

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of )  
 )  
CRICKET COMMUNICATIONS, INC. )  
 ) File No.  
Notice of Relinquishment of Its )  
Eligible Telecommunications Carrier )  
Designation Pursuant to 47 U.S.C. §214(e)(4). )

**CRICKET’S NOTICE OF RELINQUISHMENT  
OF ITS ELIGIBLE TELECOMMUNICATION CARRIER DESIGNATION  
PURSUANT TO 47 U.S.C. §214.(e)(4)**

Cricket<sup>1</sup> respectfully submits<sup>2</sup> this notice of relinquishment of its Lifeline-only Eligible Telecommunications Carrier (“ETC”) designation in the State of Missouri, effective July 31, 2015.<sup>3</sup> This relinquishment of Cricket’s ETC designation meets all applicable requirements and should be expeditiously accepted.

**BACKGROUND**

1. Cricket is licensed by the Federal Communications Commission (“FCC”) to provide commercial mobile radio service (“CMRS”) in Missouri. On March 13, 2014, after

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<sup>1</sup> Cricket Communications, Inc. shall be referred to in this Notice as “Cricket.”

<sup>2</sup> Cricket submits this notice pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205 and 4 C.S.R. 240-2.080.

<sup>3</sup> In order to meet this date and provide ample notice to customers and ensure an orderly transition, Cricket respectfully suggests a procedural path along the following lines:

|        |         |   |
|--------|---------|---|
| Friday | 3/20/15 | Order re: Notice, Intervention Date and Staff Recommendation                                |
| Friday | 4/10/15 | Intervention Deadline   |
| Friday | 4/10/15 | Staff Recommendation  |
| Friday | 4/17/15 | Order Granting Relinquishment Request and allowing 5/1/15 cessation of new order acceptance |
| Friday | 7/31/15 | Effective Date of Order Granting ETC Relinquishment   |

receiving appropriate approvals, including from the FCC,<sup>4</sup> Cricket became a wholly-owned, indirect subsidiary of AT&T Inc.

2. On March 10, 2010, the Missouri Public Service Commission (“Commission”) granted Cricket’s request for designation as a Lifeline-only ETC in its licensed service areas within Missouri, effective March 20, 2010, in Case No. TA-2010-0229.

3. Cricket currently provides service via its CDMA wireless network. AT&T Inc. wishes to shut down this older CDMA network. Post-relinquishment, Cricket customers will be able to receive GSM-based 4G service through New Cricket (another AT&T wireless affiliate)<sup>5</sup> which will offer competitive plans that provide all consumers, including low-income consumers, a better service at a great value.

### **CRICKET’S RELINQUISHMENT REQUEST**

4. Cricket intends to relinquish its Lifeline-only ETC designation in all areas of Missouri for which it is currently so designated, with such relinquishment to become effective on July 31, 2015.

5. In order to help enable an orderly customer transition to the New Cricket’s GSM-based service and avoid customer confusion, Cricket plans to stop accepting orders for new Lifeline service on May 1, 2015, absent objection.

6. Relinquishment of Cricket’s Lifeline-only ETC designation will not affect the amount of federal Lifeline support available to other ETCs in the state.

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<sup>4</sup> *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*”).

<sup>5</sup> The affiliate through which Cricket GSM service is provided is Cricket Wireless, LLC (“New Cricket”). New Cricket, like Cricket, is a wholly-owned, indirect subsidiary of AT&T Inc.

7. Cricket is entitled to relinquish its ETC designation pursuant to 47 U.S.C.

§214(e)(4), which states:

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. (emphasis added)

The FCC rule essentially reiterates the same requirements in § 214(e)(4): “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.*

8. Consistent with 47 U.S.C. §214(e)(4) and 47 C.F.R. § 54.205(a), Cricket is filing this notice over four (4) months in advance of the requested effective date of relinquishment of its ETC designation. This advance notice satisfies the requirement to provide advance notice to the Commission of Cricket’s intent to relinquish its ETC designation.

9. 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. 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. 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.

10. To the best of Cricket's knowledge, no purchase or construction of facilities by other carriers will be necessary.<sup>6</sup> Because other ETCs currently serve the entire area in which Cricket is designated as an ETC in Missouri, 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 receive service through New Cricket which offers competitive plans that provide all consumers, including low-income consumers, a great value.

11. 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 the end of February, 2015, Cricket had fewer than 1,925 Lifeline customers within its ETC designated area in Missouri. The number of Cricket Lifeline customers in the state has decreased by approximately eighty percent since the end of August 2014.

12. 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

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<sup>6</sup> 47 U.S.C. §214(e)(4).

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](http://lifelinesupport.org) through which a customer may obtain 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 provide via U.S. Mail to each of its Lifeline customers on or before May 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 May 22, 2015, directing them to a website(s) with information about New Cricket's offers and alternative Lifeline providers.

13. 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.<sup>7</sup> Cricket will not seek reimbursement for the Lifeline discount after the relinquishment effective date, July 31, 2015.

14. In order to avoid customer confusion and assist with a smooth transition process, Cricket will stop accepting new Lifeline applications beginning May 1, 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.<sup>8</sup> Doing so will prevent a newly enrolled Lifeline

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<sup>7</sup> 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.

<sup>8</sup> 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

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.

15. In other states, Cricket has obtained state commission approval and wide customer acceptance of the transition from Cricket's Lifeline CDMA offerings to the New Cricket's 4G GSM offerings.<sup>9</sup> Cricket wishes to bring the benefits of the transition to its customers in Missouri expeditiously. Ending participation in the Lifeline program and shutting down the CDMA network will allow the company to focus on one advanced network.

### **CONCLUSION**

Having demonstrated that it meets the requirements for relinquishment of its ETC designation, Cricket respectfully requests that the Commission issue an order by April 17, 2015: (1) accepting Cricket's Notice allowing Cricket to relinquish its Lifeline-only ETC designation and right to receive federal universal service funding in Missouri, effective July 31, 2015; and (2) allowing Cricket to stop accepting new Lifeline applications on May 1, 2015.

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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.

<sup>9</sup> State commission orders granting Cricket relinquishment requests include the Kansas Corporation Commission on February 10, 2015, in Docket No. 15-CRCZ-296-ETC; the Oklahoma Corporation Commission on February 10, 2015, in Cause No. PUD 201400337; the Indiana Utility Regulatory Commission on February 4, 2015, in Cause No. 41052 ETC 57; the Nebraska Public Service Commission on January 21, 2015, in Application No. C-4729; the Arkansas Public Service Commission on December 19, 2014, in Docket No. 11-155-U; and the Illinois Commerce Commission on January 6, 2015, in Case No. 14-0635. These orders will be provided upon request and represent just a sample of orders that have been issued permitting Cricket to relinquish its ETC designation.

Respectfully submitted,

CRICKET COMMUNICATIONS, INC.

A handwritten signature in blue ink, appearing to read "Leo M".

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**CERTIFICATE OF SERVICE**

Copies of this document and all attachments were served on the following by e-mail on March 17, 2015.



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