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July 3, 2017

VIA E-MAIL AND OVERNIGHT MAIL

Sara J. Clark, Secretary
Department of Telecommunications and Cable
1000 Washington Street, 8th Floor, Suite 820
Boston, MA 02118-6500

Re: D.T.C. Docket No. 17-3: Budget PrePay, Inc.'s Petition for Relinquishment of Its Eligible Telecommunications Carrier Designation in Massachusetts

Dear Ms. Clark:

Enclosed please find an original and three (3) copies of the following documents for filing in the above-referenced proceeding on behalf of Budget PrePay, Inc. ("Budget"):

1. Budget's Responses to the Department of Telecommunications and Cable's First Set of Information Requests dated June 9, 2017;
2. Proof of Publication of the Notice of Hearing in *The Boston Globe* and *The Republican*; and
3. The requisite Certificate of Service

Please contact me if you have any questions regarding the information provided.

Sincerely,



Todd B. Lantor
Counsel to Budget PrePay, Inc.

Enclosures

cc: Courtney Hickson, Hearing Officer (w/enc. via overnight mail and e-mail)
Sean Carroll, Deputy General Counsel (w/enc. via e-mail)
Sandra Merrick, General Counsel (w/enc. via e-mail)
Joe Tiernan, Administrator of Special Projects and Data Analytics (w/enc. via e-mail)
Lindsay DeRoche, Director, Competition Division (w/enc. via e-mail)
Joslyn Day, Director, Consumer Division (w/enc. via e-mail)
Corey Pilz, Deputy Director, Consumer Division (w/enc. via e-mail)

FIRST SET OF INFORMATION REQUESTS OF THE
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

BUDGET PREPAY, INC.
D.T.C. DOCKET NO. 17-3

Person Responsible for Answer: Robin Enkey

Date Filed: July 5, 2017

D.T.C. 1-1: Identify all states in which Budget, or any of its affiliates, have received relinquishment of its ETC designation. Provide complete and detailed documentation for each such state.

Response: Below is the list of states in which a decision has been rendered regarding Budget's request for relinquishment of the Budget's ETC designation status. Exhibit A includes copies of the rulings made by each state commission in alphabetical order by state.

Arkansas
Colorado
Georgia
Idaho
Indiana
Iowa
Kansas
Kentucky
Louisiana
Maryland
Nebraska
Ohio
Oklahoma
Puerto Rico
Rhode Island
South Carolina
South Dakota
Utah
Washington
West Virginia
Wisconsin
Wyoming

FIRST SET OF INFORMATION REQUESTS OF THE
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

BUDGET PREPAY, INC.
D.T.C. DOCKET NO. 17-3

Person Responsible for Answer: Robin Enkey

Date Filed: July 5, 2017

D.T.C. 1-2: Please provide the date after which Budget no longer enrolled new subscribers in Massachusetts.

Response: May 12, 2017. The same date as Budget's Petition for Relinquishment of its ETC designation in Massachusetts.

FIRST SET OF INFORMATION REQUESTS OF THE
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

BUDGET PREPAY, INC.
D.T.C. DOCKET NO. 17-3

Person Responsible for Answer: Robin Enkey

Date Filed: July 5, 2017

D.T.C. 1-3: The Petition included an exit plan that indicated Budget would send notice of its proposed ETC relinquishment to its subscribers via U.S. Mail and text message. Petition at 5. Confirm that these mailings and text messages were sent to each subscriber, provide the date on which each form of notice was sent, and provide a final version of the mailed written response and text message notice.

Response: On May 15, 2017, Budget Mobile notified its customers in Massachusetts, via text message (in **bold** text below), that Budget Mobile would be discontinuing its provision of wireless services in Massachusetts.

Budget Mobile plans to cease service on 7-17-2017.

To continue service, you will need to contact another Lifeline provider authorized by the Massachusetts DTC.

A list of Lifeline providers in Mass. is available at
<http://www.lifelinesupport.org/ls/companies/companies.aspx>

For more information, please call 888-777-4007 or visit
www.budgetmobile.com

In addition, on May 19, 2017, Budget Mobile mailed the attached letter to its customers in Massachusetts providing notification that their Lifeline service from Budget Mobile would cease on or after July 17, 2017. See Exhibit B.

On June 21, 2017, Budget Mobile again notified its customers in Massachusetts, via text message (in **bold** text below), that Budget Mobile would be discontinuing its provision of wireless services in Massachusetts.

URGENT: Budget Mobile plans to cease service in your state.

To continue service, you will need to contact another Lifeline provider.

A list of Lifeline providers is available at
<http://www.lifelinesupport.org/ls/companies/companies.aspx>

For more information visit www.budgetmobile.com

FIRST SET OF INFORMATION REQUESTS OF THE
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

BUDGET PREPAY, INC.
D.T.C. DOCKET NO. 17-3

Person Responsible for Answer: Robin Enkey

Date Filed: July 5, 2017

D.T.C. 1-4: As the service Budget provides in Massachusetts is primarily voice, how will subscribers that do not have data options on their phones be impacted by the text message notification that includes a link for additional information?

Response: All Budget customers in Massachusetts have access to text messaging services, as well as voice services. All Budget Lifeline customers are provided with a 500 text message monthly allowance. Text messages initiated by Budget do not reduce a Budget Lifeline subscriber's monthly text message allowance.

Consumers without mobile broadband service from Budget can access the links on their Budget phone anywhere where Wi-Fi service available – which is, often times, free, or by using any computer.

Person Responsible for Answer: Robin Enkey

Date Filed: July 5, 2017

D.T.C. 1-5: Explain Budget's process for de-enrolling its subscribers from the National Lifeline Accountability Database ("NLAD"), including but not limited to, its de-enrollment plan, a timeline, risk mitigation, whether any subscribers will be subject to a port freeze as outlined in 47 C.F.R. § 54.411 and the FCC's 2016 Lifeline Order (FCC 16-38) and what notice Budget has provided to the Universal Service Administrative Co. ("USAC"). Further, has Budget received confirmation a text message will be accepted by USAC and other ETCs as proof Budget ceased its services in Massachusetts for the port freeze exemption?

Response: Budget typically notifies USAC, via e-mail, that its ETC relinquishment petition has been approved within one week of Budget's granted ETC relinquishment effective date. Once USAC processes Budget's discontinuance of service notice, then USAC de-enrolls Budget's subscribers from NLAD, thereby allowing any remaining Budget Lifeline customers in that state to receive Lifeline service from another Lifeline provider.

Below is the step-by-step process implemented by Budget for de-enrolling its subscribers from NLAD:

- First, Budget disconnects the Budget subscriber's account in its internal system.
- Second, Budget's Application Program Interface (API) batches these disconnected accounts and sends the disconnected subscriber information to NLAD.
- Third, NLAD processes the Budget subscriber disconnects which de-enrolls the subscriber from being claimed by Budget in NLAD and from any receiving Lifeline benefit, allowing the customer to transfer their Lifeline benefit to another Lifeline provider.
- Finally, if there are any issues in the above de-enrollment process, Budget manually de-enrolls any subscriber accounts that did not get de-enrolled by NLAD.

The entire de-enrollment process detailed above takes about 24 hours for customer to be completely de-enrolled from NLAD.

Budget has already informed USAC of multiple ETC relinquishment decisions granted to Budget, as well as of Budget's intention to stop seeking federal Lifeline distributions upon the effective date of a state commission's decision granting Budget's ETC relinquishment request. In so doing, Budget has provided USAC copies of several state commission decisions approving Budget's ETC

relinquishment requests. When providing USAC with copies of these ETC relinquishment decisions, Budget has also contemporaneously requested that USAC terminate its unique Study Area Code (SAC) in the same state. Attached are sample copies of previous such correspondence between Budget and USAC on this topic. *See Exhibit C.*

In Budget's experience, USAC has honored each state commission decision to grant Budget's ETC relinquishment and has always promptly cancel Budget's SAC upon Budget's request and/or upon notice of a state commission's ETC relinquishment decision.

No Budget customers will be subject to a port freeze. Section 54.411(c)(2) of the FCC's Rules permits Lifeline subscribers to transfer to another Lifeline provider when “[t]he subscriber's current provider ceases operations or otherwise fails to provide service.” *See 47 C.F.R. § 54.411(c)(2).* Budget PrePay is allowing all of its customers in Massachusetts (and nationwide) to port out their numbers without any charge. Budget has taken no action to complicate a Budget's customer's ability to switch to another provider and is, in fact, encouraging its Lifeline customers to migrate their Lifeline service to another ETC, as described in detail in Budget's Response to D.T.C. 1-3.

In all instances, Budget's notification to USAC of a state commission's decision granting Budget's ETC relinquishment request has triggered USAC's cancellation of Budget's SAC and the termination of Budget's ability to receive further distributions from the federal Lifeline program.

Budget has not received confirmation from USAC that a text message will be accepted by USAC as proof that Budget ceased its provision of Lifeline services in Massachusetts for the port freeze exception, but Budget is aware that its Lifeline customers have been able to successfully port out to another Lifeline provider and retain their Lifeline benefit shortly after Budget's notification to USAC that one of its ETC relinquishment requests has been granted by a state commission and Budget's accompanying request to USAC to cancel Budget's SAC.

Person Responsible for Answer: Robin Enkey

Date Filed: July 5, 2017

D.T.C. 1-6: Please define “soft dial tone,” as that term is used in Exhibit B to the Petition. Also, state whether former subscribers placed on soft dial tone will be able to contact emergency services after the cutoff date of July 17, 2017.

Response: As used in Exhibit B to Budget’s Petition for Relinquishment, a “soft dial tone” is provided when no actual phone service is provided to a Budget customer – *i.e.*, normal calls cannot be placed by a Budget subscriber. A “soft dial tone” is provided to enable a phone to place an emergency 911 call, even after Budget no longer serves the subscriber or provides telecommunications services in Massachusetts.

EXHIBIT A

COPIES OF STATE COMMISSION DECISIONS
GRANTING BUDGET PREPAY, INC.
RELINQUISHMENT OF ETC DESIGNATION

ARKANSAS PUBLIC SERVICE COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF BUDGET PREPAY, INC. FOR)
DESIGNATION AS A NON-RURAL)
WIRELESS ELIGIBLE)
TELECOMMUNICATIONS CARRIER)
PURSUANT TO SECTION 214(E)(2) OF)
THE COMMUNICATIONS ACT OF 1934)**

**DOCKET NO. 10-087-U
ORDER NO. 6**

ORDER

On May 3, 2017, Budget Prepay, Inc. ("Budget PrePay") filed with this Commission notice of relinquishment of its designation as an Eligible Telecommunications Carrier (ETC) in Arkansas, effective July 5, 2017. From the records available, it appears the Commission designated Budget Prepay to serve as a non-rural ETC within Southwestern Bell Telephone Company's wire centers by Order No. 3 of this Docket issued on March 3, 2011. Budget PrePay was granted ETC status for the purpose of providing wireless telecommunications services to low-income consumers in Arkansas.

In its pleading, Budget PrePay states the wire centers served by it are also served by incumbent local exchange carriers which are also ETCs. Budget PrePay also states there are wireless ETCs serving within its current ETC designated area.¹ As at least one other ETC serves all areas served by Budget PrePay, it states the Commission is required by federal law to permit Budget PrePay to relinquish its ETC designation. Budget Prepay states in its pleading that as there are multiple ETCs serving the same ETC service area served by

¹ Budget PrePay identifies a list of carriers that it states are providing services in all or at least part of its ETC designated area, including TracFone Wireless, Inc. dba SafeLink Wireless, Global Connection, Inc. of America dba Stand Up Wireless, i-wireless Sprint dba Assurance Wireless, Boomerang Wireless dba enTouch Wireless, and Telrite dba Life Wireless.

Budget PrePay, there should be no need to purchase or construct additional facilities to ensure the subscribers of Budget PrePay Lifeline service continue to receive service. Budget PrePay adds that it has less than 700 Lifeline customers within its ETC service area in Arkansas. Additionally, Budget PrePay states it has provided notice to its Arkansas customers regarding the upcoming discontinuance of their Lifeline service.

47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205(a)-(b) govern the requests for relinquishment of ETC designation. 47 U.S.C. § 214(e)(4) 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 telecommunication 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....

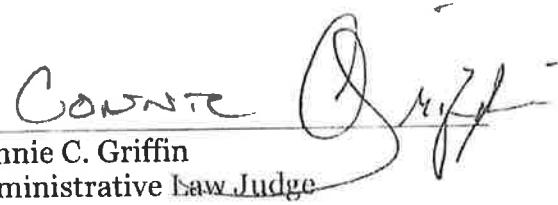
No opposition has been filed in the above-cited docket. Southwestern Bell Telephone Company continues to serve as an ETC in the service area of Budget PrePay. In addition, there are numerous competing wireless carriers that have been designated as ETCs serving the service area of Budget PrePay. Given these facts, the undersigned Administrative Law Judge finds there to be no need for the remaining companies serving as ETCs in the areas served by Budget PrePay to purchase or construct additional facilities to serve in the areas being relinquished in this docket.

IT IS THEREFORE ORDERED:

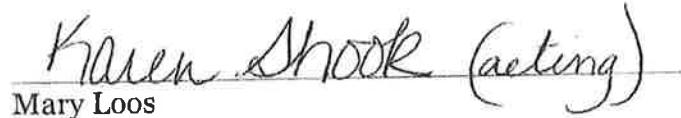
The motion to relinquish the eligible telecommunications carrier designation granted to Budget Prepay, by Order No. 2 of this Docket, is hereby granted.

BY ORDER OF THE ADMINISTRATIVE LAW JUDGE PURSUANT TO DELEGATION,

This 28th day of June, 2017.



Connie C. Griffin
Administrative Law Judge



Mary Loos
Secretary of the Commission

I hereby certify that this order, issued by the Arkansas Public Service Commission, has been served on all parties of record on this date by the following method:

U.S. mail with postage prepaid using the mailing address of each party as indicated in the official docket file, or
 Electronic mail using the email address of each party as indicated in the official docket file.

Decision No. C17-0488

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 17A-0289T

IN THE MATTER OF THE APPLICATION OF BUDGET PREPAY, INC. TO RELINQUISH ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION IN COLORADO AND WAIVER OF CERTAIN COMMISSION RULES AND FOR EXPEDITED TREATMENT.

DECISION GRANTING APPLICATION

Mailed Date: June 19, 2017

Adopted Date: June 7, 2017

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. On May 9, 2017, Budget Prepay Inc. (Budget) filed an application to relinquish its limited designation as a Lifeline-only Eligible Telecommunications Carrier (ETC) in Colorado pursuant to 4 *Code of Colorado Regulations* (CCR) 723-2-2188 of the Commission's Rules Regulating Telecommunications Providers, Services, and Products (Application).

2. Concurrent with the Application, Budget filed a motion requesting a variance of the customer notice requirements pursuant to Rule 2188(d). Budget also requests a waiver of the 30-day Commission notice and intervention period in Rule 1206(d) of the Commission's Rules of Practice and Procedure.

3. In Decision No. C17-0404-I which was mailed on May 17, 2017, the Commission provided notice of Budget's Application. Interventions were due on or before June 1, 2017, and no interventions were received.

4. Also in Decision No. C17-0404-I, the Commission granted, in part, the requested waiver of Rule 2188(d). The Commission agreed to waive the requirement of Rule 2188(d) to provide notice to customers through publication once each week for four consecutive weeks in a publication or publications of general circulation in the affected designated area. However, the Commission did not grant Budget's request for a waiver of the requirement to notify, by U.S. Mail, the Board of County Commissioners of each affected county, and to the mayors of each affected city, town, or municipality.

5. On May 23, 2017, Budget filed an affidavit with the Commission stating they were in compliance with the Commission's customer notice requirements.

6. By this Decision, consistent with the discussion below, we approve the Application and close the proceeding.

B. Discussion, Findings, and Conclusions

7. On November 16, 2012, the Commission granted Budget's request for designation as a Lifeline-only ETC in certain areas within Colorado.¹ Budget did not apply for Eligible Provider (EP) status.

8. Rule 4 CCR 723-2-2188(d)(II)(g) states, in part, "The Commission shall permit an EP or ETC to relinquish its designation as an EP or ETC in any area served by more than one EP or ETC when the Commission concludes that the requirements of paragraphs (a) through (d) have been met." The Commission has designated other competitive ETCs to provide Lifeline service within Budget's current ETC designated wire centers. As there is already at least one

¹ *IN THE MATTER OF BUDGET PREPAY, INC. D/B/A BUDGET PHONE, INC.'S APPLICATION FOR LIMITED DESIGNATION AS A NON-RURAL WIRELESS ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF COLORADO AND FOR A WAIVER OF CERTAIN COMMISSION RULES.* Proceeding No. 12A-507T, Decision No. R12-1343 (November 16, 2012).

other ETC in all areas in which Budget is currently designated as an ETC, the Commission is required by federal and Colorado law to permit Budget to relinquish its Lifeline-only ETC designation.

9. In its Application, Budget seeks to relinquish its Lifeline-only ETC designation effective July 7, 2017.

10. Budget has not provided universal service in Colorado using its own facilities or using resale of another carrier's services. The requirements in Rule 4 CCR 723-2-2188(c) that the remaining ETC providers purchase or construct adequate facilities in order to serve all customers by Budget is not applicable in this case.

11. Budget is withdrawing from the Lifeline business in Colorado and has a total subscriber base of approximately 2,000 customers.

12. We find that the Application is unopposed, and may be considered without a hearing pursuant to § 40-6-109(5), C.R.S.

13. We find that approving the Application will have no adverse effects as potential Lifeline customers will have several options for service, including landline and wireless. Therefore, we grant Budget's Application to relinquish its designation as an ETC pursuant to 4 CCR 723-2-2188.

II. ORDER

A. The Commission Orders That:

1. The Application filed by Budget Prepay Inc. on May 9, 2017, is granted, consistent with the discussion above.

2. The 20-day period provided for in § 40-6-114, C.R.S., within which to file applications for rehearing, reargument, or reconsideration begins on the first day following the effective date of this Decision.

3. This Decision is effective on its Mailed Date.

B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
June 7, 2017.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

WENDY M. MOSER

Commissioners

ATTEST: A TRUE COPY

Doug Dean,
Director

COMMISSIONERS:

STAN WISE, CHAIRMAN
TIM G. ECHOLS
CHUCK EATON
H. DOUG EVERETT
LAUREN "BUBBA" McDONALD, JR.



FILED

DEBORAH K. FLANNAGAN
EXECUTIVE DIRECTOR

MAY 08 2017

REECE McALISTER
EXECUTIVE SECRETARY

EXECUTIVE SECRETARY
G.P.S.C.

Georgia Public Service Commission

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DOCKET # Docket No. 34271

DOCUMENT # 168221

In Re: Application of Budget Prepay, Inc. d/b/a Budget Mobile for Designation
as a Non-Rural Wireless Eligible Telecommunications Carrier

ORDER APPROVING RELINQUISHMENT OF ETC DESIGNATION

I. Background

On October 16, 2012, Budget Prepay, Inc. d/b/a Budget Mobile ("Budget") was designated an Eligible Telecommunications Carrier ("ETC") by the Georgia Public Service Commission. On April 14, 2017, Budget filed with the Commission a Petition for Relinquishment of Eligible Telecommunications Carrier Designation in Georgia ("Petition").

Budget requests the Commission issue an order approving the relinquishment as soon as possible, but no later than May 5, 2017, which is thirty (30) days prior to Budget's preferred relinquishment date of June 5, 2017. Such action will permit Budget to provide ample notice to its Lifeline customers of the discontinuance of their Lifeline service and to ensure an orderly transition. As of the date of this filing, Budget has less than 3,800 Lifeline customers within its ETC service area in Georgia. Budget states that it will provide notice to all Georgia subscribers at least 30 days in advance of discontinuance. *Petition, pp. 3-4.*

The requirements for relinquishment of an ETC designation are found in 47 U.S.C. § 214(e)(4), which states:

A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) 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 (or the Commission in the case of a common carrier designated under paragraph (6)) 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 (or the Commission in the case of a common carrier designated under paragraph (6)) 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. The State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall establish a time, not to exceed one year after the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

II. Staff Recommendation

The Staff reviewed Budget's Petition and recommended that the Commission grant relinquishment of Budget's ETC designation with the condition that the Commission should retain its authority to resolve any complaints arising from Budget's Lifeline offering that are filed with the Commission after relinquishment takes effect.

III. Commission Decision

The Commission finds the Staff Recommendation reasonable and hereby approves Budget's request to relinquish its ETC designation.

* * * *

WHEREFORE, it is

ORDERED, that Budget's request to relinquish its ETC designation is approved.

ORDERED FURTHER, that the Commission retains its authority to resolve any complaints arising from Budget's Lifeline offering that are filed with the Commission after relinquishment takes effect.

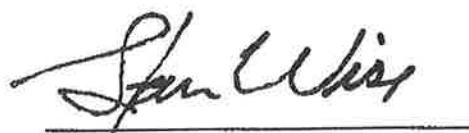
ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order(s) as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 2nd day of May 2016.



Reece McAlister
Executive Secretary



Stan Wise
Chairman

5-8-17
DATE

5/8/17
DATE

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF BUDGET PREPAY, INC. DBA BUDGET) CASE NO. BPP-T-12-01
MOBILE TO RELINQUISH ITS)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER IN) ORDER NO. 33768
IDAHO)**

On April 18, 2017, Budget Prepay, Inc. dba Budget Mobile (“Budget” or the “Company”) filed a Notice of Relinquishment of its designation as an eligible telecommunications carrier (ETC) in Idaho. Budget was granted a limited federal Lifeline-only ETC status on January 23, 2013. *See* Order No. 32723. The Company now seeks to relinquish its Lifeline-only ETC designation “because of changes in the wireless industry and proposed modifications to the [federal] Lifeline Program.” Application at 1. Budget asserted that the relinquishment of its ETC designation will not affect Idaho Lifeline customers because they can be served by other ETCs within the designated service area. *Id.* at 3.

The Company further stated that it has fewer than 250 Lifeline customers within its ETC designated area in Idaho and that these customers will receive text message notification by April 19, 2017, of Budget’s plan to cease Lifeline services, effective June 5, 2017. *Id.* at 4. The Company asserted that the notice would provide information related to other Idaho Lifeline providers as well as customer service information. *Id.* at 5. Budget stated that it would not charge affected customers an early termination fee. *Id.* at 4.

STAFF REVIEW AND RECOMMENDATION

Staff reviewed Budget’s Application and stated that the Company had satisfied all the statutory requirements for relinquishment of ETC designation in Idaho. *See* 47 C.F.R. § 54.205(a). Staff believed that the Company’s former Lifeline subscribers will have competitively-priced alternatives with other wireline and wireless ETC providers in its service area. Thus, Staff recommended Commission approval of Budget’s request to relinquish its ETC designation.

COMMISSION FINDINGS

The Commission reviewed Budget’s Application and Staff’s recommendation. The Commission approves the Company’s request to relinquish its ETC designation in Idaho. The

Commission approved the Company' initial Application for ETC designation in Idaho on January 23, 2013. *See Order No. 32723.* The Commission finds that Budget's decision to relinquish its ETC designation will not adversely affect telecommunications customers in the Company's ETC designated area. Additionally, the Commission finds that Budget's former customers will continue to have access to wireless service through subscription with an alternate ETC provider in the Company's former service area. Therefore, the Commission approves Budget's Application to relinquish its ETC designation in Idaho.

O R D E R

IT IS HEREBY ORDERED that the Application of Budget Prepay, Inc. dba Budget Mobile to relinquish its eligible telecommunications carrier status in Idaho is approved.

THIS IS A FINAL ORDER. Any person interested in the Order may petition for reconsideration within twenty-one (21) days of the service date of this Order with regard to any matter decided in this Order. Within seven (7) days after any person has petitioned for reconsideration, any other person may cross-petition for reconsideration. *See Idaho Code §§ 61-626 and 62-619.*

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 12th day of May 2017.


PAUL KJELLANDER, PRESIDENT


KRISTINE RAPER, COMMISSIONER


ERIC ANDERSON, COMMISSIONER

ATTEST:



Diane M. Hanian
Commission Secretary

O:BPP-T-12-01_sc_Relinquish ETC

ORIGINAL

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

DJK
BB
ZH
ARW

IN THE MATTER OF THE PETITION OF)
BUDGET PREPAY, INC. D/B/A BUDGET)
MOBILE FOR RELINQUISHMENT OF ITS) CAUSE NO. 41052 ETC 63 S1
DESIGNATION AS A LIFELINE-ONLY)
ELIGIBLE TELECOMMUNICATIONS) APPROVED: MAY 31 2017
CARRIER IN INDIANA AND TO WITHDRAW)
ITS INDIANA LIFELINE TARIFF)

ORDER OF THE COMMISSION

Presiding Officers:

Sarah E. Freeman, Commissioner

David E. Veleta, Senior Administrative Law Judge

On April 21, 2017, Budget PrePay, Inc. ("Budget") filed in Cause No. 41052 ETC 63 a Motion to Establish a Subdocket with a Modified Caption for the Purpose of Considering Budget's Verified Petition for Relinquishment of its Designation as an Eligible Telecommunications Carrier and Withdrawal of Tariff ("Motion"). On May 1, 2017, Budget filed in this subdocket its Verified Petition for Relinquishment of its Designation as an Eligible Telecommunications Carrier and Withdrawal of Tariff. On May 11, 2017, the Presiding Officers issued a Docket Entry seeking additional information from Budget. Budget filed its Response to the Presiding Officers' May 11, 2017 Docket Entry on May 12, 2017. The Indiana Office of Utility Consumer Counselor ("OUCC") filed its Notice of Intent Not to Pre-File Testimony on May 11, 2017. On May 22, 2017, the Presiding Officers issued a second Docket Entry requesting information and on May 22, 2017, Budget filed its response.

The Commission held an Evidentiary Hearing in this Cause at 10:00 a.m. on May 23, 2017, in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. Budget and the OUCC were present and participated. Budget's Verified Petition was admitted into the record without objection. No evidence was offered by the OUCC. No members of the general public appeared or sought to testify at the hearing.

Based upon the applicable law and the evidence presented, the Commission finds:

1. **Notice and Jurisdiction.** Notice of the hearing in this Cause was given and published by the Commission as required by law. Pursuant to 47 U.S.C. § 214(e), as amended, 47 C.F.R. §§ 54.201 and 54.205 of the Federal Communications Commission's ("FCC") rules, and Ind. Code § 8-1-2.6-13(d)(5), the Commission is authorized to designate a common carrier as an Eligible Telecommunications Carrier ("ETC"), enabling the designated carrier to apply for federal universal service support under 47 U.S.C. § 254. Therefore, the Commission has jurisdiction over Budget and the subject matter of this Cause.

2. **Relief Requested.** On September 26, 2012, the Commission designated Budget as an ETC in this underlying Cause for the limited purpose of participating in the FCC's Universal Service Fund's Lifeline program. In its Verified Petition, Budget requests Commission approval of its proposed relinquishment of its ETC designation effective June 5, 2017.

3. **Summary of the Evidence.** The evidence relating to this matter consists of Budget's Verified Petition and the customer notice that Budget sent to its Indiana Lifeline subscribers on April 22, 2017, which is more than 30 days before Budget's requested date for relinquishment of its ETC designation.

The evidence demonstrates that the Commission designated Budget as a Lifeline-only ETC in certain parts of Indiana on September 26, 2012. Subsequent to its designation, Budget filed quarterly and annual reports with the Commission documenting its provision of service consistent with that authority. Budget now intends to relinquish its Lifeline-only ETC designation in all areas of Indiana for which it is currently designated, with the relinquishment taking effect June 5, 2017. Relinquishment will not affect the amount of federal Lifeline support available to other ETCs in the state.

As there is already at least one other ETC in all areas in which Budget is currently designated as an ETC, the Commission is required by federal law to permit Budget to relinquish its Lifeline-only ETC designation. Because Budget provides commercial mobile radio service only, no purchase or construction of facilities by other carriers will be necessary. Budget seeks to relinquish its Lifeline-only ETC designation effective on June 5, 2017. Budget has requested that the Commission issue an order granting this petition as soon as possible before the requested relinquishment date of June 5, 2017, so that Budget can provide ample notice to its customers of the change in their Lifeline service, ensure an orderly transition to other ETCs, and mitigate the impact of relinquishment on its customers. As of the date of this filing, Budget has fewer than 1,500 Lifeline customers within its ETC designated area in Indiana.

In its May 22, 2017, response to the Presiding Officers' Docket Entry, Budget stated that on April 22, 2017, it notified each Lifeline customer that it will no longer be an ETC. Budget also informed each affected customer that a Lifeline discount can be obtained from the remaining ETC(s) in the area and included the names of other Lifeline providers offering service in Budget's ETC designation area by directing them to a Universal Service Administrative Company ("USAC") website. If a Budget customer decides to obtain service from another provider, there will be no early termination fee, as Budget customers are not subject to such fees. As Budget customers are most familiar with receiving information from Budget via text message, Budget will send each Lifeline customer at least one text message as soon as is practical after this Order notifying them of the change and directing them to a list of alternative Lifeline providers on USAC's website and phone number for additional information.

Budget will continue to provide existing eligible Lifeline customers with the Lifeline discount until Budget discontinues its wireless operations in Indiana. Budget will no longer seek reimbursement for the Lifeline discount after the relinquishment effective date, June 5, 2017. Budget will make a final accounting by August 5, 2017, to inform USAC of any over-collection

of Lifeline discounts that must be returned to USAC, since those funds can only be used for purposes of providing discounted Lifeline service to eligible Indiana customers.

4. **Commission Discussion and Findings.** 47 U.S.C. § 214(e)(4) provides that the Commission shall permit an ETC to relinquish its designation in any area served by more than one ETC to ensure that consumers have options for continued Lifeline service. Pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, the requirements for relinquishing an ETC designation are: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC's customers, sufficient notice shall be provided to ensure that the construction or purchase of the facilities can be timely completed. Provisions concerning the presence of sufficient facilities to serve all transitioning customers of the relinquishing ETC are not applicable in this case, since Budget is a non-facilities-based, Lifeline-only competitive ETC.

Budget submitted evidence demonstrating that at least one other ETC provides Lifeline service to qualified customers in Budget's ETC Service Area. The Commission finds that Budget has provided an acceptable customer notice to communicate with all Indiana Lifeline customers still served by Budget up to the date of relinquishment of its ETC designation. The evidence of record also demonstrates that the requirements of the FCC's rules at 47 C.F.R. § 54.205 are satisfied because more than one ETC provides Lifeline service in Budget's ETC Service Area; Budget provided advance notice of its ETC relinquishment to the Commission; Budget's Lifeline customers will have the option to receive service from another Indiana Lifeline ETC; and no additional facilities are required to serve any of Budget's Indiana Lifeline customers. Accordingly, we find it is appropriate to grant Budget's request to relinquish its ETC designation in the State of Indiana, effective as of June 5, 2017.

Finally, we find that since Budget will not be certified as an ETC going forward, Budget will no longer need to file with the Commission annual compliance reports required by 47 C.F.R. § 54.422 for time periods after they have ceased providing Lifeline service. Additionally, since Budget does not participate in the high cost program of the universal service program in Indiana and only uses funds from the low income program to provide supported services to Lifeline customers, pursuant to 47 C.F.R. § 54.202(a)(1)(i), Budget is not required to certify the use of universal service funds after the effective date of this Order, unless otherwise required by the FCC, USAC, or both. We further grant Budget's request to withdraw its tariff, effective June 5, 2017.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION THAT:

1. The Commission approves Budget's Verified Petition for Relinquishment of its designation as an Eligible Telecommunications Carrier in the State of Indiana and its right to receive federal universal service funding in the State of Indiana, effective June 5, 2017.

2. Budget shall submit a compliance filing within 30 days of this Order, indicating the date in which the approved customer notice was provided to customers. Budget shall not be

required to file further quarterly or annual compliance reports with the Commission related to the USF Lifeline Program unless otherwise required by the FCC or USAC.

3. Budget's tariff shall be withdrawn effective June 5, 2017.

4. This Order shall be effective on or after the date of its approval.

ATTERHOLT, HUSTON, WEBER, AND ZIEGNER CONCUR; FREEMAN ABSENT:

APPROVED: MAY 31 2017

**I hereby certify that the above is a true
and correct copy of the Order as approved.**



Mary M. Becerra
Secretary of the Commission

STATE OF IOWA

DEPARTMENT OF COMMERCE

UTILITIES BOARD

IN RE: BUDGET PREPAY, INC.	DOCKET NOS. ETA-2011-0008, WRU-2017-0010-3655
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**ORDER APPROVING APPLICATION FOR RELINQUISHMENT OF ELIGIBLE
TELECOMMUNICATIONS CARRIER DESIGNATION AND GRANTING WAIVER**

(Issued June 14, 2017)

On May 2, 2017, Budget PrePay, Inc. (Budget), filed with the Utilities Board (Board) an “Application of Budget PrePay, Inc. for Approval of the Relinquishment of its Eligible Telecommunications Carrier Designation,” seeking Board approval of its proposal to relinquish its designation as a eligible telecommunications carrier (ETC) pursuant to 47 United States Code § 214(e)(4), 47 Code of Federal Regulations § 54.205, and 199 Iowa Administrative Code rule 39.8. Budget proposes to relinquish its Lifeline-only wireless ETC designation throughout its entire service area in Iowa due to changes in the wireless industry and proposed modifications of the Lifeline program.

By order issued on August 3, 2012, in Docket No. ETA-2011-0008, the Board designated Budget as an ETC for the purpose of providing the services supported by the Universal Service Fund (USF) under the Lifeline Program (Lifeline) for low-income consumers administered by the Federal Communications Commission (FCC).

Budget notes that the applicable federal statute and rule require the Board to allow an ETC to relinquish its designation in a service area served by more than one ETC. Likewise, the Board's rule at 199 IAC 39.8 authorizes approval of relinquishment under these circumstances on 90 days' notice, provided that the remaining ETCs provide service to the customers of the relinquishing carrier, allowing for time to construct any necessary additional facilities to provide such service. Budget argues that its application meets these criteria, except that it requests authority to terminate service not later than July 5, 2017, which is less than 90 days from the date of the application as notice to the Board. In its "Request of Budget Prepay, Inc. for Waiver of 199 IAC §§ 22.16 and 39.8(1)," filed on May 4, 2017, Budget therefore requests waiver of the 90-day notice requirement. The waiver request has been docketed as WRU-2017-0010-3655.

Budget states that it provides service to customers in approximately 400 wire centers across Iowa, each of which is served by an incumbent local exchange carrier (ILEC) that is also designated as an ETC. The Board has designated other wireless ETCs to provide Lifeline services in all or portions of Budget's ETC service area, including United States Cellular Corporation, i-wireless, Q Link Wireless, TracFone Wireless d/b/a Safelink Wireless, Stand Up Wireless, Tag Mobile, and Tempo Telecom. In addition, a number of wireline carriers also serve these areas. Budget states that there is at least one other ETC in every area in which Budget is designated an ETC. Accordingly, Budget argues, federal law requires the Board to allow Budget to relinquish its Lifeline-only ETC designation.

Budget further states that, to the best of its knowledge, none of the named ETCs also serving Budget's ETC service area will need to purchase or construct additional facilities to provide service to Budget's Lifeline subscribers.

As of May 2, 2017, Budget states that it has fewer than 200 Lifeline customers within its ETC service area in Iowa. Budget states that it will send at least one text message notifying each Lifeline customer of the change by May 5, 2017, affording more than 60 days' notice before Budget's requested relinquishment date of July 5, 2017. Budget states that it has relied on text messages to communicate with its customers, and that this is the most effective means of ensuring they receive the notice. The message would state that Budget will cease providing service in Iowa on or around July 5, 2017, and that a Lifeline discount can be obtained from the remaining ETCs in Iowa. It would include information about alternative Lifeline providers in Iowa, state that the customer must arrange with another carrier to continue Lifeline service, and provide a toll-free number for Budget customer service representatives who would assist customers with the transition.

Until it discontinues wireless operations in Iowa, Budget states that it will continue to provide its current Lifeline customers with the Lifeline Iowa discount, and will claim reimbursement for it.

In Docket No. WRU-2017-0010-3655, Budget requests waiver of the 90-day prior notice requirement established by both 199 IAC §§ 22.16 and 39.8(1). Budget states that it expects to discontinue its wireless operations entirely on or before July 5, 2017, in most states where it presently operates. It argues that a requirement to remain in business solely to serve fewer than 200 Iowa customers until the end of

a 90-day notice period would cause hardship to Budget. On the other hand, Budget argues that waiver of the 90-day requirement would not prejudice the substantial rights of customers. They have been notified 60 days before the proposed date of discontinuance, with information on how to choose another Lifeline service provider. Moreover, they will have access to services provided by ILEC ETCs, as well as by multiple wireless ETCs. Budget does not expect that they will be subject to any penalty or cost for switching service providers. In these circumstances, Budget argues that 90 days' notice is not necessary, and more than 60 days' notice suffices, affording substantially equal protection of public health, safety, and welfare. Nor is the 90-day requirement specifically mandated by state statute or another provision of law except the Board's administrative rules; the federal statute and regulation require "advance notice" and do not specify a duration. Budget concludes that its waiver request therefore satisfies the four criteria of Board rule 1.3 concerning waivers.

No person has sought to intervene in these dockets and no objection to Budget's application or to its waiver request has been filed.

The Board finds that Budget may relinquish its ETC designation and that it is appropriate to waive the 90-day notice requirement as Budget requests.

Under 199 IAC 39.8, the Board may permit relinquishment of ETC designation if the following conditions are satisfied: (1) the area is served by more than one ETC; (2) the applicant provides 90 days' advance notice to the Board; (3) all Budget customers will be served by remaining ETC providers; and (4) there is sufficient notice to enable purchase or construction of any necessary facilities by remaining ETCs to serve those customers.

Throughout Budget's service area other ETCs, including wireline ILECs, competitive local exchange carriers, and other wireless carriers designated as ETCs, continue to offer Lifeline service. Budget has provided notice to the Board; the 90-day requirement is discussed below. The continued availability of one or more ETCs throughout the area served by Budget will ensure that Budget's customers who wish to continue to receive this service will be able to do so. Budget represents that construction or acquisition of additional facilities does not appear to be necessary. The Board will therefore approve the application for relinquishment.

Budget has also shown adequate support for its waiver request. Application of the 90-day notice requirement in this case would present a hardship for Budget in light of its declared intention to cease Lifeline wireless service by July 5, 2017, in most states where it now operates. Budget has undertaken to provide approximately 60 days' notice to its customers, as it has provided to the Board; this shorter notice period does not appear to threaten disadvantage or prejudice to the legal rights of any person. The 90-day notice requirement is not mandated by statute or other provision of law. The Board takes note of the continued presence of other ETCs capable of providing Lifeline service to customers throughout the relevant areas, and finds that notice provided approximately 60 days in advance to Budget's Lifeline customers affords substantially equal protection of public health, safety, and welfare compared to the 90-day notice prescribed by rule. The 90-day requirement may therefore be waived in this case.

Finally, the Board observes that 199 IAC 22.16 applies to discontinuance of service by a local exchange carrier. That provision is inapplicable here, and Budget's request for waiver of it is accordingly moot.

IT IS THEREFORE ORDERED:

1. The Utilities Board grants the request of Budget Prepay, Inc., for waiver of the requirement of the Utilities Board subrule 199 IAC 39.8(1) of 90 days' prior notice of an application for relinquishment of eligible telecommunications carrier designation.
2. The Utilities Board approves the application of Budget Prepay, Inc., for relinquishment of eligible telecommunications carrier designation.

UTILITIES BOARD

/s/ Geri D. Huser

/s/ Nick Wagner

ATTEST:

/s/ Trisha M. Quijano
Executive Secretary, Designee

/s/ Richard W. Lozier Jr.

Dated at Des Moines, Iowa, this 14th day of June 2017.

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Pat Apple, Chairman
Shari Feist Albrecht
Jay Scott Emler

In the Matter of Budget PrePay, Inc.) Docket No. 17-BGPT-461-ETC
d/b/a Budget Mobile Notice of)
Discontinuance of Wireless)
Telecommunications Services.)

**ORDER GRANTING RELINQUISHMENT OF WIRELESS ELIGIBLE
TELECOMMUNICATIONS CARRIER STATUS**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On April 14, 2017, Budget PrePay, Inc. d/b/a Budget Mobile (Budget) filed an Application requesting relinquishment of its designation as a wireless Lifeline-only Eligible Telecommunications Carrier (ETC). Budget was designated a wireless Lifeline-Only ETC pursuant to the Commission's Order issued August 22, 2012, in Docket No. 12-BGPT-752-ETC. The company states that its decision to relinquish its ETC designation is the result of changes in the industry and modifications to the federal Lifeline program. Budget maintains that the impact of the requested discontinuance will be minimal because the company serves less than 200 subscribers in Kansas, and those consumers will have multiple options for alternative wireless service providers in the state. Budget proposed providing notice to its customers on or before May 5, 2017, anticipating relinquishment of service on or before June 5, 2017.¹

2. 47 U.S.C. Section 214(e)(4) of the Federal Telecommunications Act of 1996 (Federal Act) allows a state commission to permit an ETC to relinquish its designation in any

¹ Notice, page 1.

area served by more than one ETC. Prior to permitting a telecommunications carrier to cease providing universal service in an area served by more than one ETC, state commissions shall require the remaining ETC or ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. Thus, the Commission must determine if an ETC or ETCs will be able to ensure that Budget's Lifeline customers will continue to be served.²

3. On May 16, 2017, the Commission Staff (Staff) submitted its Report and Recommendation dated May 15, 2017, recommending the Commission grant relinquishment of Budget's ETC designation. Staff reviewed Budget's sample text message, as well as the company's letter format, providing notice to Budget's Lifeline customers of the projected loss of service date of June 5, 2017. According to Staff, in Docket No. 12-BGPT-752-ETC Budget requested designation in 53 exchanges/wire centers in Kansas; those areas currently being served by Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T), the Incumbent Local Exchange Carrier (ILEC) for wireline service. Staff includes the original list as Attachment B to its Report and Recommendation. Although AT&T has a request for relinquishment pending, 17 ETCs³ remain which will ensure that the remaining Lifeline customers continue to be served. Consequently, Staff has no concerns regarding Budget's request to relinquish its wireless Lifeline-only ETC designation in Kansas. Staff adds that Budget is current with all filings and payments due the Commission. Concluding, Staff recommends the Commission grant Budget's request to relinquish its ETC designation and, in addition, remind Budget to pay all outstanding assessments as part of the cancellation of the company's wireless business in the State of Kansas. As a reminder of their obligation to ensure continued service to all Lifeline-eligible customers

² Report and Recommendation, page 2.

³ Id., Attachment C.

served by Budget, Staff further recommends that a copy of the Commission's Order issued in this matter be served on all ETCs listed on Attachment C to its Report and Recommendation.⁴

4. The Commission adopts Staff's analysis and recommendation of May 15, 2017, as stated in its Report and Recommendation, which is attached hereto and made a part hereof by reference, and finds that Budget's ETC designation should be relinquished.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. Budget PrePay, Inc. d/b/a Budget Mobile's request filed in this matter on April 14, 2017, is hereby granted and the company's wireless ETC designation is hereby relinquished, effective as of the date of this Order.

B. Budget is reminded of its obligation to pay all outstanding assessments owed the Commission as part of the cancellation of the company's wireless business in the State of Kansas.

C. As a reminder of their obligation to ensure continued service to all Lifeline-eligible customers served by Budget, a copy of this Order will be served upon all ETCs listed on Attachment C to Staff's May 15, 2017 Report and Recommendation attached hereto and made a part of this Order.

D. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2016 Supp. 77-529(a)(1).

E. The Commission retains jurisdiction over the subject matter of this docket for the purpose of entering such further order, or orders, as it deems necessary.

⁴ Ibid., page 3.

BY THE COMMISSION IT IS SO ORDERED.

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: MAY 23 2017



Lynn M. Retz
Secretary to the Commission

oan

Order Mailed Date

MAY 24 2017

Attachment C

Companies Certified as ETCs to Serve All or a Portion of the Areas in Attachment B

Boomerang Wireless, LLC d/b/a En Touch
Cox Kansas Telcom, LLC
Global Connection Inc. of America d/b/a StandUp Wireless
i-Wireless, LLC
NE Colorado Cellular, Inc. d/b/a Viaero
Nex-Tech, LLC
Nex-Tech Wireless, LLC
Q Link Wireless, LLC
Sage Telecom Communications, LLC d/b/a Sage Wireless
S & T Communications, LLC
Southwestern Bell Telephone Company d/b/a AT&T Kansas
Telrite Corporation d/b/a Life Wireless
Tempo Telecom, LLC
TracFone Wireless, Inc. d/b/a SafeLink
United Wireless Communications, Inc.
USCOC Nebraska/Kansas, LLC
YourTel America, Inc. d/b/a Terracom
Virgin Mobile USA, L.P. d/b/a Assurance Wireless

Pat Apple, Chairman
Shari Feist Albrecht, Commissioner
Jay Scott Emller, Commissioner

REPORT AND RECOMMENDATION UTILITIES DIVISION

TO: Chairman Pat Apple
Commissioner Shari Feist Albrecht
Commissioner Jay Scott Emller

FROM: Paula Artzer, Senior Telecommunications Analyst
Christine Aarnes, Chief of Telecommunications
Jeff McClanahan, Director of Utilities

DATE: May 15, 2017

SUBJECT: Docket No. 17-BGPT-461-ETC
In the Matter of Budget PrePay, Inc. d/b/a Budget Mobile Notice of Discontinuance of Wireless Telecommunications Services.

EXECUTIVE SUMMARY:

On April 14, 2017, Budget PrePay, Inc. d/b/a Budget Mobile (Budget) filed a letter with the Commission requesting the approval to relinquish the Company's designation as a wireless Lifeline-only Eligible Telecommunications Carrier (ETC) in Kansas. The letter indicated Budget will notify customers in Kansas affected by this filing on or before May 5, 2017. As a result of Staff's request, Budget will also notify customers via letter of the request for relinquishment and the resulting loss of their Lifeline service thru Budget. Budget anticipates relinquishing the Company's ETC status on or about June 5, 2017. Staff recommends the Commission issue an Order:

1. approving Budget's request to relinquish the Company's ETC designation;
2. reminding Budget to pay all outstanding assessments as part of the cancellation of the Company's wireless business in the State of Kansas; and
3. requiring the remaining ETCs to ensure that all Lifeline-eligible customers served by Budget will continue to be served.

Staff further recommends the Order be served on all ETCs listed in Attachment C.

BACKGROUND:

Budget received an ETC designation to provide Lifeline-only services in Kansas in Docket No. 12-BGPT-752-ETC, approved August 22, 2012. The Commission derives its authority to supervise telecommunications public utilities pursuant to 47 U.S.C. § 214 (e)(2).

The request for relinquishment indicates Budget serves less than 200 customers in Kansas. A sample text message was provided by Budget for the customer notification. Budget indicates all customer notifications will be conveyed on or before May 5, 2017. Budget provided the following as a sample of the text it intends to send the current customer base:

Budget Mobile plans to cease service in Kansas on or around 6-5-2017.

To continue service, you will need to contact another Lifeline provider authorized by the Kansas Corporation Commission.

*A list of Lifeline providers in Kansas is available at
<http://www.lifelinesupport.org/ls/companies/companies.aspx>.*

*For more information, please call 888-777-4007 or visit
www.budgetmobile.com.*

Staff requested a letter be provided to Budget's customers in Kansas, as well. A sample letter was provided to Staff on May 12, 2017, included as Attachment A. The loss of service date according to the sample letter provided continues to be on or before June 5, 2017.

ANALYSIS:

Section 214(e)(4) of the Federal Telecommunications Act allows a state commission to permit an ETC to relinquish its designation in any area served by more than one ETC. Prior to permitting a telecommunications carrier to cease providing universal service in an area served by more than one ETC, the state commission shall require the remaining ETC or ETCs to ensure that all customers served by the relinquishing carrier will continue to be served. Thus, the Commission must determine if an ETC or ETCs will be able to ensure that Budget's Lifeline customers will continue to be served.

In Docket No. 12-BGPT-752-ETC, Budget requested to be designated in 53 exchanges/wire centers in Kansas; those areas are currently served by Southwestern Bell Telephone Company d/b/a AT&T Kansas (AT&T), the Incumbent Local Exchange Carrier (ILEC) for wireline service. The original list is included as Attachment B.

Not including Budget, 18 carriers, including AT&T, have been designated as ETCs in all or part of the Kansas serving areas Budget is designated to serve. AT&T has requested to relinquish its ETC designation and no longer provide Lifeline service. This request is pending. Not including AT&T, the 17 remaining ETCs would be able to ensure that the remaining Lifeline customers continue to be served. Thus, Staff has no concerns with Budget's request to relinquish its wireless Lifeline-only ETC designation in Kansas.

The list of ETCs designated to serve all or a portion of these areas is provided in Attachment C.

Staff has verified that Budget is current with all filings and payments due to the Commission.

RECOMMENDATION:

Staff recommends the Commission issue an Order:

1. approving Budget's request to relinquish the Company's ETC designation;
2. reminding Budget to pay all outstanding assessments as part of the cancellation of the Company's wireless business in the State of Kansas; and
3. requiring the remaining ETCs to ensure that all Lifeline-eligible customers served by Budget will continue to be served.

Staff further recommends the Order be served on all ETC's listed in Attachment C.



Attachment A

May __, 2017

Name
Address
City, State, ZIP

****IMPORTANT NOTICE REGARDING YOUR LIFELINE SERVICE****

Dear Budget Mobile Customer:

Please be advised that Budget Mobile is seeking to relinquish its authority to provide Lifeline services in Kansas. If granted by the Kansas Corporation Commission, Budget Mobile will no longer provide Lifeline service in Kansas and you will be required to seek Lifeline service from another authorized carrier in Kansas. If you do not transfer your existing Lifeline wireless service from Budget to another Lifeline provider, you risk a loss of Lifeline service.

Budget anticipates the discontinuance of Lifeline service in Kansas on or before **June 5, 2017**.

In an effort to help with this transition of service, you should access the Universal Service Administrative Company's (USAC) webpage at <http://www.lifelinesupport.org/ls/companies/companies.aspx> to see a list of Lifeline providers in Kansas, or call USAC at 1-888-641-8722 and press 1 for additional assistance. USAC can help you determine an alternative Lifeline provider in Kansas that is best for you.

Budget Mobile would like to take this opportunity to express our gratitude for the many years of being able to provide wireless phone services. If you have any questions or concerns regarding the change to your wireless account, you can call Budget Mobile at 1-888-777-4007 and speak to a Customer Service Representative. We will be happy to answer any questions you may have.

Sincerely,



Attachment B

List of Exchanges requested by Budget per 12-BGPT-752-ETC

Abilene	Kingman
Almena	Kinsley
Arkansas City	Larned
Basehor	Lawrence
Chanute	Leavenworth/Lansing
Cheney	Lindsborg
Cherryvale	Lyons
Clinton	Manhattan
Coffeyville	McPherson
Colby/Gem	Medicine Lodge
DeSoto	Neodesha
Dodge City	Newton
El Dorado	Nickerson
Ellsworth	Norton
Emporia	Oakley
Erie	Parsons
Eudora	Phillipsburg/Kirwin
Garden City	Pittsburg
Garden Plain	Plainville
Goodland	Pratt
Great Bend	Salina
Halstead	Smith Center
Hays	Tonganoxie
Humboldt	Topeka Metropolitan Exchange
Hutchinson	Towanda
Independence	Wichita Metropolitan Exchange
Iola	Winfield
Kansas City Metropolitan Area	

Attachment C

Companies Certified as ETCs to Serve All or a Portion of the Areas in Attachment B

Boomerang Wireless, LLC d/b/a En Touch
Cox Kansas Telcom, LLC
Global Connection Inc. of America d/b/a StandUp Wireless
i-Wireless, LLC
NE Colorado Cellular, Inc. d/b/a Viaero
Nex-Tech, LLC
Nex-Tech Wireless, LLC
Q Link Wireless, LLC
Sage Telecom Communications, LLC d/b/a Sage Wireless
S & T Communications, LLC
Southwestern Bell Telephone Company d/b/a AT&T Kansas
Telrite Corporation d/b/a Life Wireless
Tempo Telecom, LLC
TracFone Wireless, Inc. d/b/a SafeLink
United Wireless Communications, Inc.
USCOC Nebraska/Kansas, LLC
YourTel America, Inc. d/b/a Terracom
Virgin Mobile USA, L.P. d/b/a Assurance Wireless

CERTIFICATE OF SERVICE

17-BGPT-461-ETC

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
first class mail/hand delivered on MAY 23 2017.

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CERTIFICATE OF SERVICE

17-BGPT-461-ETC

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CERTIFICATE OF SERVICE

17-BGPT-461-ETC

/S/ DeeAnn Shupe
DeeAnn Shupe

Order Mailed Date

MAY 24 2017

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF BUDGET PREPAY, INC.)	
TO RELINQUISH ELIGIBLE)	CASE NO.
TELECOMMUNICATIONS CARRIER)	2017-00166
DESIGNATION)	

O R D E R

On December 8, 2011, the Commission granted the request of Budget Prepay, Inc. ("Budget") for designation as an Eligible Telecommunications Carrier ("ETC").¹ Budget was authorized to receive federal Universal Support for Lifeline wireless customers. On April 7, 2017, Budget petitioned the Commission pursuant to 47 U.S.C. § 214(e)(4) for relinquishment of its ETC status in Kentucky. On April 12, 2017, Budget filed an amended request to relinquish its ETC status in Kentucky ("Amended Petition").

Budget is a reseller of Commercial Mobile Radio Service, also known as a Mobile Virtual Network Operator, and has requested to relinquish its ETC designation and to discontinue providing service in Kentucky due to changes in the wireless industry and proposed modifications to the Lifeline Program.² Budget currently serves a limited number of Lifeline subscribers in Kentucky.³

¹ Case No. 2011-00169, *Application of Budget Prepay, Inc. for Limited Designation as a Non-rural Wireless Eligible Telecommunications Carrier* (Ky. PSC Dec. 8, 2011).

² Amended Petition at page 1.

³ *Id.*

Under 47 U.S.C. § 214(e)(4), a State commission shall permit a carrier to relinquish its ETC designation in any area served by more than one ETC. Following relinquishment of Budget's ETC designation, there will continue to be several ETCs in the service area that provide Lifeline service.⁴ The incumbent Local Exchange Carriers are designated as ETCs in the area served by Budget, and the Commission is aware that other utilities are designated as ETCs in the area. Because other ETCs currently serve the entire area in which Budget is designated as an ETC in Kentucky, notice need not be provided to those carriers to permit them to purchase or construct facilities to ensure that customers will continue to receive service. Budget states that it will send customer notification via electronic means to each of its wireless Lifeline customers in Kentucky no later than April 30, 2017.⁵ The notice will advise each customer that Budget plans to discontinue service on May 31, 2017, and that service can be obtained from other providers.⁶

47 U.S.C. § 214 (e)(4) states in part:

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

⁴ *Id.* at page 2.

⁵ *Id.* at page 3. Budget asserts that written notice by text message is customary and, in Budget's experience, the most effective form of customer communication.

⁶ *Id.*

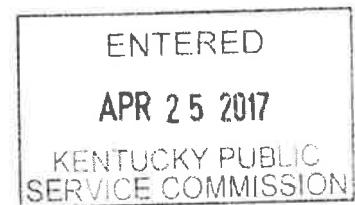
relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission . . . shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

Based on the evidence and having been sufficiently advised, the Commission finds that, pursuant to 47 U.S.C. § 214(e)(4), there is more than one ETC in the area of relinquishment, and those carriers have sufficient facilities for the provision of service. The Commission also finds that Budget will provide sufficient notice to its customers to enable those customers to seek alternative service providers.

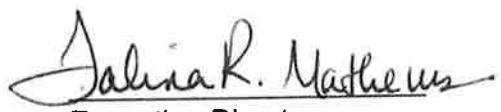
IT IS THEREFORE ORDERED that:

1. Budget shall send customer notification via electronic means to each of its customers in Kentucky no later than April 30, 2017, advising them that Budget plans to discontinue service on May 31, 2017, and that service can be obtained from other providers.
2. Budget's request to withdraw as an ETC as of May 31, 2017, is granted.
3. Budget's request to cancel its authority to operate in Kentucky as of May 31, 2017, is granted.
4. This case is now closed and removed from the Commission's docket.

By the Commission



ATTEST:


Salina R. Mathews
Executive Director

Case No. 2017-00166

*Honorable C. Kent Hatfield
Attorney at Law
Stoll Keenon Ogden, PLLC
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*Budget PrePay, Inc. dba Budget Mobile
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**BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION**

ORDER NO. S-34432

**BUDGET PREPAY, INC.,
D/B/A BUDGET PHONE D/B/A BUDGET PHONE, INC.,
EX PARTE.**

Docket No. S-34432, In re: Request to Relinquish its Wireless, Lifeline-only ETC Designation and Cancel its CMRS Registration.

(Decided at the Business and Executive Session held on May 19, 2017.)

Overview

On April 13, 2017, Budget PrePay, Inc. (“Budget PrePay” or “Company”) filed a request asking the Louisiana Public Service Commission (“LPSC” or “Commission”) to relinquish the Company’s designation as an eligible telecommunications carrier (“ETC”) for the provision of wireless, Lifeline-only supported services and cancel the Company’s registration as a commercial mobile radio service provider (“CMRS”). Notice of the Company’s request was published in the Commission’s Official Bulletin on April 24, 2017 with no interventions or protests filed during the 15-day intervention period.

Pursuant to 47 U.S.C. § 214(e)(2) of the Communications Act of 1934, as amended (the “Act”), the Company received ETC designation for wireline, Lifeline-supported services from the Commission on May 11, 2009.¹ Budget PrePay’s ETC designation was expanded to include wireless, Lifeline-supported services in Louisiana on July 19, 2010. In LPSC Order No. S-34357, dated March 31, 2017, the Commission relinquished the Company’s wireline, Lifeline-only ETC designation and cancelled the Company’s authority to provide competitive local exchange carrier (“CLEC”) services.

Jurisdiction and Applicable Law

The Commission exercises jurisdiction in this proceeding pursuant to Article IV, Section 21(B) of the Louisiana Constitution.

La. Const. Art. IV, Sec. 21 provides in pertinent part:

(B.) The commission shall regulate all common carriers and public utilities and have such other regulatory authority as provided by law. It shall adopt and enforce reasonable rules, regulations, and procedures necessary for the discharge of its duties, and shall have other powers and perform other duties as provided by law.

Pursuant to that authority, the Commission adopted the Regulations for Competition in the Local Telecommunications Market, as most recently amended in Attachment A to the General Order dated March 11, 2014.

¹ LPSC Order No. S-30916.

Section 101 provides in pertinent part:

(6) Commercial Mobile Radio Service (CMRS) - a mobile service that is: (a)(1) provided for profit, i.e., with the intent of receiving compensation or monetary gain; (2) an interconnected service; and (3) available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or (b) the functional equivalent of such a mobile service described in paragraph (a) of this definition. 47 CFR § 20.3, as amended. CMRS includes "Radio Common Carriers" as that term is defined and used in La. R.S. § 45:1500 *et seq.*

(7) Commercial Mobile Radio Service Provider - any person or entity engaged in the provision of a service that is a commercial mobile radio service. CMRS Provider includes "Radio Common Carriers" as that term is defined and used in La. R.S. § 45:1500 *et seq.*

(9) Competitive Local Exchange Carrier (CLEC) - a telecommunications services provider, except a CAP, offering and/or providing local telecommunications services in competition with an ILEC.

In addition to providing the process for designating a carrier an ETC, 47 USC § 214 (e) provides a method whereby a carrier can seek to relinquish its ETC status.

47 U.S.C. § 214(e)(4) provides in pertinent part:

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. The State commission shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed. (Emphasis Added)

Staff Review

In its application, Budget Prepay sought to relinquish its designation as an ETC for the provision of wireless, Lifeline-only supported services and to cancel its registration as a CMRS provider within the State of Louisiana. Budget PrePay serves less than 2,000 Lifeline subscribers in the state. On April 13, 2017, the Company sent customers written notice by text message of the Company's intent to cease service, giving customers time to find a new ETC provider. Budget PrePay will not charge its customers any termination fees.

Pursuant to § 214(e)(4) of the Act, an ETC that seeks to relinquish its designation for an area served by more than one ETC shall give advance notice to the State commission of such relinquishment.

Further, the Act states that the State commission must ensure that the customers of the affected areas will continue to be served by the remaining ETCs following the relinquishment. Budget PrePay's application was submitted in accordance with the requirements of the Act, as the Company gave the LPSC advance notice of its relinquishment and as there are other ETCs in the service area that can provide service to Budget PrePay's customers; therefore, the LPSC shall permit Budget PrePay to relinquish its designation as such a carrier.

Advance Notice

Budget PrePay provided advance notice to the LPSC by filing its petition on April 13, 2017, almost two months prior to the Company's anticipated relinquishment.²

Remaining ETCs in the Service Area

Per its application, Budget PrePay's ETC service area in Louisiana is served by more than one ETC, including wireless ETC providers.³ Staff concluded that there is at least one additional ETC serving each of the areas in which relinquishment is being sought, thus alleviating any concerns that could exist regarding lack of a provider for customers. Further, Staff concluded that those ETCs will not be required to purchase or construct additional facilities to ensure that Budget PrePay's Lifeline subscribers continue to receive service.⁴

Staff Recommendation

Pursuant to the Act, 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. Staff reviewed the Company's request and the requirements of the Act, and noted that Budget PrePay provided advance notice to the Commission regarding its relinquishment and that there is at least one additional ETC serving the areas in which relinquishment is being sought. Accordingly, Staff recommended in its Staff Report and Recommendation filed on May 9, 2017 that Budget PrePay, Inc.'s designation as a wireless, Lifeline-only ETC be relinquished, that the Company's registration as a CMRS provider be cancelled, and that the Commission's actions in this docket supersede ordering paragraph 4 in Order No. S-34357.

² The application anticipates an effective relinquishment date of June 5, 2017.

³ The application lists TracFone Wireless d/b/a SafeLink Wireless, Telrite Corporation d/b/a Life Wireless, and Sprint d/b/a Assurance Wireless.

⁴ Since no purchase or construction is anticipated, the LPSC is not establishing a timing requirement. However, should purchase or construction be necessary, such purchase or construction shall be completed within one year of the issuance of an Order in this docket.

Commission Consideration

Staff's Recommendation was considered by the Commission at its May 19, 2017 Business and Executive Session. On motion of Commissioner Francis, seconded by Commissioner Campbell, with Commissioner Boissiere and Chairman Angelle concurring and Vice Chairman Skrmetta temporarily absent, the Commission voted to accept Staff's Recommendation relinquishing Budget PrePay, Inc.'s designation as a wireless, Lifeline-only ETC, cancelling the Company's registration as a CMRS provider, and that the Commission's actions supersede ordering paragraph 4 in Order No. S-34357.

IT IS THEREFORE ORDERED THAT:

1. Budget PrePay Inc.'s designation as a wireless, Lifeline-only ETC is relinquished;
2. Budget PrePay Inc.'s registration as a CMRS provider is cancelled; and
3. The Commission's actions in this Order supercede ordering paragraph 4 of Order No. S-34357, allowing Budget PrePay Inc. to retain its CMRS authority and continue to provide wireless ETC services.

This Order is effective immediately.

**BY ORDER OF THE COMMISSION
BATON ROUGE, LOUISIANA**

June 7, 2017

/S/ SCOTT A. ANGELLE
DISTRICT II
CHAIRMAN SCOTT A. ANGELLE

ABSENT
DISTRICT I
VICE CHAIRMAN ERIC F. SKRMETTA

/S/ FOSTER L. CAMPBELL
DISTRICT V
COMMISSIONER FOSTER L. CAMPBELL



EVE KAHAO GONZALEZ
SECRETARY

/S/ LAMBERT C. BOISSIERE, III
DISTRICT III
COMMISSIONER LAMBERT C. BOISSIERE, III

/S/ MIKE FRANCIS
DISTRICT IV
COMMISSIONER MIKE FRANCIS

COMMISSIONERS

W. KEVIN HUGHES
CHAIRMAN

HAROLD D. WILLIAMS
MICHAEL T. RICHARD
ANTHONY J. O'DONNELL

STATE OF MARYLAND



PUBLIC SERVICE COMMISSION

#2, 5/31/17 AM; ML# 214903, TE-11896

June 14, 2017

Todd B. Lantor
Todd R. Slamowitz
Lukas, LaFuria, Gutierrez & Sachs, LLP
8300 Greensboro Drive, Suite 1200
Tysons, VA 22102

Dear Messrs. Lantor and Slamowitz:

The Maryland Public Service Commission ("Commission") has reviewed the request filed on April 28, 2017 by Budget PrePay, Inc. d/b/a Budget Mobile for the relinquishment of its designation as an Eligible Telecommunications Carrier providing Lifeline service in Maryland. At its May 31, 2017 Administrative Meeting, the Commission took the matter under advisement and declined to rule at that time.

After further consideration, the Commission has revoked the Company's designation as an Eligible Telecommunications Carrier, effective June 14, 2017, and directs the Company to inform the Commission once its remaining customers have migrated to other carriers.

By Direction of the Commission,

A handwritten signature in black ink, appearing to read "David J. Collins".

David J. Collins
Executive Secretary

DJC/st

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-4921/NUSF-109
Application of Budget)	
PrePay, Inc., d/b/a Budget)	
Mobile, Bossier City,)	
Louisiana, seeking)	GRANTED
authority to relinquish)	
their eligible)	
telecommunications carrier)	
designation.)	Entered: June 13, 2017

BY THE COMMISSION:

By application filed April 24, 2017, Budget PrePay, Inc., d/b/a Budget Mobile, ("Budget" or "Company") of Bossier City, Louisiana, 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 April 26, 2017. 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

Budget has been designated as an ETC in this state since February 20, 2013, pursuant to the Commission's order in Docket C-4507/NUSF-82.¹ Consistent with 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, Budget has requested permission to relinquish its ETC designation.

Budget wishes to relinquish its ETC designation because of changes in the wireless industry and proposed modifications to the Lifeline program. Budget states that the relinquishment of ETC status will have minimal impact because Budget has no Lifeline subscribers in Nebraska.

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

¹ *In the Matter of the Application of Budget PrePay, Inc., d/b/a Budget Mobile, Bossier City, Louisiana, seeking a limited designation as a Lifeline-Only Eligible Telecommunications Carrier within the State of Nebraska, Docket C-4507/NUSF-82 (February 20, 2013).*

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-4921/NUSF-109

Page 2

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." Budget states that it satisfies all of these requirements.

As Budget has no customers in Nebraska, notice is not necessary or required to remaining eligible telecommunications carriers.

Based on the foregoing, the Commission finds that Budget 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-4921/NUSF-109 should be, and it is hereby, granted.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 13th day of June, 2017.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Mary Riddle
Crystal Knudsen
Tim Schram
//s//Frank E. Landis
//s//Tim Schram

Tim Schram
Chairman

ATTEST:

Dana Knutson
Deputy Director

THE PUBLIC UTILITIES COMMISSION OF OHIO

**IN THE MATTER OF THE APPLICATION
OF BUDGET PREPAY, INC. FOR
APPROVAL TO RELINQUISH ITS
ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION AND FOR
CANCELLATION OF ITS CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.**

CASE NO. 12-1933-TP-UNC

CASE NO. 11-5013-TP-RCC

ENTRY

Entered in the Journal on June 21, 2017

I. SUMMARY

{¶ 1} The Commission approves the application of Budget PrePay, Inc. seeking to relinquish its designation as a competitive eligible telecommunications carrier and cancellation of its operating certificate.

II. DISCUSSION

{¶ 2} Federal law, 47 U.S.C. 214(e)(4), provides that “[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.” However, when doing so, 47 C.F.R. 54.205(b) requires that a state commission ensure that there is at least one remaining eligible telecommunications carrier (ETC) serving customers in the area served by the relinquishing carrier before permitting a designated ETC to cease providing universal service in the area.

{¶ 3} Consistent with 47 U.S.C. 214(e)(2), Budget PrePay, Inc. (Budget PrePay) was designated as a competitive eligible telecommunications carrier (CETC), pursuant to the Commission’s November 28, 2012 Finding and Order in Case No. 12-1933-TP-UNC, for the limited purpose of offering resold prepaid wireless Lifeline service to qualifying Ohio consumers throughout the service area set forth in the application. Budget PrePay does not provide non-Lifeline service to any subscribers in Ohio.

{¶ 4} On May 8, 2017, Budget PrePay filed an application seeking relinquishment of its CETC designation. Specifically, Budget PrePay states that it seeks to relinquish its CETC designation and cease offering Lifeline service in the state Ohio effective July 5, 2017. Budget PrePay intends to relinquish its CETC designation in all areas of Ohio for which it is so designated. Budget PrePay represents that it can continue to serve remaining Lifeline customers through July 5, 2017. The company also seeks cancellation of its Certificate 90-5584, to provide Commercial Mobile Radio Service (CMRS), contemporaneously with granting relinquishment of Budget PrePay's CETC designation in the state of Ohio.

{¶ 5} Budget PrePay is not currently enrolling any new Lifeline subscribers and has not enrolled any new customers in Ohio since May 8, 2017. Additionally, on or about that same date, Budget PrePay ceased marketing to new customers in Ohio.

{¶ 6} Budget PrePay currently still serves subscribers throughout the state of Ohio. On May 8, 2017, the date of the filing of its relinquishment application, Budget PrePay had less than 1,750 wireless subscribers within its CETC designated area in Ohio. Budget PrePay submits that if the Commission approves the company's relinquishment application, each of Budget PrePay's remaining consumers who will thereafter no longer be served by Budget PrePay, will nevertheless thereafter continue to have multiple options for alternative ETC service providers in the state of Ohio, including both wireline and wireless carriers.

{¶ 7} Budget PrePay submits that, until the effective date of CETC relinquishment, it will continue to provide its existing eligible Lifeline subscribers with the Lifeline discount, and claim reimbursement for the Lifeline discount. Budget PrePay will no longer seek reimbursement for the Lifeline discount after the effective date of CETC relinquishment.

{¶ 8} Budget PrePay presents a transition plan in order to assist its customers in switching to another Lifeline provider. On May 5, 2017, it sent a text message to each of its Lifeline subscribers notifying them that it plans to cease offering Lifeline service effective July 5, 2017. A second text notification will be sent to the company's remaining subscribers no later than June 30, 2017. The same notification, but in the form of a written letter, was sent to all the company's remaining subscribers through the U.S. mail on May 12, 2017. Further, beginning on June 30, 2017, all outward calls from Budget PrePay subscribers will be first forwarded to a company representative for the purpose of notification about the July 5, 2017 termination date. This practice will not affect 9-1-1 calls, which will be routed to emergency providers in a standard fashion. Additionally, Budget PrePay's website informs customers of the need to select another Lifeline provider and provides information about alternative Lifeline providers in Ohio.

{¶ 9} Budget PrePay does not require customer deposits, so there is no need for a plan for return of deposits. If a Budget PrePay subscriber decides to obtain service from another provider, there will be no early termination fee assessed by Budget PrePay, which, as a prepaid service provider, never assesses such fees.

{¶ 10} Upon the Commission-approved relinquishment date, Budget PrePay will initiate a batch de-enrollment of any remaining subscribers in the National Lifeline Accountability Database and release the phone numbers of those customers no longer served by Budget PrePay as of this date. Existing Lifeline subscribers who do not contact the company by July 5, 2017, will lose their Lifeline service and their associated phone number.

{¶ 11} Pursuant to R.C. 4927.13(A), an incumbent local exchange carrier must implement lifeline service to eligible residential customers throughout the carrier's tradition service area. Therefore, the Commission finds that there is at least one other ETC in all areas in which Budget PrePay is currently designated as a CETC. Accordingly, Budget PrePay's Lifeline customers will have the ability to select another Lifeline

provider. As a result, Budget PrePay's request to exit the Lifeline service market in Ohio on July 5, 2017, is approved. In the meantime, the company must continue to promptly provide Staff with weekly updates as to the status of its customer migration to other Lifeline providers. Budget PrePay should de-enroll all of its Lifeline subscribers with the federal Universal Service Administrative Company no later than July 5, 2017.

{¶ 12} On December 1, 2011, the Commission, in Case No. 11-5013-TP-RCC, granted Budget PrePay a Certificate of Public Convenience and Necessity, No. 90-5584, to provide CMRS in the state of Ohio. Budget PrePay does not provide non-Lifeline service to any subscribers in Ohio.

{¶ 13} Due to the fact that Budget PrePay does not serve any non-Lifeline customers, Certificate No. 90-5584 will be cancelled as of July 5, 2017.

III. ORDER

{¶ 14} It is, therefore,

{¶ 15} ORDERED, That the May 8, 2017 application of Budget PrePay is approved in accordance with Paragraph (11). It is, further,

{¶ 16} ORDERED, That Budget PrePay provide Staff with weekly updates regarding customer migration. It is, further,

{¶ 17} That Certificate No. 90-5584 be cancelled as of July 5, 2017, in accordance with Paragraph (13). It is, further,

12-1933-TP-UNC
11-5013-TP-RCC

-5-

{¶ 18} ORDERED, That a copy of this Entry be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

AZK
Asim Z. Haque, Chairman

M. Beth Trombold
M. Beth Trombold

Thomas W. Johnson
Thomas W. Johnson

Daniel R. Conway
Daniel R. Conway

DEF/dah

Entered in the Journal
JUN 21 2017

Barcy F. McNeal

Barcy F. McNeal
Secretary

BEFORE THE CORPORATION COMMISSION OF OKLAHOMA

APPLICATION OF BUDGET PREPAY, INC. TO)
WITHDRAW ITS CERTIFICATE OF)
CONVENIENCE AND NECESSITY IN THE) CAUSE NO. PUD 201700157
STATE OF OKLAHOMA, TO CANCEL ITS)
TARIFFS, AND TO RELINQUISH ITS WIRELESS) ORDER NO. **665384**
ELIGIBLE TELECOMMUNICATIONS CARRIER)
DESIGNATION)

FINAL ORDER GRANTING
WITHDRAWAL OF CERTIFICATE OF CONVENIENCE AND NECESSITY,
CANCELLATION OF TARIFFS,
AND RELINQUISHMENT OF ETC DESIGNATION

BY THE COMMISSION:

The Corporation Commission (“Commission”) of the State of Oklahoma being regularly in session and the undersigned Commissioners present and participating, there comes on for consideration and action the Application of Budget PrePay, Inc. (“Budget PrePay”) to voluntarily withdraw its Certificate of Convenience and Necessity (“CCN”), cancel its Tariffs to operate in the State of Oklahoma, and relinquish its wireless Eligible Telecommunications Carrier (“ETC”) designation in the exchanges served by Southwestern Bell Telephone Company d/b/a AT&T Oklahoma (“AT&T Oklahoma”) and Valor Telecommunications of Texas, LLC d/b/a Windstream Communications Southwest (“Windstream Southwest”) in accordance with 47 U.S.C § 214(e)(4), 47 C.F.R. § 54.205, and Oklahoma Administrative Code (“OAC”) 165:55-15-5 and OAC 165:56-14-3.

I. PROCEDURAL HISTORY

On May 19, 2017, Budget PrePay filed its Application for Withdrawal of Certificate of Convenience and Necessity, for Cancellation of Tariffs, and for Relinquishment of Eligible Telecommunications Carrier Certification.

II. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission makes the following finding of facts and conclusions of law:

1. The Commission has jurisdiction over the subject matter and persons. Notice was given as required by law and the rules of the Commission. Authority to grant the Application arises under OKLA. CONST. art. IX, § 18, and 17 O.S. §§ 131 *et seq.*
2. Budget PrePay was granted its CCN to provide local exchange and intrastate interexchange service by the Commission in Cause No. PUD 200200458, Order No. 471473, issued on January 13, 2003.

3. Budget PrePay was designated by the Commission as an ETC, on a wireless basis in Cause No. PUD 201000171, Order No. 601604, issued on September 4, 2012.

4. Budget PrePay voluntarily filed an Application to relinquish its wireless ETC designation in the exchanges served by AT&T Oklahoma and Windstream Southwest in accordance with 47 U.S.C § 214(e)(4), 47 C.F.R. § 54.205, and OAC 165:55.

5. Budget PrePay further requested in its Application to withdraw its CCN and cancel its Tariffs to operate in the State of Oklahoma in accordance with OAC 165:55-15-5 and OAC 165:56-14-3.

6. In its Application, Budget PrePay stated that it had fewer than 400 wireless customers in the State of Oklahoma.

7. Included with Budget PrePay's Application was a certification by Danny Hyde, Chief Executive Officer of Budget PrePay, stating that Budget PrePay has no outstanding customer deposits.

8. The Public Utility Division ("PUD") reviewed the Application and determined that Budget PrePay satisfied all requirements of 47 U.S.C § 214(e)(4), 47 C.F.R. § 54.205, OAC 165:55, and OAC 165:56 to withdraw its CCN, cancel its Tariffs, and relinquish its wireless ETC designation in the exchanges served by AT&T Oklahoma and Windstream Southwest.

9. The PUD determined that pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205(a), the service territories where Budget PrePay is designated are served by at one (1) remaining telecommunications carrier which has been designated as an ETC and which, by virtue of their ETC designation, is required to offer the supported services throughout their respectively designated service territories.

10. Budget PrePay proposed an effective date of July 5, 2017 for their cessation of service in the State of Oklahoma.

11. 47 U.S.C. § 214(e)(4) specifies, in part, "A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) 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." (emphasis added.) Because at least one (1) ETC is designated as eligible to provide service in Budget PrePay's territory (AT&T Oklahoma and Windstream Southwest), the Commission is required by federal law to permit Budget PrePay to relinquish its ETC designation.

12. Budget PrePay provided notice of its planned cessation of service to its remaining customers on May 12, 2017 via text message, and on May 19, 2017 via US mail. The PUD reviewed the provided notices and found them to be satisfactory.

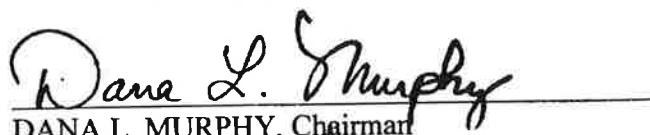
13. Pursuant to OAC 165:55-15-5 and 165:56-14-3, a telecommunications service provider may request to voluntarily withdraw its CCN and cancellation of its tariffs.

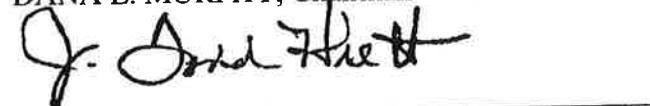
14. Proper notice was sent to the Attorney General of the State of Oklahoma.

III. ORDER

THE COMMISSION THEREFORE ORDERS consistent with the above findings of fact and conclusions of law, the Application filed by Budget PrePay, Inc to voluntarily withdraw its Certificate of Convenience and Necessity, cancel its Tariffs to operate in the State of Oklahoma, and relinquish its wireless Eligible Telecommunications Carrier designation and in accordance with 47 U.S.C § 214(e)(4), 47 C.F.R. § 54.205, and Oklahoma Administrative Code (“OAC”) 165:55 and OAC 165:56, effective July 5, 2017, is hereby granted.

OKLAHOMA CORPORATION COMMISSION


DANA L. MURPHY, Chairman

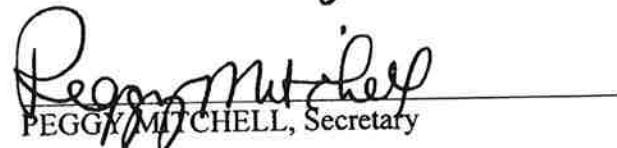

J. TODD HIETT

J. TODD HIETT, Vice Chairman


BOB ANTHONY, Commissioner

DONE AND PERFORMED by the Commissioners participating in the making of this order as shown by their signatures above this 29 day of June, 2017.

[seal]


PEGGY MITCHELL, Secretary

ESTADO LIBRE ASOCIADO DE PUERTO RICO
JUNTA REGLAMENTADORA DE TELECOMUNICACIONES
DE PUERTO RICO

BUDGET PREPAY, INC.

Peticionaria

CASO NÚM.: JRT-CMRS-0148



IN RE:

BUDGET PREPAY, INC. H/N/C
BUDGET MOBILE

CASO NÚM.: JRT-ETC-0015

RESOLUCIÓN Y ORDEN

I. Trasfondo

El 16 de octubre de 2012, la Junta Reglamentadora de Telecomunicaciones (“Junta”) emitió *Orden Administrativa*, ordenando el registro de Budget Prepay, Inc. (en adelante, “Budget”) como compañía que ofrece servicio comercial radiomóvil (“CMRS”, por sus siglas en inglés) en Puerto Rico, bajo el registro **JRT-CMRS-0148**. Allí se le advirtió a Budget que tenía que cumplir con la presentación de los informes trimestrales y declaración de ingresos brutos anuales del *Reglamento sobre Imposición de Cargos a Las Compañías de Telecomunicaciones*, Reglamento Núm. 7846, la presentación de los formularios TRB, los documento e informes requeridos por el *Reglamento sobre Servicio Universal*, Reglamento Núm. 7795, el formulario FCC-499, y cualquier otro informe que esta Junta estimase necesario, además de cumplir con las leyes y reglamentos federales y locales.

El 23 de enero de 2013, la Junta emitió *Resolución y Orden* en el caso JRT-2012-SU-0002, designando a Budget (h/n/c Budget Mobile) como compañía de telecomunicaciones elegible (“CTE”), **JRT-ETC-0015**, limitada a proveer servicio inalámbrico *Lifeline* del programa de bajos ingresos, apoyado por el Fondo Servicio Universal de Puerto Rico (“FSUPR”) y el Fondo de Fondo de Servicio Universal Federal (“FSUF”). El 3 de diciembre de 2014, la Junta emitió *Resolution and Order* en el caso JRT-ETC-0015, extendiendo la designación de Budget como CTE para el periodo bienal 2014-2016, pero limitando el subsidio a los dineros provenientes del FSUF. El 19 de septiembre de 2016, emitimos *Orden Administrativa* en el mismo caso, extendiendo nuevamente la designación de Budget como CTE para el periodo bienal 2016-2018, y nuevamente limitada al FSUF.

El 5 de mayo de 2017, Budget presentó escrito titulado *Application of Budget Prepay, Inc. d/b/a Budget Mobile for Relinquishment of its Designation as a Lifeline-Only Eligible Telecommunications Carrier* en el caso JRT-ETC-0015, solicitando autorización de la Junta para abandonar su designación como CTE y renunciar a su derecho de recibir apoyo del FSUF a tenor con los poderes conferidos por la Regla 54.205 de la Comisión Federal de Comunicaciones, 47 CFR 54.205, el Art. III-7 de la Ley de Telecomunicaciones de Puerto Rico, Ley 213-1996, y la Regla 9.7 del *Reglamento sobre Servicio Universal*, Reglamento Núm. 7795 (“Reglamento 7795”) (“Moción de Renuncia”).

En su Moción de Renuncia, Budget plantea que (i) hay otras CTE que proveen *Lifeline* en Puerto Rico; (ii) notificará oportunamente a sus clientes que cesará de proveer servicio *Lifeline*; (iii) instruirá a sus clientes a que pueden continuar recibiendo el descuento de *Lifeline* de otro proveedor y que no incurrirán en cargos por terminación temprana al cambiar de compañía; y (iv) que varias otras CTE en Puerto Rico pueden prestar servicio *Lifeline* inalámbrico sin necesidad de construir facilidades adicionales. Indica además que no se afectará la cantidad de fondos del FSUF que pueden recibir las CTE en Puerto Rico para el programa *Lifeline*.

Budget indicó que enviaría el siguiente mensaje de texto a sus cerca de 5,000 clientes, en o antes del 5 de mayo de 2017 (día en que radicó la Moción de Renuncia), pero no informó si enviaría una versión en español del mismo:



Budget Mobile plans to cease service in Puerto Rico on 7-5-2017.

To continue service, you will need to contact another Lifeline provider authorized by the Puerto Rico TRB.

list of Lifeline providers in Puerto Rico is available at <http://www.lifelinesupport.org/lis/companies/companies.aspx>

Finalmente, Budget solicita que la Junta emita su decisión en cuanto a la Moción de Renuncia no más tarde del 5 de julio de 2017.

Recibida la Moción de Renuncia, procedimos a corroborar que Budget estuviese al día en la radicación de los informes que le son requeridos, tanto por su designación como CTE como por su registro como CMRS. Nuestra Sección de Cumplimiento y Estadísticas certificó que Budget está en cumplimiento en cuanto a los informes que le son requeridos por su designación como CTE. No obstante, al analizar sus documentos financieros y compararlos con los dineros que recibe del FSUF a través de USAC, Administrador del FSUF,¹ observamos que Budget aparenta no estar reportando a la Junta los ingresos que se recibe del FSUF como parte de sus ingresos sujetos al cargo reglamentario que dispone el Artículo II-11 de la Ley 213-1996.

De otra parte, hacemos constar que Budget está siendo auditada como parte del proceso de Auditoría iniciado por la Junta mediante *Orden Administrativa* de 29 de marzo de 2016, en el caso JRT-2001-SU-0003, con el fin de fiscalizar su cumplimiento con los requisitos estatutarios y reglamentarios para la certificación de elegibilidad de los suscriptores al programa *Lifeline*, a los fines de determinar si estos fueron adecuadamente certificados como elegibles al programa, de conformidad con las regulaciones aplicables al momento de su certificación, auto certificación o re-certificación (“Auditoría”).

II. Discusión

La sección 214(e)(2) de Ley Federal de Comunicaciones, 47 U.S.C. § 214, y la sección 54.207(b) de las reglas de la Comisión Federal de Comunicaciones (“FCC”, por sus siglas en inglés), 47 CFR 54.201(b), disponen que las comisiones estatales pueden designar acarreadoras como CTE para prestar servicios en las áreas designadas por el ente estatal, siempre que se cumplan con los requisitos enumerados en dichos preceptos federales. En caso de que una acarreadora quiera renunciar a su designación como CTE, debe cumplir con lo dispuesto en la sección 214 (e)(4) del estatuto federal, 47 U.S.C. 214 (e)(4), y la sección 54.205 de las reglas de la FCC, 47 CFR 54.205.

A tenor con el mandato federal, el Artículo III-7(b) de la Ley 213-1996, 27 L.P.R.A. § 269e(b), establece que corresponde a la Junta designar a las CTE que podrán prestar los servicios en Puerto Rico y acceder dineros del FSUPR y del FSUF para subsidiar los servicios prestados. En cuanto a la renuncia como CTE, el Artículo III-7(b)(4) de la Ley 213-1996, provee lo siguiente:

(4) La Junta podrá permitir que una compañía de telecomunicaciones elegible, mediante autorización previa de la Junta, abandone su designación en cualquier área servida por más de una compañía de telecomunicaciones elegible. Antes de otorgar la autorización, la Junta impondrá a las restantes compañías de telecomunicaciones elegibles la obligación de asegurar el servicio a los usuarios de la compañía de

¹ <http://www.usac.org/li/tools/disbursements/default.aspx> SPIN 143000887; Study Area 639015. De acuerdo a la información pública disponible en la página de USAC, Budget ha recibido \$2,569,998.00, entre abril de 2014 y mayo de 2017, para sufragar el servicio de Lifeline que presta en Puerto Rico.



telecomunicaciones elegible que se retira, y requerirá suficiente notificación para permitir la compra o construcción de instalaciones adecuadas por cualquier otra compañía de telecomunicaciones elegible. Los costos y gastos incurridos por las compañías de telecomunicaciones elegibles para proveer servicios elegibles le serán reembolsados por los procedimientos de apoyo del servicio universal. La Junta establecerá un periodo de tiempo, que no excederá de un año después de la aprobación de tal retiro bajo este inciso, para que se complete la compra o construcción.

La Regla 9 del Reglamento 7795, establece los requisitos para que la Junta realice las designaciones como CTE, y el sub-ínciso 9.7 indica los requisitos para que se le permita a la CTE abandonar tal designación.

De otra parte, el Artículo II-11 de la Ley 213-1996, 27 L.P.R.A. § 267j, establece que las compañías de telecomunicaciones que provean servicios en la Isla deberán contribuir proporcionalmente para sufragar los gastos anuales de operación de la Junta, para lo cual se ha adoptado el cargo de 0.25%, sobre los ingresos brutos por servicios de telecomunicaciones intralsla. El *Reglamento sobre Imposición de Cargos a Las Compañías de Telecomunicaciones*, Reglamento Núm. 7846 ("Reglamento 7846"), dispone la forma en que deberá someterse el pago del cargo reglamentario a la Junta. Este cargo reglamentario aplica igualmente a los ingresos provenientes de la prestación de servicios de telecomunicaciones que se originen y terminen en Puerto Rico que presten las CMRS, incluyendo el servicio telefónico que proveen bajo un plan de *Lifeline*.² Más aún, si los ingresos intralsla exceden el millón de dólares (\$1,000,000), vienen obligadas a presentar estados financieros auditados.³

La Secc. 7 del Reglamento 7846 dispone que las compañías que se nieguen a informar sus ingresos podrán ser objeto de: (i) procedimientos en su contra para obligar el cumplimiento con la ley; (ii) la imposición del pago de costas, gastos y honorarios de abogado incurridos en dichos procedimientos; y (iii) la imposición de multas administrativas hasta un máximo de veinticinco mil dólares (\$25,000.00) por cada violación.

De un análisis preliminar de los documentos financieros que Budget ha sometido a la Junta, aparenta ser que no ha reportado como ingreso los dineros que recibe del FSUF a través de USAC. Además, de un análisis a los planes de servicio *Lifeline*, vemos que Budget indica que ofrece planes que incluyen data, pero no tenemos constancia sobre si, en efecto, alguno de sus clientes de *Lifeline* en Puerto Rico se ha acogido a un plan que incluya data.⁴ Las CTE vienen obligadas a reportar sus ingresos en la prestación de servicios de voz de *Lifeline* en Puerto Rico, y remitir el correspondiente cargo regulatorio de 0.25%, aun cuando tales servicios hayan sido sufragados con dinero proveniente del FSUF.⁵

El Artículo II-7 de la Ley 213-1996, en su ínciso (b)(8)(A), confiere facultad a la Junta para citar vistas públicas si ello propende en asegurar el cumplimiento de la Ley 213-1996 y los reglamentos que se promulguen a tenor con ésta. Es nuestro interés primordial el que la compañía cumpla con los reglamentos y órdenes de la Junta, por lo cual le citamos a una vista pública para que exprese las razones por las aparentes incongruencias entre los ingresos recibidos del FSUF y los ingresos reportados como sujetos a cargo reglamentario, y muestre causa sobre por qué no debamos imponerle una sanción administrativa ante tal incongruencia, previo a considerar dejar sin efecto su designación como CTE. Además, dejamos en suspenso el término de sesenta (60) días que dispone la Regla 9.7(c) del Reglamento 7795 para atender la Moción de Renuncia, hasta tanto se vea la Vista aquí citada.

² *Veáse*, Reglamento 7486, Regla 4.b.

³ *Veáse*, *Id*, Regla 4.e.

⁴ *Veáse*, *Budget Prepay Inc.'s Confidential Motion for the 2016 Designation Review as a Lifeline-Only Eligible Telecommunications Carrier in Puerto Rico*, presentado por Budget el 31 de marzo de 2016 en el caso JRT-ETC-0015, págs. 10-11.

⁵ Distinto es el caso cuando las CTE tienen que calcular su aportación al FSUPR, pues no tienen que incluir los ingresos recibidos por servicios *Lifeline* para el cálculo (a base de 1.39%) de la aportación al FSUPR. *Veáse*, *Fourth Administrative Order* de 6 de mayo de 2002 en el caso JRT-2001-SU-0003, págs. 4-5.

Finalmente, se advierte que de concederse la petición de abandono como CTE, ello no liberará de forma alguna cualquier responsabilidad de Budget en cuanto cualquier hallazgo que surja luego de completarse la Auditoría.

En consideración de lo antes mencionado, esta Junta RESUELVE y ORDENA:



Se CITA a BUDGET a una Vista Pública, a celebrarse el martes 18 de julio de 2017 a las 9:00 am en el Salón de Audiencias de la Junta, 500 Ave. Roberto H. Todd, (Pda. 18-Santurce), San Juan, para que muestre causa por la cual no debamos imponerle sanciones administrativas, por posibles incongruencias en la presentación de información financiera y en posible contravención con el Artículo II-11 de la Ley 213-1996.



Se ORDENA, someter la siguiente información y documentos, dentro de un término de 10 días calendarios, previo a la celebración de la Vista:

- *Declaraciones de ingresos anuales y trimestrales revisadas, detallando cualquier descuento aplicable por pagos realizados a las acarreadoras de las cuales revenden el servicio inalámbrico ("underlying carriers"), con los pagos correspondientes.*
- *Estados Financieros Auditados, de ser estos requeridos por el Reglamento 7846.*
- *Desglose de pagos recibidos del FSUF.*
- *Cantidad de Clientes de Lifeline suscritos a planes "Lifeline Bundle Package Add-Ons" que incluyen servicios de Data.*
- *Cantidad de clientes de Lifeline que se han movido a otras CTE, luego del envío de la notificación del 5 de mayo de 2017.*

Se detiene el término de sesenta (60) días para atender la Moción de Renuncia que provee la Regla 9.7(c), hasta tanto se vea la Vista aquí citada.

Se advierte que Budget será responsable ante la Junta por cualquier señalamiento adverso que surja durante la Auditoría, y por cualquier orden que tenga a bien emitir la Junta a raíz de tales señalamientos, aun luego de haberse consentido a su solicitud de renuncia como CTE.

Se advierte a la peticionaria que deberá comparecer a la vista representada por abogado. La Junta no autorizará la suspensión de la vista señalada, salvo que medie justa causa para ello. La peticionaria podrá solicitar transferencia de vista siempre que lo haga por escrito, exponiendo las causas que justifican la misma. **Tal solicitud será presentada a1 menos cinco (5) días con anterioridad a la fecha señalada para la vista.** La mera solicitud de suspensión no dejará sin efecto el señalamiento de la vista. Se advierte que la Junta podrá imponer sanciones por ausentarse injustificadamente al señalamiento de vista.

La vista será pública, a menos que la peticionaria someta una solicitud por escrito que evidencie, que de no ser privada, les puede causar daño irreparable.

Está terminantemente prohibido portar cualquier clase de armas, y cualquier equipo electrónico deberá estar apagado o en el modo silencioso, durante la celebración de la vista.

NOTIFÍQUESE la presente RESOLUCIÓN Y ORDEN a Budget PrePay, Inc., por conducto de sus representantes legales, Jeanne Habib, Meléndez Torres Law, PSC, MCS Plaza, Suite 1200, 255 Ave. Ponce de León, San Juan, Puerto Rico 00917; y Todd B. Lantor, Lukas, Nace, Gutiérrez & Sachs, LLP, 8300 Greensboro Drive, Suite 1200, Tysons, Virginia 22102.

Así lo acordó la Junta el 29 de junio de 2017.



En contra

Sandra Torres López
Presidenta

En Contra

Gloria I. Escudero Morales
Miembro Asociado

En contra

Maria M. Reyes Gómez
Miembro Asociado

H.M.L.
Hiram Martínez López
Miembro Asociado

Gladys A. Maldonado
Gladys A. Maldonado Rodríguez
Miembro Asociado

CERTIFICACIÓN

CERTIFICO que la presente es copia fiel y exacta de la Resolución y Orden aprobada por la Junta, el 29 de junio de 2017. CERTIFICO, además, que hoy 29 de junio de 2017, he remitido copia de la presente Resolución y Orden a las partes indicadas en el Notifíquese y he procedido al archivo en autos de la misma.

Y PARA QUE ASÍ CONSTE, firmo la presente en San Juan, Puerto Rico, hoy 29 de junio de 2017.


MÁRCUS R. TORRES SKERRETT
Secretario de la Junta

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: PETITION OF BUDGET PREPAY, INC. :
FOR DESIGNATION AS AN ELIGIBLE : DOCKET NO. 4294
TELECOMMUNICATIONS CARRIER IN THE :
STATE OF RHODE ISLAND FOR THE :
PURPOSE OF OFFERING LIFELINE SERVICE :
TO QUALIFIED HOUSEHOLDS :

ORDER

On January 5, 2012, the Public Utilities Commission (PUC) issued an order designating Budget PrePay, Inc. (Budget) as an Eligible Telecommunications Carrier (ETC) throughout its service area in the State of Rhode Island pursuant to 47 U.S.C. Section 214(e)¹ in order to provide discounted service to low income customers and receive certain subsidies from the Federal Universal Service Fund.²

On April 28, 2017, Budget filed with the PUC a Request to Relinquish ETC Designation, stating that there were a number of alternate ETCs offering lifeline service in Rhode Island. Therefore, Budget maintained that it not only meets the federal requirements for relinquishment, but also that customers will not be harmed by the granting of its request. Budget requested an effective date of June 5, 2017 and sent notice to its current customers together with a toll free telephone number to its customer service department to assist customers with the transition.³

On May 1, 2017, the Division of Public Utilities and Carriers filed a memorandum recommending that Budget be allowed to relinquish its designation as an

¹ 47 U.S.C. 214(e) imposed statutory responsibility upon the Commission to certify telecommunications service providers as “eligible” to receive funds from the Federal Universal Service Fund.

² Order No. 20607 (Jan. 5, 2017); [http://www.ripuc.org/eventsactions/docket/4294-BudgetPrePay-Ord20607\(1-5-17\).pdf](http://www.ripuc.org/eventsactions/docket/4294-BudgetPrePay-Ord20607(1-5-17).pdf).

³ Budget Pet. at 2-3, 5 (Apr. 28, 2017); [http://www.ripuc.org/eventsactions/docket/4294-BudgetPrePay-Relinquish\(4-27-17\).pdf](http://www.ripuc.org/eventsactions/docket/4294-BudgetPrePay-Relinquish(4-27-17).pdf).

ETC in Rhode Island.⁴ On May 4, 2017 at an Open Meeting, the PUC approved Budget's request. The PUC finds that there exists an adequate number of other carriers offering lifeline service in Rhode Island to provide sufficient access to reduced price telecommunications service to qualifying customers in Rhode Island.

Accordingly, it is hereby

(22795) ORDERED:

Budget PrePay, Inc.'s Request to Relinquish ETC Designation is hereby granted.

EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 5, 2017
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
MAY 10, 2017.

PUBLIC UTILITIES COMMISSION




Margaret E. Curran, Chairman


Herbert F. DeSimone, Jr., Commissioner


Marion S. Gold, Commissioner

Notice of Right of Appeal: Pursuant to R.I. Gen. Laws § 39-5-1, any person aggrieved by a decision or order of the PUC may, within 7 days from the date of the Order, petition the Supreme Court for a Writ of Certiorari to review the legality and reasonableness of the decision or Order.

⁴ Division Mem. (May 1, 2017).

**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA
COMMISSION DIRECTIVE**

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>May 03, 2017</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2011-294-C</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	<u>2017-274</u>

THIS DIRECTIVE SHALL SERVE AS THE COMMISSION'S ORDER ON THIS ISSUE.

SUBJECT:

DOCKET NO. 2011-294-C - Application of Budget PrePay, Incorporated d/b/a Budget Phone d/b/a Budget Mobile for Designation as a Non-Rural Wireless Eligible Telecommunications Carrier - Staff Presents for Commission Consideration Budget PrePay, Inc. d/b/a Budget Phone d/b/a Budget Mobile's Petition to Relinquish Lifeline-Only Eligible Telecommunications Carrier Designation.

COMMISSION ACTION:

Grant the Petition to Relinquish Lifeline-Only Eligible Telecommunications Carrier (ETC) Designation filed on behalf of Budget PrePay, Inc. d/b/a Budget Phone d/b/a Budget Mobile. Pursuant to the Telecommunications Act of 1996 and the relevant FCC rule, Budget PrePay seeks to relinquish its non-rural wireless Lifeline-Only ETC designation in areas served by more than one ETC. Budget PrePay will send written notice by text message to its customers no later than May, 5, 2017, that Budget PrePay will cease providing the services currently received effective June 5, 2017.

PRESIDING: Whitfield

SESSION: Regular

TIME: 2:00 p.m.

	MOTION	YES	NO	OTHER
ELAM	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HALL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u> Commission Business
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
HOWARD	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RANDALL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
WHITFIELD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

(SEAL)

RECORDED BY: J. Schmieding



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF SOUTH DAKOTA

IN THE MATTER OF THE PETITION OF BUDGET PREPAY, INC. DBA BUDGET MOBILE TO RELINQUISH ITS DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER)	ORDER GRANTING RELINQUISHMENT OF ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION
)	
)	TC17-015

On April 21, 2017, the South Dakota Public Utilities Commission (Commission) received a Petition for Relinquishment of Eligible Telecommunications Carrier (ETC) Designation (Petition) from Budget PrePay, Inc. dba Budget Mobile (Budget). Budget requested a June 5, 2017, effective date for the relinquishment. On April 28, 2017, Budget amended its Petition to request a June 9, 2017, effective date.

On April 27 and May 4, 2017, the Commission electronically transmitted notice of the filing and an amended intervention deadline of May 8, 2017, to interested individuals and entities on the Commission's PUC Weekly Filings electronic listserv. No parties or entities sought intervention.

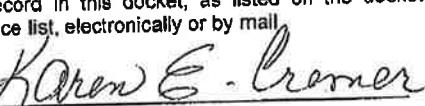
The Commission has jurisdiction over this matter pursuant to 47 U.S.C. § 214(e)(4), 47 C.F.R. § 54.205(a)-(b), SDCL 49-31-78, and ARSD 20:10:32:48.

At its regularly scheduled meeting of May 9, 2017, the Commission considered this matter. Pursuant to ARSD 20:10:32:48, the Commission "may permit a telecommunications company to relinquish its eligible telecommunications carrier designation if at least one other eligible telecommunications carrier serves the area for which the relinquishment is sought." In addition, the carrier requesting relinquishment "shall continue to meet its eligible telecommunications carrier obligations for the entire area for which it seeks to relinquish those obligations until the date specified in the commission's order approving the relinquishment."

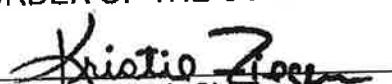
The Commission has previously designated at least one other ETC that serves each of the areas for which the relinquishment is requested. The Commission finds that all of the areas subject to this relinquishment are served and will continue to be served by an ETC. The Commission finds that the requirements of ARSD 20:10:32:48 have been met and finds relinquishment is warranted pursuant to the Petition. The Commission unanimously voted to approve Budget's request to relinquish its ETC designation for all areas within its currently designated ETC area, effective June 9, 2017. Exhibit A attached to this order is the list of the areas that Budget is relinquishing. It is therefore

ORDERED, that Budget's request to relinquish its ETC designation is granted, effective June 9, 2017.

Dated at Pierre, South Dakota, this 11th day of May, 2017.

CERTIFICATE OF SERVICE	
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, electronically or by mail.	
By:	
Date:	5-11-17
(OFFICIAL SEAL)	

BY ORDER OF THE COMMISSION:


KRISTIE FIEGEN, Chairperson


GARY HANSON, Commissioner

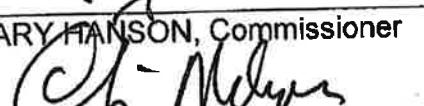

CHRIS NELSON, Commissioner

EXHIBIT A
DESIGNATED AREAS

EXHIBIT A
DESIGNATED AREAS

LEC	WIRE CENTER
QWEST CORPORATION	ABRDSDCO
QWEST CORPORATION	ARTNSDCO
QWEST CORPORATION	BLFRSDCO
QWEST CORPORATION	BLHKSDCE
QWEST CORPORATION	CAVRSDCO
QWEST CORPORATION	CHBLSDCO
QWEST CORPORATION	CLMNSDCO
QWEST CORPORATION	CNTNSDCO
QWEST CORPORATION	DDWDSDCO
QWEST CORPORATION	DESMSDCO
QWEST CORPORATION	ELPNSDCO
QWEST CORPORATION	FLNDSDCO
QWEST CORPORATION	FTPRSDCE
QWEST CORPORATION	HLCYSDCO
QWEST CORPORATION	HRBGSDCO
QWEST CORPORATION	HURNSDCO
QWEST CORPORATION	IRQSSDCO
QWEST CORPORATION	LEADSDCO
QWEST CORPORATION	LKPRSDCO
QWEST CORPORATION	MCINSDCO
QWEST CORPORATION	MDSNSDCE
QWEST CORPORATION	MLBNSDCO
QWEST CORPORATION	MLLRSDCO
QWEST CORPORATION	MRTWSDCO
QWEST CORPORATION	MTCHSDCO
QWEST CORPORATION	ORVLMNOR
QWEST CORPORATION	PIRRSDCO

EXHIBIT A
DESIGNATED AREAS

LEC	WIRE CENTER
QWEST CORPORATION	RDFDSDCO
QWEST CORPORATION	RPCYSDCO
QWEST CORPORATION	RPVYSDCO
QWEST CORPORATION	SPRFSDCO
QWEST CORPORATION	STRGSDCO
QWEST CORPORATION	SXCYIADT
QWEST CORPORATION	SXFLSDCO
QWEST CORPORATION	SXFLSDSE
QWEST CORPORATION	SXFLSDSW
QWEST CORPORATION	TEASDCO
QWEST CORPORATION	TMLKSDCO
QWEST CORPORATION	VLNTNENW
QWEST CORPORATION	VOLGSDCO
QWEST CORPORATION	VRMLSDCO
QWEST CORPORATION	WHWDSDCO
QWEST CORPORATION	WRWKSDCO
QWEST CORPORATION	WTWSDCO
QWEST CORPORATION	YNTNSDCO

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Application of Budget PrePay, Inc., d/b/a Budget Mobile for Approval to Relinquish its Designation as an Eligible Telecommunications Carrier

DOCKET NO. 17-2554-01

ORDER GRANTING
RELINQUISHMENT OF ELIGIBLE
TELECOMMUNICATIONS CARRIER
STATUS

ISSUED: June 5, 2017

On April 27, 2017, Budget PrePay, Inc., d/b/a Budget Mobile (Budget) filed an application with the Public Service Commission of Utah (PSC) for approval to relinquish its designation as an eligible telecommunications carrier.

On April 28, 2017, the PSC issued a notice establishing May 30, 2017 as the deadline for any interested person to submit comments on the application.

On May 9, 2017, the Division of Public Utilities (Division) filed comments, recommending that the Commission approve Budget's application. In recommending approval, the Division noted that Budget has complied with all regulations for exiting the telecommunications market and that numerous ETC-designated providers are available to customers within Budget's service areas.

No other comments were filed in this docket.

ORDER

Given the foregoing, Budget PrePay, Inc.'s petition to relinquish its eligible telecommunications carrier status is granted.

DOCKET NO. 17-2554-01

- 2 -

DATED at Salt Lake City, Utah, June 5, 2017.

/s/ Jennie T. Jonsson
Administrative Law Judge

Approved and confirmed June 5, 2017 as the Order of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Jordan A. White, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#294413

Notice of Opportunity for Agency Review or Rehearing

Pursuant to Utah Code Ann. §§ 63G-4-301 and 54-7-15, a party may seek agency review or rehearing of this order by filing a request for review or rehearing with the PSC within 30 days after the issuance of the order. Responses to a request for agency review or rehearing must be filed within 15 days of the filing of the request for review or rehearing. If the PSC fails to grant a request for review or rehearing within 20 days after the filing of a request for review or rehearing, it is deemed denied. Judicial review of the PSC's final agency action may be obtained by filing a Petition for Review with the Utah Supreme Court within 30 days after final agency action. Any Petition for Review must comply with the requirements of Utah Code Ann. §§ 63G-4-401, 63G-4-403, and the Utah Rules of Appellate Procedure.

DOCKET NO. 17-2554-01

- 3 -

CERTIFICATE OF SERVICE

I CERTIFY that on June 5, 2017, a true and correct copy of the foregoing was served upon the following as indicated below:

By Electronic-Mail:

Todd B. Lantor (tlantor@fcclaw.com)
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DOCKET NO. 17-2554-01

- 4 -

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DOCKET NO. 17-2554-01

- 5 -

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Division of Public Utilities

By Hand-Delivery:

Office of Consumer Services

160 East 300 South, 2nd Floor

Salt Lake City, Utah 84111

Administrative Assistant

BUDGET CONTINGENCY NOTICE

If the Legislature does not approve a budget by July 1, the UTC will implement a full shutdown. For more information, visit www.utc.wa.gov/2017shutdown (<http://www.utc.wa.gov/2017shutdown>).

Home (/Pages/Default.aspx) > Documents and Proceedings (/docs/Pages/default.aspx) > Search for filings

Search:

Filing UT-111570

Documents	Schedule	Orders	Event Description
Event Type			
08/29/2011	Open		
07/27/2012	Approved		
09/13/2012	Re-open		Re-opened per email request of Tim Zawislak.
02/14/2014	Approved		
07/27/2012	Open Meeting		
02/14/2014	Open Meeting		
05/31/2017	Open Meeting		
05/31/2017	Approved		Allowed to be effective per the No Action Agenda.

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Washington Utilities and Transportation Commission

CONSUMERS REGULATED INDUSTRIES PUBLIC SAFETY DOCUMENTS AND PROCEEDINGS ABOUT US CONTACT US

BUDGET CONTINGENCY NOTICE If the Legislature does not approve a budget by July 1, the UTC will implement a full shutdown. For more information, visit www.utc.wa.gov/2017shutdown.

Home > Documents and Proceedings > Search for filings

Search:

Filing UT-111570

Documents Schedule Orders

Docket No.: UT-111570

Advice:

Company: Budget Prepay, Inc.

Filing type: Petition

Industry: Telecommunications

Status: Closed

Lead staff: Roth, Jing (UTC)

Filed date: 6/29/2011

Effective date: 9/28/2011

Closed date: 2/14/2014

Summary: Notice of Relinquishment of its Designation as an Eligible Telecommunications Carrier (ETC) effective June 5, 2017 pursuant to federal law and Washington Administrative Code (WAC) 480-123. Budget PrePay has notified the approximate 1,400 Lifeline customers in its ETC designated areas in Washington as required by WAC 480-120-083.

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

Entered: June 14, 2017

CASE NO. 17-0575-C-X

BUDGET PREPAY, INC., DBA BUDGET MOBILE,
A public utility, Winter Park, Florida,

Request to relinquish Eligible Telecommunications
Carrier designation and request to cancel
Informational Tariff No. 2.

RECOMMENDED DECISION

A request from Budget Prepay, Inc., dba Budget Mobile (Budget Mobile) to relinquish its Eligible Telecommunications Carrier (ETC) designation is granted.

BACKGROUND

On May 8, 2017, Budget Mobile petitioned to withdraw its ETC designation in this State, effective July 5, 2017. Budget Mobile also noted that it intends to completely discontinue wireless service in this State. It represented that West Virginia will continue to receive service from at least one incumbent carrier and a number of alternative wireless Lifeline carriers. Budget Mobile represented that it served approximately seventy Lifeline subscribers and intended to inform them of the service discontinuance by a series of text messages through their telephone handsets. The text messages will include a toll-free number for answering questions. After the planned termination date of July 5, 2017, customers must subscribe to service from an alternative carrier. Budget Mobile will not charge any termination fees.

On June 12, 2017, Commission Staff recommended that the Commission allow Budget Mobile to relinquish its ETC status. The Commission previously designated Budget Mobile as an ETC solely to provide Lifeline service in Budget Prepay, Inc., dba Budget Mobile, Case No. 11-1552-T-PC (Recommended Decision entered August 16, 2012, Final as Modified October 4, 2012.) Staff noted that granting the request will not require other ETCs to construct new facilities, but recommended that Budget Mobile report the number of customers that did not migrate to another carrier by July 5, 2017. Finally, Staff recommended that the Commission cancel the current informational tariff Budget Mobile filed.

On June 13, 2017, the Commission referred this matter to its Division of Administrative Law Judges for a Recommended Decision on or before December 4, 2017.

DISCUSSION

After review of the Budget Mobile filing and the Staff recommendation, the Commission will permit Budget Mobile to relinquish its ETC designation in West Virginia, effective July 5, 2017. There are a number of other wireline and wireless telecommunications carriers that continue to serve West Virginia customers including many wireless Lifeline carriers. (See, General Investigation Regarding the Use of Federal Universal Service Funding by Eligible Telecommunications Carriers in West Virginia, Case No. 16-0433-T-GI (Entered August 11, 2016, Final August 31, 2016.)) Therefore, Budget Mobile is entitled to relinquish its ETC designation. (47 U.S.C. §214(e)(4).)

There is no need to notify other ETCs or delay the relinquishment by Budget Mobile to permit other carriers to build new facilities because a number of other ETCs currently provide adequate wireless Lifeline service in this State. Budget Mobile, however, will file a report listing the number of wireless Lifeline customers in West Virginia that did not migrate to another carrier before July 5, 2017. Finally, the existing wireless informational tariff Budget Mobile has on file is withdrawn and cancelled on the effective date of this Recommended Decision.

FINDINGS OF FACT

1. Budget Mobile seeks to relinquish its ETC status and cease offering wireless Lifeline service in this State after July 5, 2017. (May 8, 2017 Filing.)
2. Budget Mobile has a limited number of Lifeline customers that it informed of the pending request to terminate service. (Id.)
3. More than one alternative telecommunications carrier provides adequate Lifeline service throughout the area where Budget Mobile is designated as an ETC. (Case No. 16-0433-T-GI (Entered August 11, 2016, Final August 31, 2016.))
4. Staff recommended that the Commission (i) grant the request from Budget Mobile to relinquish its ETC designation, (ii) direct Budget Mobile to report the number of customers that did not migrate to other carriers and (iii) cancel the current wireless informational tariff on file with the Commission. (June 12, 2017 Staff Memorandum.)

CONCLUSIONS OF LAW

1. The Commission must permit an ETC to relinquish its designation in any area served by more than one ETC. (47 U.S.C. §214(e)(4), 47 C.F.R. §54.205.)
2. Notice to other carriers or the construction of new telecommunications facilities are unnecessary in response to Budget Mobile relinquishing its ETC designation because the State is served by a number of alternative wireless carriers offering Lifeline service.
3. It is reasonable to cancel any current wireless informational tariff from Budget Mobile because it is terminating service in this State.
4. Budget Mobile should file a report on the number of Lifeline customers that fail to migrate to other carriers.

ORDER

IT IS THEREFORE ORDERED that Budget Mobile may relinquish its ETC designation in West Virginia as of July 5, 2017, and any wireless informational tariff issued in connection with its ETC designation is cancelled.

IT IS FURTHER ORDERED that Budget Mobile file a report after July 5, 2017, listing the number of Lifeline customers in West Virginia that failed to migrate to an alternative carrier.

IT IS FURTHER ORDERED that this matter is removed from the Commission docket of active cases on the effective date of this Recommended Decision.

The Executive Secretary is ordered to serve this Order upon the Commission and its Staff by hand delivery, upon all parties of record who have filed an e-service agreement with the Commission by electronic service and upon all other parties by United States Certified Mail, return receipt requested.

Leave is granted to the parties to file written exceptions supported by a brief with the Executive Secretary of the Commission within fifteen days of the date of this Order. If exceptions are filed, the parties filing exceptions shall certify that all parties of record have been served the exceptions.

If no exceptions are filed, this Order shall become the Order of the Commission, without further action or order, five days following the expiration of the fifteen day time period, unless it is ordered stayed by the Commission.

Any party may request waiver of the right to file exceptions by filing an appropriate petition in writing with the Executive Secretary. No such waiver, however, will be effective until approved by order of the Commission.



Matthew J. Minney
Deputy Chief Administrative Law Judge

MJM:s:lc
170575a.docx

SERVICE DATE
Jun 02, 2017

PUBLIC SERVICE COMMISSION OF WISCONSIN

Request by Budget PrePay, Inc. to Relinquish Eligible Telecommunications Carrier Designation and Alternative Telecommunications Carrier Status 826-TA-100

**ORDER TERMINATING CERTIFICATION
AS A COMPETITIVE LOCAL EXCHANGE CARRIER AND TERMINATING
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION**

Budget Prepay, Inc. (Budget), was certified as a competitive local exchange carrier (CLEC) by order dated October 18, 2002, in docket 826-TI-100. Budget was certified as an alternative telecommunications utility – other (ATU – Other) as defined in Wis. Stat. § 196.01(1d)(f). Budget registered as a commercial mobile radio service (CMRS) provider on October 5, 2011. Budget was designated as an Eligible Telecommunications Carrier (ETC) by order dated April 3, 2012 in docket 826-TI-101. (PSC REF#: 162814.) On April 25, 2017, Budget notified the Commission that it was exiting the Wisconsin telecommunications marketplace and would surrender its ATU and CMRS certifications, in addition to its ETC designation. (PSC REF#: 301645.) The voluntary surrender of certification and designation is hereby granted.

Budget stated that it is in the process of notifying all current Wisconsin customers, and provided a copy of that notice.

The Commission has jurisdiction pursuant to Wis. Stat. §§ 196.02(1), 196.395, and 196.203 to terminate the certification of Budget as a CLEC in the ATU-other category. Pursuant to Wis. Stat. § 15.02(4), the Commission has delegated this authority to the Administrator of the Division of Water, Telecommunications and Consumer Affairs.

Docket 826-TA-100

The Commission does not formally certify CMRS providers, but CMRS providers are required to register with the Commission. CMRS providers may terminate that registration by filing notification with the Commission and affected customers. Such notifications do not require formal Commission approval. Budget's CMRS designation will be made inactive.

ETC status means that a provider is eligible for state and federal universal service support. ETC status was created by the 1996 Telecommunications Act, and responsibility for ETC and related programs are shared between state and federal jurisdictions. States are responsible for designating providers as ETCs, pursuant to state and federal rules and statutes. ETCs may file to relinquish their ETC designation at will. Under Wis. Admin. Code § PSC 160.13(8), if at least one other ETC is serving in the area to be relinquished, that relinquishment happens without need for Commission action. Budget's relinquishment of its ETC status will become effective simultaneously with the termination of its ATU designation due to voluntary surrender.

The voluntary surrender of certification does not terminate obligations to comply with any outstanding Commission order, requests for information and required annual reports, payment of outstanding bills for Commission assessments, or any other requirement accruing because of certificated operations in Wisconsin prior to the effective date of the surrender of certification.

Docket 826-TA-100

The certification of Budget Prepay, Inc. as an ATU – Other is hereby terminated. This Final Decision shall be effective as of May 10, 2017, as requested by Budget. Budget's designation as an ETC and registration as a CMRS provider will also end as of that date.

Dated at Madison, Wisconsin, June 1, 2017.

For the Commission:

A handwritten signature in black ink, appearing to read "Kristen Knudson".

Steven A. Knudson
Administrator
Division of Water, Telecommunications and Consumer Affairs

SK:KN:PRJ:pc DL:01537054

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. If there is no date on the first page, the date of service is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission serves its original decision.¹ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: March 27, 2013

¹ See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.



THE STATE OF WYOMING

GOVERNOR

Matthew H. Mead

Public Service Commission

Hansen Building • 2515 Warren Avenue • Suite 300 • Cheyenne, Wyoming 82002
Ph. (307) 777-7427 • Fax (307) 777-5700 • TTY (307) 777-5723 • www.psc.state.wy.us

COMMISSIONERS

William F. Russell, Chairman
Kara Brighton Fornstrom, Deputy Chair
Robin Sessions Cooley, Commissioner

June 20, 2017

SECRETARY AND CHIEF COUNSEL

Christopher Petrie

COMMISSION ADMINISTRATOR

Darrell Zlomke

Walter Egger, III, Esq.
Holland & Hart LLP
2515 Warren Avenue, Suite 450
Cheyenne, WY 82001

Re: IN THE MATTER OF THE APPLICATION OF BUDGET PREPAY, INC. FOR
RELINQUISHMENT OF LIFELINE ONLY ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION - DOCKET NO. 62056-7-RA-17 (RECORD NO. 14704)

Dear Counsel:

Enclosed is a copy of the Commission's *Order* in the above-entitled matter.

Should you have any questions regarding this matter, please contact the undersigned at
(307) 777-7427.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori L. Brand".

LORI L. BRAND
Assistant Secretary

LLB/mtb

cc: Emanuel T. Cocian, III, Holland & Hart, LLP
6380 S. Fiddlers Green Circle, Suite 500, Greenwood, CO 80111
Budget PrePay, Inc., Attn: Robin Enkey, Compliance Manager
1325 Barksdale Blvd., Bossier City, LA 71111

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION OF)
BUDGET PREPAY, INC. FOR) Docket No. 62056-7-RA-17
RELINQUISHMENT OF LIFELINE ONLY) (Record No. 14704)
ELIGIBLE TELECOMMUNICATIONS)
CARRIER DESIGNATION)

ORDER
(Issued June 19, 2017)

This matter is before the Wyoming Public Service Commission (Commission) upon the *Application of Budget PrePay, Inc. for Relinquishment of Eligible Telecommunications Carrier Designation (Application)*. The Commission, having reviewed the *Application*, its files regarding Budget PrePay, Inc. (Budget), applicable Wyoming and federal telecommunications law and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. Budget is a wireless telecommunications company as defined by W.S. § 37-15-103(a)(xi), subject to the jurisdiction of the Commission pursuant to W.S. § 37-15-401.

2. Budget was designated as a limited LifeLine-only Eligible Telecommunications Carrier (ETC) in Wyoming pursuant to Commission *Order* dated January 15, 2013, in Docket No. 62056-1-RA-12 (Record No. 13422).

3. On April 27, 2017, Budget filed its *Application* requesting approval to relinquish its ETC designation in Wyoming pursuant to the Federal Telecommunications Act of 1996 (47 U.S.C. § 214(e)(4)), effective July 5, 2017.

4. Budget stated in the *Application* it has less than forty wireless subscribers in Wyoming and is not currently enrolling any new Lifeline subscribers in Wyoming. Budget stated that Lifeline subscribers in the areas served by it would continue to be served by several other incumbent local exchange company (ILEC) ETCs. Additionally, according to Budget, the Universal Service Administrative Company (USAC) records show prospective subscribers will have access to other competitive wireless LifeLine providers. Boomerang Wireless, Tempo Telecom, and Union Telephone Co. each provide wireless LifeLine service in parts of Budget's designated service area. Because Budget has no facilities in Wyoming and at least one ILEC ETC already serves each of the wire centers that Budget serves, those ETCs will not be required to purchase or construct additional facilities to ensure that Lifeline customers continue receiving service.¹

5. 47 U.S.C. § 214(e)(4) provides:

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

¹ Budget's counsel informed Staff via email that Budget had actually mailed notice of its application to its remaining customers and that as of the date of the open meeting it had ten remaining customers.

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. The State commission . . . shall establish a time, not to exceed one year after the State commission approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

6. Budget's *Application* came before the Commission pursuant to due notice at the June 8, 2017, open meeting. Commission Advisory Staff recommended approval of the *Application*.

7. Based upon the *Application* and the analysis and recommendations of the Commission Advisory Staff, the Commission finds and concludes Budget's relinquishment of its limited LifeLine-only ETC designation, should be approved.

IT IS THEREFORE ORDERED:

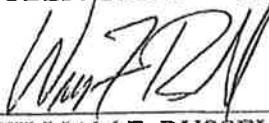
1. Pursuant to open meeting action taken on June 8, 2017, the *Application of Budget PrePay, Inc. for Relinquishment of Eligible Telecommunications Carrier Designation* is approved effective July 5, 2017.

2. Budget PrePay, Inc.'s Informational Tariffs related to its ETC status are withdrawn and canceled.

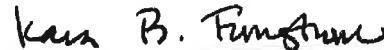
3. This *Order* is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, on June 19, 2017.

PUBLIC SERVICE COMMISSION OF WYOMING



WILLIAM F. RUSSELL, Chairman



KARA BRIGHTON FORNSTROM, Deputy Chair



ROBIN SESSIONS COOLEY, Commissioner



LORI L. BRAND, Assistant Secretary

EXHIBIT B

**MAY 19, 2017 LETTER MAILED TO BUDGET CUSTOMERS
REGARDING BUDGET'S UPCOMING
DISCONTINUANCE OF SERVICE IN MASSACHUSETTS**



May 18, 2017



****IMPORTANT NOTICE REGARDING YOUR LIFELINE SERVICE****

Dear Budget Mobile Customer:

Please be advised that Budget Mobile is seeking to relinquish its authority to provide Lifeline services in Massachusetts. If granted by the Massachusetts Department of Telecommunications and Cable ("DTC"), Budget Mobile will no longer provide Lifeline service in Massachusetts.

YOUR ACTION IS REQUIRED! If you are an existing customer with Budget Mobile, you will be required to seek Lifeline service from another authorized carrier in Massachusetts as quickly as possible, **but no later than July 17, 2017**. If you do not transfer your existing Lifeline wireless service from Budget to another Lifeline provider, you **risk a loss of Lifeline service as of July 17, 2017**.

In an effort to help with this transition of service, you may access the DTC website at <http://www.mass.gov/ocabr/government/oca-agencies/dtc-lp/competition-division/telecommunications-division/consumer-info/link-up-and-lifeline-what-consumers-should-know.html> for links and information regarding Lifeline in Massachusetts. In addition, you may access the Universal Service Administrative Company's webpage at <http://www.lifelinesupport.org/ls/companies/companies.aspx> to see a list of Lifeline providers in Massachusetts or call USAC at 1-888-641-8722 and press 1 for additional assistance. These resources will help you determine which Lifeline provider is best for you.

Budget Mobile would like to take this opportunity to express our gratitude for the many years of being able to provide wireless phone services. If you have any questions or concerns regarding the change to your wireless account, you can call Budget Mobile at 1-888-777-4007 and speak to a Customer Service Representative. We will be happy to answer any questions you may have.

Sincerely,



EXHIBIT C

SAMPLE E-MAIL CORRESPONDENCE BETWEEN BUDGET AND USAC FOLLOWING STATE COMMISSION DECISIONS GRANTING ETC RELINQUISHMENT TO BUDGET

From: Compliance Department <ComplianceDepartment@budgetprepay.com>
Sent: Monday, June 05, 2017 11:58 AM
To: Compliance Department; hcorders@usac.org
Cc: Lakisha Taylor
Subject: Budget PrePay, Inc. d/b/a Budget Mobile
Attachments: 41052 ETC 63S1 Order 5-31-17 201705311405-1.pdf; 17-BGPT-461-ETC Order Granting Relinquishment of ETC Status.pdf

Please accepted this as notice that Budget PrePay, Inc. d/b/a Budget Mobile has received approval of relinquishment of its Eligible Telecommunications Carrier (ETC) designation from Indiana, Kansas, and Washington. I have attached the Orders from these states for your records, however Washington will not issue a formal order. Budget will not seek Lifeline support for these states on the June FCC Form 497 filed in July, as all will be de-enrolled on June 5, 2017, and will not appear on Budget's snapshot report for June.

Please cancel the SAC codes for 329016 – IN, 419029 – KS, and 529016 - WA.

If you need additional information please let me know.

Thank you,

Robin Enkey
Budget PrePay, Inc.
1325 Barksdale Blvd.
Bossier City, LA 71111
318-671-5784 office
318-671-5024 fax
888-777-4007 toll free
robine@budgetprepay.com

This transmission may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or use of the information contained herein (including any reliance thereon) is STRICTLY PROHIBITED. If you received this transmission in error, please immediately contact the sender and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.

From: Compliance Department <ComplianceDepartment@budgetprepay.com>
Sent: Friday, May 19, 2017 11:47 AM
To: hcorders@usac.org
Cc: Lakisha Taylor
Subject: Budget PrePay, Inc. d/b/a Budget Mobile
Attachments: order 34271_050817.pdf; Budget - Idaho - Order granting ETC relinquishment - May 12 2017.pdf; 201700166_04252017.pdf; 4294-BudgetPrePay-Ord22795.pdf; SCPSC Order Approving ETC Relinquishment.pdf; TC17-015.pdf; Budget PrePay - Wisconsin - ETC Relinquishment - Final File Copy - 04-25-17.pdf

Please accepted this as notice that Budget PrePay, Inc. d/b/a Budget Mobile has received approval of it Eligible Telecommunications Carrier (ETC) designation from Georgia, Idaho, Kentucky, Rhode Island, South Carolina, South Dakota and Wisconsin. I have attached the Orders from these states for your records. In the states of Kentucky and Wisconsin the approval to relinquish designation will end in May. Budget will not seek Lifeline support for these states as all will be de-enrolled in May and will not appear on Budget's snapshot report for May. In the states of Georgia, Idaho, Rhode Island, South Carolina, and South Dakota the approval to relinquish designation will end June 5th. Budget will not seek Lifeline support for these states as all will be de-enrolled in June and will not appear on Budget's snapshot report for June.

Please cancel the SAC codes 269033- KY and 339034 –WI in May and 229021- GA, 479016 – ID, 589009-RI, 249017 – SC, and 399021 – SD in June.

If you need additional information please let me know.

Thank you,

Robin Enkey
Budget PrePay, Inc.
1325 Barksdale Blvd.
Bossier City, LA 71111
318-671-5784 office
318-671-5024 fax
888-777-4007 toll free
robine@budgetprepay.com

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PROOF OF PUBLICATION

Copy of Tear Sheet from *The Boston Globe*
Indicating Publication of Notice on June 23, 2017

Publication Date: 06/23/2017

This E-Sheet is provided as conclusive evidence that the ad appeared in the Boston Globe on the date and page indicated. You may not create derivative works, or in any way exploit or repurpose any content.

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Client Name:

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RED SOX MINOR LEAGUE NOTEBOOK

Minor league
Red Sox statistics

PRICES

Going nowhere fast

Castillo excels but is blocked in

By Alex Speier

Romney casting this year, perhaps the more it traveled, since the Red Sox sent him to seven, \$2.7 million deal late in 2014, the 29-year-old has looked like the dynamic player he was in Cuba.

Castillo — who left Netherlands last year with Triple A Pawtucket and minor injury — is hitting .313 with 346 OBP, 480 slugging mark, and 94 homers over 60 games. The



ENNY CASTILLO

Castillo, 29, has been hitting .313 with 346 OBP, 480 slugging mark, and 94 homers over 60 games. The

Red Sox, however, have him on the disabled list with a shoulder injury, and he is unlikely to play again this year.

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Boston's best jobs
The Careers Section of
The Boston Sunday Globe

Chavis moved to Double A

By Alex Speier

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PROOF OF PUBLICATION

Copy of Tear Sheet from *The Republican*
Indicating Publication of Notice on June 26, 2017

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

In the Matter of)
)
BUDGET PREPAY, INC.) D.T.C. Docket No. 17-3
)
Petition for Relinquishment of Its Eligible)
Telecommunications Carrier Designation)
In Massachusetts)
)

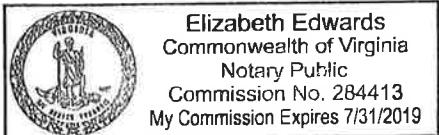
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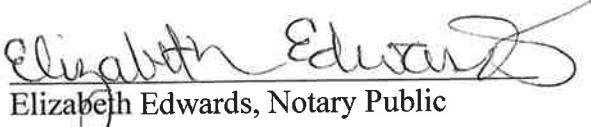
I hereby certify that publication and service of the within Notice of Public Hearing has been made and given as therein directed.


Todd B. Lantor
LUKAS, LAFURIA, GUTIERREZ & SACHS, LLP
8300 Greensboro Drive, Suite 1200
Tysons, VA 22102
Phone: (703) 584-8671
E-mail: tlantor@fcclaw.com

Counsel to Budget PrePay, Inc.

Subscribed and sworn to me this 3rd day of July, 2017.




Elizabeth Edwards
Elizabeth Edwards, Notary Public

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

In the Matter of)
)
BUDGET PREPAY, INC.) D.T.C. Docket No. 17-3
)
Petition for Relinquishment of Its Eligible)
Telecommunications Carrier Designation)
In Massachusetts)
)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing on all parties of record in this proceeding in accordance with the requirements of 220 CMR 1.05(1) of the Department's Procedural Rules.


Todd B. Lantor
LUKAS, LAFURIA, GUTIERREZ & SACHS, LLP
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Tysons, VA 22102
Phone: (703) 584-8671
E-mail: tlantor@fcclaw.com

Counsel to Budget PrePay, Inc.

Dated: July 3, 2017