

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-4729
Application of Cricket)	
Communications, San Diego,)	
California, seeking approval)	
to relinquish its Lifeline-)	GRANTED
only Eligible)	
Telecommunications Carrier)	
designation.)	Entered: January 21, 2015

BY THE COMMISSION:

By Application filed December 3, 2014, Cricket Communications, Inc. ("Cricket" or "Applicant") seeks permission to relinquish its Eligible Telecommunications Carrier ("ETC") designation pursuant to Section 214(e)(4) of the Telecommunications Act of 1934, as amended (the "Act"), 47 U.S.C. § 214(e)(4), and Section 54.205 of the Federal Communication Commission's ("FCC") rules, 47 C.F.R § 54.205. Notice of the Application was published in The Daily Record, Omaha, Nebraska, on December 9, 2014. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

O P I N I O N A N D F I N D I N G S

Cricket is licensed by the FCC to provide commercial mobile radio service ("CMRS") in Nebraska. Cricket has been designated as a Lifeline-only ETC in Nebraska since August 7, 2012, pursuant to the Commission's order in Docket C-4453/NUSF-80.¹ Consistent with 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, Cricket has requested permission to relinquish its ETC designation effective March 31, 2015.

Cricket wishes to relinquish its ETC designation in advance of the expected shutdown of its CDMA network in Nebraska before mid-September 2015. All of Cricket's CDMA-based customers will be required to migrate off of Cricket's CDMA network prior to network shutdown and retail service to Cricket customers will terminate as early as mid-August. Cricket states that said relinquishment will not affect the amount of federal high-cost

¹ *In the Matter of the Application of Cricket Communications, Inc., San Diego, California, for designation as an Eligible Telecommunications Carrier in the State of Nebraska*, Docket C-4453/NUSF-80, Order (August 7, 2012).

universal service support available to other ETCs, nor Cricket's continued operation in the state.

According to 47 U.S.C. § 214(e)(4), 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." This section further requires that the relinquishing ETC "shall give advance notice to the state commission . . . of such relinquishment." Prior to permitting the ETC to cease providing universal service, the 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." Cricket states that it satisfies all of these requirements.

Cricket is taking steps to mitigate the impact of relinquishment on its current Lifeline customers and wants to ensure that these customers receive sufficient 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 date of this filing, Cricket has less than 1,500 Lifeline customers within its ETC designated area in Nebraska.

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. Pursuant to the FCC's *Cricket Transfer Order*,² Cricket will continue to provide a discount equivalent to the Lifeline discount to existing Lifeline customers who maintain their existing Cricket rate plan until the earlier of such time as the customer (i) voluntarily chooses another rate plan, (ii) voluntarily terminates service, (iii) voluntarily migrates to the New Cricket GSM platform, or (iv) until the sunset of the

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 13-193, DA 14-349 (rel. March 13, 2014) ("Cricket Transfer Order").

CDMA network. 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.

In order to avoid customer confusion and assist with a smooth transition process, Cricket requests approval to stop accepting new Lifeline applications and advertising Lifeline service as of the effective date of the order approving this Petition. This approach is consistent with that taken in other jurisdictions. This approach will also prevent a newly enrolled Lifeline 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.

Based on the foregoing, the Commission finds that Cricket satisfies the requirements of 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 and that its application for relinquishment of ETC designation should be approved.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4729 should be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 21st day of January, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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Based on the foregoing, the Commission finds that Cricket satisfies the requirements of 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 and that its application for relinquishment of ETC designation should be approved.

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram
Crystal Knodes
Red [Signature]

//s//Frank E. Landis
//s//Gerald L. Vap

Chairman

Gerald L. Vap

ATTEST:

Steve Meradith

Executive Director