’s requirements for designation as an ETC and
has complied with all conditions in the Appendix B, Order 01. Furthermore, renewal of
Virgin Mobile’s designation as an ETC is in the public interest because Virgin Mobile’s
Lifeline service offers low-income consumers a free wireless telecommunications option. As
recognized by the Commission, Virgin Mobile’s current Lifeline offering is in the public
interest. Virgin Mobile requests the Commission to approve its Application and issue an
order renewing Virgin Mobile’s designation as an ETC.

RESPECTFULLY SUBMITTED this 10th day of November, 2011.

GRAHAM & DUNN PC



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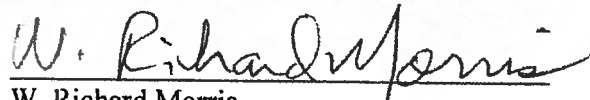
DECLARATION OF VIRGIN MOBILE USA, L.P.

I, W. Richard Morris, state as follows:

1. I am Director/Senior Counsel for Virgin Mobile USA, L.P. My business address is 6450 Sprint Parkway, Overland Park, KS 66251.
2. In my capacity as Director for Virgin Mobile, I am an authorized representative of Virgin Mobile USA, L.P. I have read Virgin Mobile's Application to Renew Eligible Telecommunications Designation and confirm that the information contained therein is true and correct to the best of my knowledge.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Executed this 10th day of November, 2011 at Overland Park, Kansas.



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