

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

In the Matter of the Application of Cricket)	
Communications, Inc. for Designation as an)	File No. TA-2010-0229
Eligible Telecommunications Carrier in the)	
State of Missouri)	

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation, states as follows:

1. On February 4, 2010 Cricket Communications, Inc. (“the Company”), a wireless carrier, filed an application with the Missouri Public Service Commission seeking designation as an Eligible Telecommunications Carrier (“ETC”) for the purpose of receiving federal universal service fund support for low income customers. In addition to the designation, the Company seeks either a waiver of certain rules or a Commission determination that the rules are inapplicable.

2. In the attached Memorandum, labeled Appendix 1, the Staff recommends that the Commission grant the Company’s request. In the Staff’s opinion, the Company has met all the requirements, both state and federal, to become designated as an eligible telecommunications carrier for receipt of federal universal service fund low-income support. The Company is not delinquent or non-compliant with any of the Commission’s reporting or assessment requirements; the Company is a mobile wireless telecommunications provider whose operations are not regulated by the Commission.

3. Staff also recommends that the Commission grant the waivers the Company requests, to wit: those that pertain to receipt of high-cost support. Although the listed rules clearly do not apply and do not technically require waiver, the Commission’s practice has been to waive inapplicable rules. The at issue are: 4 CSR 240-3.570(2)(A) 1 through 3; 4 CSR 240-3.570(4)(A) 1 through 5; and 4 CSR 240-3.570(4)(B) 1 through 4. In addition, the Company requests a waiver of 4 CSR 240-3.570(2)(C), an application filing requirement; the Staff supports waiving the filing requirement.

WHEREFORE, Staff recommends that the Commission grant Cricket Communications, Inc.’s Application to be designated an Eligible Telecommunications Service for the receipt of

low-income support from the federal Universal Service Fund and that the Commission grant the Company all requested waivers.

Respectfully submitted,



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 26th day of February, 2010.



MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TA-2010-0229
Company Name: Cricket Communications, Inc.

From: Dana Parish
Telecommunications Department

John Van Eschen (2/26/10) Cully Dale (2/26/10)
Utility Operations Division/Date General Counsel's Office/Date

Subject: Staff Recommendation Regarding Cricket Communications, Inc. Application for ETC Status

Date: February 26, 2010

On February 4, 2010 Cricket Communications, Inc. (Cricket or Company), a wireless carrier, filed an application with the Missouri Public Service Commission (PSC) seeking designation as an Eligible Telecommunications Carrier (ETC) for the purpose of receiving federal universal service fund support for low income customers exclusively. In applying for status as an ETC carrier, Cricket is requesting waivers of various rules within 4 CSR 240-3.570. On February 5, 2010, the Commission ordered the Staff to file its recommendation no later than February 26, 2010.

A company must receive state ETC designation in order to receive either high-cost support and/or low-income funding from the federal USF. Low-income funding is associated with the federal Lifeline and LinkUp programs. These programs provide funding to companies in offering discounts to monthly charges and installation charges for local voice service subscribed to by consumers meeting certain criteria. The Missouri USF can also provide funding support to low-income consumers as well as qualifying disabled consumers, but ETC status is only necessary for federal USF funding.¹ In this regard Cricket's pending ETC request is limited to receiving federal low-income support.

ETC application requirements are identified in rules established by the FCC and the Missouri PSC. In Staff's opinion, Cricket meets all requirements for ETC designation in order to receive federal low-income USF support. Staff has inserted citations within Attachment A, indicating where in the record Cricket has demonstrated that it meets the applicable designation requirements.

Staff recommends the Commission grant ETC designation to Cricket, for the purpose of receiving federal low-income USF support. Cricket has committed to certifying and verifying

¹ Missouri PSC rule 4 CSR 240-31.050(1) identifies the separate process used by carriers seeking Missouri USF funding.

consumer eligibility for the Lifeline program. The company intends to offer wireless service rate plans starting as low as \$30 for unlimited local usage. Given Cricket's status as a wireless carrier, Cricket does not intend to seek Missouri USF funding but will contribute its own \$3.50 support in order to qualify for the additional Tier 3 federal support. In this regard, Cricket's Lifeline customers will receive total monthly discounts of \$13.50 in non-AT&T exchanges and \$12.31 in AT&T exchanges. Therefore Cricket's Lifeline customers on the \$30 rate plan will pay \$16.50 per month in a non-AT&T exchange and \$17.69 in an AT&T exchange.

In its application, Cricket requests that the Commission grant waivers of certain provisions that the Company believes are not applicable. In response to these requests, Staff recommends the Commission either grant the waivers, or alternatively, state that these requirements only apply to companies seeking federal high-cost USF support. To be specific, Cricket's waiver requests pertain to Missouri PSC rules requiring an ETC designation request to include descriptions for the intended use of high-cost support, two-year plans, plans for handling unusual construction or installation charges, and plans for extending the Company's networks. In Staff's opinion, the rules targeted by Cricket for waiver are requirements for applicants seeking high-cost support. In response to Cricket's waiver requests, Staff recommends the Commission either grant the waivers, or in the alternative, state that these requirements only apply to telecommunications companies seeking federal high-cost USF support.

Attachment A

Cricket Communications, Inc.

Compliance with ETC Application Requirements (Lifeline/LinkUp Assistance)

Requirement (rule citation)		Description	Compliance Status
FCC	MoPSC		
54.201	-	Defines ETC as a carrier providing service using at least a portion of its own facilities. <i>(Note: a carrier solely providing service via UNEs is OK but a carrier solely providing service via resale is not.)</i>	Sufficient See ETC Application: Pages 3-5.
54.101	3.570 (3)(C)1	Ensures certain service features are provided (touchtone, single-party, access to 911, IX service, relay (711), DA, operators, toll limitation)	Sufficient See ETC Application: Pages 4-8, and 12. In addition to application response, this issue was further addressed in February 24 th and 25 th email from Company.
-	3.570 (3)(D)	<i>Wireless providers: Within 30 days of receiving ETC status will make an informational filing describing all service offerings.</i>	Sufficient See ETC Application: Page 13.
54.202(a) (1)	-	Commit to provide service throughout proposed service area	Sufficient See ETC Application: Pages 4-5 and 9.
54.202(a)(1)(B)	-	Commit to provide service in a timely manner.	Sufficient See ETC Application: Page 9.
54.202(a)(2)	3.570 (2) (A)4	Commit to remain functional in emergencies.	Sufficient See ETC Application: Page 10.
-	3.570 (2)(A)9	Statement it will provide equal access if all other ETCs in that service area relinquish their ETC designations.	Sufficient See ETC Application: Page 12.
54.202(a)(3)	3.570 (2)(B)	Commit to satisfy consumer protection & quality of service standards. <i>(Wireless ETCs commit to CTIA code of conduct + attach copy of current CTIA code)</i>	Sufficient See ETC Application: Pages 10-11 and Exhibit G.
54.202(a)(4)	3.570 (2)(A)10	Commit to offering a comparable usage plan as ILEC.	Sufficient See ETC Application: Pages 11-12.
54.202(c)	3.570 (2)(A)5	Demonstrates granting ETC status is in public interest.	Sufficient See ETC Application: Pages 5-16.

-	3.570 (3)(A)	Clear bill design.	Sufficient See ETC Application: Page 11.
-	3.570 (3)(B)	Customer service contact information online and on billing statements.	Sufficient See ETC Application: Page 11.
-	3.570 (3)(E)	Commit to maintain record of customer complaints.	Sufficient See ETC Application: Page 11.
54.401(c)	-	Not collect a deposit from a Lifeline subscriber if consumer voluntarily elects toll limitation service.	Sufficient February 24 th email from Company adequately addresses this issue.
54.401(e)	-	Not charge a Lifeline subscriber a monthly number portability charge.	Sufficient February 25 th email from Company adequately addresses this issue.
54.403	3.570 (2)(A)7	Discounts consistent with federal plan: Tier One: \$6.50 (waive subscriber line charge)* Tier Two: \$1.75 (fed discount) Tier Three: \$1.75 (half of a state's or carrier's contribution) - <u>\$3.50 state MoUSE</u> - \$13.50 max. * <i>Limited to ILEC's subscriber line charge amount.</i>	Sufficient See ETC Application: Pages 13-14.
54.405 (b)	3.570 (2)(A)6	Publicize Lifeline.	Sufficient See ETC Application: Pages 8-9.
54.409 54.410	31.050	FCC rules state ETC must comply with state verification procedures in states that mandate state Lifeline support. MoPSC rules require a company to verify customer's eligibility; develop a process for documentation received; plus verify a customer's continued eligibility.	Sufficient See ETC Application: Page 12. In addition to application response, this issue was further addressed in February 25 th email from Company.
-	3.570 (2)(A)8	Statement will satisfy consumer privacy protection standards.	Sufficient See ETC Application: Page 11.
-	3.570 (3)(F)	Notify PSC of any changes to contact info.	Sufficient See ETC Application: Page 12.

Compliance with Other Funding/Filing Requirements		
Item	Yes	No
Missouri USF Assessment		N/A
PSC Assessment		N/A
Relay Missouri		N/A
Annual Report		N/A

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

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

Case No. TA-2010-0416

AFFIDAVIT OF DANA PARISH

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Dana Parish, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying Staff Recommendation in Memorandum form, and that the facts therein are true and correct to the best of her knowledge and belief.



Dana Parish

Subscribed and sworn to before me this 26th day of February, 2010.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



Notary Public