

ORIGINAL

NEW APPLICATION



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

2015 FEB 10 P 12:13

- SUSAN BITTER SMITH, Chairman
- BOB STUMP
- BOB BURNS
- DOUG LITTLE
- TOM FORESE

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
CRICKET COMMUNICATIONS, INC. FOR
APPROVAL OF RELINQUISHMENT OF ITS
ELIGIBLE TELECOMMUNICATIONS CARRIER
DESIGNATION

Docket No. T-20721A-15-0038

APPLICATION

GALLAGHER & KENNEDY, P.A.
2575 E. CAMELBACK ROAD
PHOENIX, ARIZONA 85016-9225
(602) 530-8000

Cricket Communications, Inc. ("Cricket") respectfully requests approval to relinquish its Lifeline-only Eligible Telecommunications Carrier ("ETC") designation in Arizona pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205, Arizona Administrative Code ("A.A.C.") R14-2-1107, and Arizona Corporation Commission ("Commission") Decision No. 72665. Cricket requests that the relinquishment be effective as of July 31, 2015 and that its Arizona Informational Lifeline Tariff (C.C. No. 1) be cancelled on that date as well.

BACKGROUND

Cricket is licensed by the Federal Communications Commission ("FCC") to provide commercial mobile radio service in Arizona. On November 17, 2011, the Commission granted Cricket's request for designation as a Lifeline-only ETC in certain areas within Arizona.¹ On March 13, 2014, after receiving appropriate approvals, including from the FCC² and a waiver of

¹ Docket No. T-20721A-10-0019, Decision No. 72665.

² *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*").

1 the Commission's Affiliate Interest Rules A.A.C. R14-2-801, *et seq.*,³ Cricket became a wholly-
2 owned, indirect subsidiary of AT&T Inc. ("AT&T").

3 Cricket intends to relinquish its Lifeline-only ETC designation in all areas of Arizona for
4 which it is currently so designated, with such relinquishment to become effective on July 31,
5 2015. Relinquishment of Cricket's Lifeline-only ETC designation will not affect the amount of
6 federal Lifeline support available to other ETCs in the state or deprive eligible customers access
7 to Lifeline service from other ETCs.

8 DISCUSSION

9 Cricket is entitled to relinquish its ETC designation pursuant to 47 U.S.C. § 214(e)(4)
10 which states, in pertinent part:

11 A State commission...**shall permit an eligible telecommunications**
12 **carrier to relinquish its designation** as such a carrier **in any area served**
13 **by more than one eligible telecommunications carrier.** An eligible
14 telecommunications carrier that seeks to relinquish its eligible
15 telecommunications carrier designation for an area served by more than
16 one eligible telecommunications carrier shall give advance notice to the
17 State commission...of such relinquishment. Prior to permitting a
18 telecommunications carrier designated as an eligible telecommunications
19 carrier to cease providing universal service in an area served by more than
20 one eligible telecommunications carrier, the State commission...shall
21 require the remaining eligible telecommunications carrier or carriers to
22 ensure that all customers served by the relinquishing carrier will continue
23 to be served, and shall require sufficient notice to permit the purchase or
24 construction of adequate facilities by any remaining eligible
telecommunications carrier.

19 (Emphasis added.)

20 The FCC rule reiterates these statutory requirements by providing, in pertinent part, that a
21 "state commission shall permit" an ETC to "relinquish its designation as such in any area served
22 by more than one [ETC]." 47 C.F.R. § 54.205(a). The FCC rule also requires that the ETC

23 ³ Docket Nos. T-20872A-13-0282 and T-20874A-13-0282, Administrative Closure Number 74145 (Oct. 23, 2013).

1 “shall give advance notice to the state commission of such relinquishment.” *Id.* Finally, the
2 FCC rules require state commissions to ensure that the relinquishing ETC’s customers will be
3 served by the remaining ETC(s) and ensure sufficient notice to permit the purchase and
4 construction of facilities, if necessary. 47 C.F.R. § 54.205(b).

5 Consistent with the foregoing provisions of federal law, the Commission, when it granted
6 Cricket’s ETC status, provided a procedural mechanism by which relinquishment would occur:

7 IT IS FURTHER ORDERED that in the event Cricket Communications,
8 Inc. desires to relinquish its Eligible Telecommunications Carrier status
9 and no longer desires to provide Lifeline services, it shall provide notice to
both the Commission and its customers in accordance with A.A.C. R14-2-
1107.⁴

10 A.A.C. R14-2-1107 sets forth the following procedure:

11 A. Any telecommunications company providing competitive local exchange or
12 interexchange service on a resold or facilities-based basis that intends to
13 discontinue service or to abandon all or a portion of its service area shall file
an application for authorization with the Commission setting forth the
following:

- 14 1. Any reasons for the proposed discontinuance of service or abandonment of
15 service area;
- 16 2. Verification that all affected customers have been notified of the proposed
17 discontinuance or abandonment, and that all affected customers will have
access to an alternative local exchange service provider or interexchange
service provider;
- 18 3. Where applicable, a plan for the refund of deposits collected pursuant to
19 subsection R14-2-503(B);
- 20 4. A list of all alternative utilities providing the same or similar service
21 within the affected geographic area.

22
23 ⁴ Seventh Ordering Paragraph at page 14 of Decision No. 72665.

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REASONS FOR PROPOSED DISCONTINUANCE OF ETC SERVICE

Cricket is preparing to shut down its CDMA network, which will occur in some states as early as March 2015 and in all states no later than third quarter 2015. Another AT&T affiliate, New Cricket,⁵ has been and will continue to offer 4G GSM wireless service, but will not participate in the federal Lifeline program. New Cricket offers competitive plans that provide all consumers, including low-income consumers, a great value. In fact, New Cricket's competitively-priced 4G rate plans with no annual contract are attractive without the Lifeline discount. As a result, legacy CDMA Cricket Lifeline customers are migrating to the New Cricket GSM network and rate plans at roughly the same rate as non-Lifeline customers.

Further, Lifeline requirements such as annual recertification are burdensome for both the customer and the carrier. Relinquishing legacy Cricket's ETC designation will eliminate these concerns.

VERIFICATION OF NOTICE

On February 7, 2015, Cricket sent a letter by U. S. Mail to each of its Lifeline customers, notifying them that Cricket plans to relinquish its ETC status in Arizona and that it will file an application with the Commission seeking approval of that change. The letter also informed these customers that, upon ETC relinquishment, Cricket will offer each Lifeline customer the option of transitioning to a competitively priced 4G GSM wireless calling plan offered by New Cricket. The letter also informed each affected customer that a Lifeline discount could be obtained from the remaining ETC(s) in the area. **Exhibit A** to this Application is a sample copy of the notification letter Cricket sent its Lifeline customers pursuant to A.A.C. R14-2-1107(A)(2).

⁵ Cricket Wireless LLC ("New Cricket"), formerly known as Aio, is a wholly-owned, indirect subsidiary of AT&T.

1 Pursuant to A.A.C. R14-2-1107(B), within 20 days of filing this Application, Cricket will
2 publish legal notice of the Application in all counties affected by the Application. The legal
3 notice will describe with particularity the substance of the Application and inform interested
4 persons that they may file objections to the Application, request a hearing or submit a motion to
5 intervene in the proceeding within 30 days of the publication.

6 Upon Commission approval of the Application, each Lifeline customer will receive at
7 least one reminder from Cricket regarding the discontinuation of the Lifeline discount. The
8 message will also direct the customer to websites with information about New Cricket's offers
9 and alternative Lifeline providers.

10 PLAN FOR DEPOSIT RETURNS

11 Cricket does not require its Lifeline customers to pay a deposit to initiate or maintain
12 service. Therefore, no plan for the return of deposits is necessary.

13 ALTERNATIVE ETC PROVIDERS

14 The wire centers affected by this Application along with the incumbent local exchange
15 carriers ("ILECs") currently serving those wire centers are identified in **Exhibit B** to this
16 Application. To the best of Cricket's knowledge, each of the wire centers identified in the
17 exhibit is currently served by the ILEC which is an ETC. Exhibit B also identifies competitive
18 ETCs, including Lifeline-only providers, which provide service in at least part of Cricket's
19 designated service area. Given that there is already at least one other ETC in all areas in which
20 Cricket is currently designated as an ETC, the requirements for relinquishment set forth in 47
21 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 have been met.

1 Also, because other ETCs currently serve the entire area in which Cricket is designated as
2 an ETC in Arizona, there is no need for those carriers to purchase or construct facilities to ensure
3 that Cricket's customers will continue to receive service. Therefore, the notice to other carriers
4 described in 47 U.S.C. § 214(e)(4) is unnecessary.

5 RELINQUISHMENT TIMELINE

6 Cricket seeks relinquishment of its Lifeline-only ETC designation effective July 31,
7 2015. Accordingly, Cricket respectfully requests the Commission issue its order approving
8 Cricket's Application as soon as possible, but no later than June 1, 2015, so that Cricket can
9 provide ample notice to its customers and ensure an orderly transition.

10 In order to avoid customer confusion and assist with a smooth transition process, Cricket
11 will inform potential customers inquiring about Lifeline of the pendency of this Application.
12 Upon Commission approval of this Application, Cricket will stop enrolling new Lifeline
13 customers.⁶ This will prevent a newly enrolled Lifeline customer on Cricket's CDMA network
14 from having to change to another Lifeline provider shortly thereafter or having to change devices
15 to receive GSM service from New Cricket.

16 Following relinquishment, Cricket will continue to provide existing eligible Lifeline
17 customers with the Lifeline discount until the earlier of such time as the customer voluntarily
18 upgrades his or her device, chooses another rate plan, suspends service, migrates to the New

19 _____
20 ⁶ See *Application of Sprint Nextel Corporation to Relinquish Its Designation as an Eligible Telecommunications*
21 *Carrier*, Texas PUC Docket No. 40543, Staff Memo at 2 (July 25, 2012) ("Ms. Kimberly Scardino, Deputy Division
22 Chief, the FCC TAPD, stated in an email to Staff dated July 24, 2012, that Staff's requirement that no new Lifeline
23 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); *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.

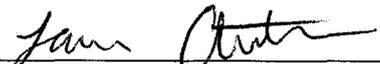
1 Cricket GSM platform, or until the sunset of the CDMA network. Cricket will not seek
2 reimbursement for the Lifeline discount after the relinquishment effective date of July 31, 2015.

3 **CONCLUSION**

4 Based on the foregoing, Cricket respectfully requests that the Commission grant this
5 Application by June 1, 2015, approving (1) relinquishment of Cricket's Lifeline-only ETC
6 designation and right to receive federal universal service funding in Arizona, effective July 31,
7 2015, (2) cancelation of Cricket's Arizona Informational Lifeline Tariff (C.C. No. 1) on that
8 same date, and (3) such other and further relief as the Commission deems just and reasonable
9 under the circumstances.

10 RESPECTFULLY SUBMITTED this 10th day of February, 2015.

11 GALLAGHER & KENNEDY, P.A.

12
13 By 
14 Jennifer A. Cranston
15 Laura E. Antonuccio
16 2575 East Camelback Road
17 Phoenix, Arizona 85016-9225
18 Attorneys for Cricket Communications, Inc.

17 **Original and 13 copies** filed this
18 10th day of February, 2015, with:

19 Docket Control
20 Arizona Corporation Commission
21 1200 West Washington Street
22 Phoenix, Arizona 85007
23
24

1 **Copies** of the foregoing delivered
this 10th day of February, 2015, to:

2
3 Steve Olea, Director
4 Utilities Division
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, Arizona 85007

8
9 Elijah Abinah
10 Utilities Division
11 Arizona Corporation Commission
12 1200 West Washington Street
13 Phoenix, Arizona 85007

14
15 John Le Sueur
16 Utilities Division
17 Arizona Corporation Commission
18 1200 West Washington Street
19 Phoenix, Arizona 85007

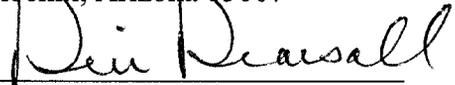
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21 Terri Ford
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EXHIBIT A

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}

SAMPLE

Dear {Customer Name},

We're writing to let you know that Cricket is preparing to shut down its "old" Cricket CDMA network in Arizona, which means that we plan to terminate **your current service for mobile number [Tel. No.] on [add date]**. We'll contact you again in the near future to provide more information about Cricket's "old" network shutdown and the options available to you.

As part of shutting down the "old" network, **Cricket intends to no longer participate in the federal Lifeline program in Arizona after July 31, 2015**, subject to approval by the Arizona Corporation Commission. We will send you another notice prior to discontinuing participation in the federal Lifeline program. In the meantime, as an existing Cricket Lifeline customer, you'll continue to receive your Lifeline Credit on your current Cricket rate plan until your service on the "old" network is terminated (unless your service is suspended, you voluntarily upgrade your device, or you change your current rate plan).

You'll have the option of moving to the New Cricket (another affiliate of AT&T), allowing you to enjoy the benefits of New Cricket's 4G network and rate plans. All you need is a compatible GSM phone and one of New Cricket's rate plans. These new plans don't include a Lifeline discount, but we encourage you to check out the great values they offer.

Or you may decide to move to another service provider that still offers Lifeline discounts. It's your choice!

If you'd like to receive Lifeline discounts from another service provider, visit lifelinesupport.org or see the following list of Lifeline providers in Arizona and their telephone numbers:

CENTURYLINK doing business as ("d/b/a") QWEST – 1-888-833-9522
ACCIPITER COMMUNICATIONS INC. d/b/a Zona Communications – 623-455-4555
MIDVALE TELEPHONE COMPANY, INC. – 1-800-462-4523
TRACFONE WIRELESS INC. d/b/a SafeLink Wireless – 1-800-SAFELINK (723-3546)
TERRACOM INC. d/b/a TerraCom Wireless – 1-877-351-4747
COX ARIZONA TELCOM LLC – 1-866-961-0027
I-WIRELESS LLC d/b/a Access Wireless – 1-888-900-5899
BUDGET PREPAY INC. d/b/a Budget Mobile – 1-888-777-4007
GLOBAL CONNECTION INC. OF AMERICA d/b/a StandUp Wireless – 1-800-544-4441
Q LINK WIRELESS LLC – 1-855-754-6543
VIRGIN MOBILE USA LP d/b/a Assurance Wireless – 1-888-898-4888
TELRITE CORPORATION d/b/a Life Wireless – 1-888-543-3620
NEXUS COMMUNICATIONS INC. d/b/a ReachOut Wireless – 1-877-870-9222
BOOMERANG WIRELESS LLC d/b/a enTouch Wireless – 1-866-488-8719
BLUE JAY WIRELESS LLC – 1-855-425-8529
TOTAL CALL MOBILE, INC. – 1-800-550-5265

At least one of these providers offers Lifeline service in your area.

If you choose to remain a customer of New Cricket, act before the "old" network terminates on **[add date]**. **Visit your nearest Cricket retail store** to switch to a new GSM phone and rate plan—or learn more about switching to New Cricket at <http://cricketwireless.com/switch> or by calling 1-800-CRICKET (800- 274-2538).

We look forward to continuing to serve your wireless needs.

Sincerely,

Cricket Wireless

EXHIBIT B

ILEC ETCS BY WIRE CENTER

ILEC NAME	CLLI CODE
ACCIPITER COMMUNICATIONS INC.	PEORAZZF
MIDVALE TELEPHONE COMPANY INC.	SCDMAZ89
CENTURYLINK d/b/a QWEST CORPORATION	AGFIAZSR
CENTURYLINK d/b/a QWEST CORPORATION	AZCYAZ03
CENTURYLINK d/b/a QWEST CORPORATION	BCKYAZMA
CENTURYLINK d/b/a QWEST CORPORATION	BLCNAZMA
CENTURYLINK d/b/a QWEST CORPORATION	BRDSAZMA
CENTURYLINK d/b/a QWEST CORPORATION	CHNDAZMA
CENTURYLINK d/b/a QWEST CORPORATION	CHNDAZSO
CENTURYLINK d/b/a QWEST CORPORATION	CHNDAZWE
CENTURYLINK d/b/a QWEST CORPORATION	CLDGAZMA
CENTURYLINK d/b/a QWEST CORPORATION	CRCYAZNM
CENTURYLINK d/b/a QWEST CORPORATION	CRNDAZMA
CENTURYLINK d/b/a QWEST CORPORATION	CSGRAZMA
CENTURYLINK d/b/a QWEST CORPORATION	CVCKAZMA
CENTURYLINK d/b/a QWEST CORPORATION	DRVYAZNO
CENTURYLINK d/b/a QWEST CORPORATION	ELOYAZ01
CENTURYLINK d/b/a QWEST CORPORATION	FLRNAZMA
CENTURYLINK d/b/a QWEST CORPORATION	FTMDAZMA
CENTURYLINK d/b/a QWEST CORPORATION	FTMDAZNO
CENTURYLINK d/b/a QWEST CORPORATION	GDYRAZCW
CENTURYLINK d/b/a QWEST CORPORATION	GLDLAZMA
CENTURYLINK d/b/a QWEST CORPORATION	GNVYAZMA
CENTURYLINK d/b/a QWEST CORPORATION	HGLYAZMA
CENTURYLINK d/b/a QWEST CORPORATION	HGLYAZQC
CENTURYLINK d/b/a QWEST CORPORATION	LTPKAZMA
CENTURYLINK d/b/a QWEST CORPORATION	MARNAZ02
CENTURYLINK d/b/a QWEST CORPORATION	MARNAZ03
CENTURYLINK d/b/a QWEST CORPORATION	MARNAZMA
CENTURYLINK d/b/a QWEST CORPORATION	MESAAZGI
CENTURYLINK d/b/a QWEST CORPORATION	MESAAZMA
CENTURYLINK d/b/a QWEST CORPORATION	MMTHAZMA

CENTURYLINK d/b/a QWEST CORPORATION	MRCPAZMA
CENTURYLINK d/b/a QWEST CORPORATION	NGLSAZ03
CENTURYLINK d/b/a QWEST CORPORATION	NGLSAZMA
CENTURYLINK d/b/a QWEST CORPORATION	NGLSAZMW
CENTURYLINK d/b/a QWEST CORPORATION	NWRVAZMA
CENTURYLINK d/b/a QWEST CORPORATION	ORCLAZMA
CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZ81
CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZBW
CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZCA
CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZEA
CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZGR
CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZLV
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CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZNW
CENTURYLINK d/b/a QWEST CORPORATION	PHNXAZPP
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CENTURYLINK d/b/a QWEST CORPORATION	PRVYAZPP
CENTURYLINK d/b/a QWEST CORPORATION	PTGNAZEL
CENTURYLINK d/b/a QWEST CORPORATION	PTGNAZMA
CENTURYLINK d/b/a QWEST CORPORATION	SCDLAZMA
CENTURYLINK d/b/a QWEST CORPORATION	SCDLAZSH
CENTURYLINK d/b/a QWEST CORPORATION	SCDLAZTH
CENTURYLINK d/b/a QWEST CORPORATION	SNMNAZMA
CENTURYLINK d/b/a QWEST CORPORATION	SPRRAZMA
CENTURYLINK d/b/a QWEST CORPORATION	SPRSAZEA
CENTURYLINK d/b/a QWEST CORPORATION	SPRSAZMA
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CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZCA
CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZCO
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CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZFW

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CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZRN
CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZSE
CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZSO
CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZSW
CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZTV
CENTURYLINK d/b/a QWEST CORPORATION	TCSNAZWE
CENTURYLINK d/b/a QWEST CORPORATION	TEMPAZMA
CENTURYLINK d/b/a QWEST CORPORATION	TEMPAZMC
CENTURYLINK d/b/a QWEST CORPORATION	TLSNAZMA
CENTURYLINK d/b/a QWEST CORPORATION	TUBCAZMA
CENTURYLINK d/b/a QWEST CORPORATION	VAILAZNO
CENTURYLINK d/b/a QWEST CORPORATION	VAILAZSO
CENTURYLINK d/b/a QWEST CORPORATION	WHTKAZMA
CENTURYLINK d/b/a QWEST CORPORATION	WHTLAZMA
CENTURYLINK d/b/a QWEST CORPORATION	WNBGAZ01

**COMPETITIVE ETCS SERVING ONE OR MORE WIRE CENTER(S) IN CRICKET'S
ETC SERVING AREA**

TRACFONE WIRELESS INC.
TERRACOM INC.
COX ARIZONA TELCOM LLC
I-WIRELESS LLC
BUDGET PREPAY INC.
GLOBAL CONNECTION INC. OF AMERICA
Q LINK WIRELESS LLC
VIRGIN MOBILE USA LP
TELRITE CORPORATION
NEXUS COMMUNICATIONS INC.
BOOMERANG WIRELESS LLC
BLUE JAY WIRELESS LLC
TOTAL CALL MOBILE INC.