

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 10th day of March, 2010.

In the Matter of the Application of Cricket Communications, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Missouri

File No. TA-2010-0229

ORDER GRANTING APPLICATION FOR ELIGIBLE TELECOMMUNICATIONS CARRIER STATUS

Issue Date: March 10, 2010

Effective Date: March 20, 2010

The Missouri Public Service Commission grants the application of Cricket Communications, Inc. (“Cricket”) for eligible telecommunications carrier (“ETC”) status, for low-income support only, and waives regulations inapplicable to that purpose.

Procedure

On February 4, 2010, Cricket filed the verified application. The Commission allowed until February 25, 2010, for the filing of applications for intervention but the Commission received none. On February 26, 2010, the Commission's staff ("Staff") filed its recommendation, with a supporting affidavit, favoring the application. Because all parties agree with the application, no law requires a hearing before granting the application,¹ so the Commission convened no hearing² and bases its findings on the verified filings.

¹ *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Com'n*, 776 S.W.2d 494 (Mo. App. 1989).

² Section 536.060.

Merits

The Commission has jurisdiction to decide the application for ETC designation³ of Cricket. Cricket is a Delaware corporation, authorized to do business in Missouri, with its principle place of business at 5887 Copley Drive, San Diego, California, 92111. Within the last three years before the application's filing, no pending action or final unsatisfied judgment or decision, involving customer service or rates, has occurred in any state or federal agency or court against Cricket, and Cricket has no overdue annual report or assessments fees.

Cricket asks for a waiver of certain regulations governing the application's content. The Commission may waive its regulations on a showing of good cause.⁴ Good cause, in this context, means a reasonable request made in good faith.⁵ Those elements are present in Cricket's request. The regulations for which Cricket seeks a waiver relate solely to Federal Universal Service Fund ("FUSF") high-cost support and construction. Cricket expressly seeks no funds to provide high-cost service and its system is already built out. Therefore, the Commission will grant the waivers as set forth below.

Cricket seeks support to provide Lifeline and Link-UP wireless services to qualified low-income Missouri consumers. That goal is among the FUSF's purposes:

Consumers in all regions of the Nation, including low-income consumers . . . access to telecommunications . . . services [. ⁶]

Staff agrees that Cricket qualifies for designation under federal and Missouri regulations, and no party raises any dispute as to the application. Therefore, the Commission will grant the application.

³ 47 U.S.C. 214(e)(2).

⁴ 4 CSR 240-3.015(1) and 4 CSR 240-2.015(1).

THE COMMISSION ORDERS THAT:

1. The requirements under the following regulations are waived:
 - 4 CSR 240-3.570(2)(A)1, 2 and 3;
 - 4 CSR 240-3.570(2)(C);
 - 4 CSR 240-3.570(4)(A)1, 2, 3, 4, and 5; and
 - 4 CSR 240-3.570(4)(B)1, 2, 3, and 4.
2. The application of Cricket Communications, Inc. is granted.
3. This order is effective on March 20, 2010.
4. The Commission's Data Center shall close this file on March 21, 2010.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Davis, Jarrett, Gunn, and Kenney, CC., concur;
Clayton, Chm., absent.

Jordan, Regulatory Law Judge

⁵ *American Family Ins. Co. v. Hilden*, 936 S.W.2d 207 (Mo. App. W.D. 1996).

⁶ 47 USC § 254(b)(3).