

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Investigation by the Department on
its Own Motion into the Lifeline and
Link-Up Programs for Massachusetts
Telephone Customers

D.T.C. 10-3

**SPRINT COMMUNICATIONS COMPANY, L.P.,
SPRINT SPECTRUM, L.P., VIRGIN MOBILE, L.P., AND
NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC, INC.'S
PETITION FOR INTERVENTION**

Pursuant to 220 CMR § 1.03, Sprint Communications Company, L.P., Sprint Spectrum L.P., Nextel Communications of the Mid-Atlantic, Inc., and Virgin Mobile USA, L.P. (collectively "Sprint Nextel") respectfully request that the Massachusetts Department of Telecommunications and Cable ("Department") grant Sprint Nextel's Petition for Intervention in the above captioned matter. Sprint Nextel respectfully submits that all the factors for intervenor status, as set forth in 220 C.M.R. § 1.03, support granting Sprint Nextel's Petition to Intervene. As the basis for its request, Sprint Nextel states as follows:

1. On February 3, 2010, Virgin Mobile USA, L.P. ("Virgin Mobile"), a wholly owned subsidiary of Sprint Nextel Corporation (Sprint Nextel Corporation is the parent corporation for all the above listed Sprint Nextel entities), filed an application with the Department seeking designation as an Eligible Telecommunications Carrier ("ETC") in the Commonwealth of Massachusetts. That application remains pending at this time.

2. Sprint Nextel is a wireless ETC in numerous states nationwide, and is committed to providing prepaid wireless services supported by the Universal Service Fund's ("USF") Lifeline program. Sprint Nextel is committed to providing Massachusetts customers with lower prices and higher quality wireless services via the Lifeline program.

3. The Federal Communications Commission ("FCC") previously designated Virgin Mobile as an ETC for purposes of offering Lifeline services in the states of New York, North Carolina, Tennessee, and the Commonwealth of Virginia.¹ In approving Virgin Mobile's requests for ETC status, the FCC determined that Virgin Mobile would "offer Lifeline-eligible consumers a choice of providers for accessing telecommunications services not available to such consumers today" and "expand participation of qualifying consumers" in the Lifeline program—a longstanding goal.² In light of these significant benefits, the FCC concluded that limited designation of Virgin Mobile as an ETC was in the public interest.

4. Virgin Mobile's Lifeline customers receive the same high-quality wireless services provided to all Sprint Nextel customers. Virgin Mobile has emphasized customer service since service launch. Virgin Mobile's success is testament to the principle that wireless carriers can provide lower-income customers with the same features, functionalities and services demanded by higher-income consumers.

¹ See *Federal-State Joint Board on Universal Service; In the Matter of Virgin Mobile USA, L.P. Petition for Forbearance from 47 U.S.C. § 214(e)(1)(A); Petitions for Designation as an Eligible Telecommunications Carrier in the States of New York, North Carolina, Pennsylvania, Tennessee and Virginia*, Order, FCC 09-18 (rel. March 5, 2009) ("Order"). Virgin Mobile has also been designated an ETC in the State of Michigan. See *In the Matter of the Application of Virgin Mobile USA, L.P. for Designation as an Eligible Telecommunications Carrier Pursuant to Section 214(e) of the Telecommunications Act of 1996*, Case No. U-15966, Opinion and Order (Dec. 1, 2009).

² Order at ¶¶ 21, 30.

5. On September 17, 2010, the Department initiated the above captioned docket on its own Motion.

6. Sprint Nextel intends to fully participate in this proceeding by means of comments, briefs, discovery, and potentially testimony and other evidence.

7. The interests of justice would be served by permitting this intervention. No other party can adequately represent Sprint Nextel's interests in this proceeding. No party would be unduly prejudiced by Sprint Nextel's intervention in this proceeding.

8. Sprint Nextel requests that all communications, correspondence, orders and other documentation relating to this proceeding be directed to *both* undersigned attorneys. Sprint Nextel also requests that the undersigned attorneys be placed on the official service list compiled for the purposes of this proceeding, although service of a single copy of paper pleadings on the undersigned attorneys is sufficient for Sprint Nextel.

9. Accompanying this Petition for Intervention is a Motion for Admission *Pro Hac Vice* seeking the admission of Benjamin J. Aron, Esq. for the purposes of representing Sprint Nextel in this proceeding. If that Motion is granted, Benjamin J. Aron will appear before the Department on behalf of Sprint Nextel.

WHEREFORE, Sprint Nextel respectfully requests that the Department grant its
Petition for Intervention in this proceeding.

Respectfully submitted,

Sprint Communications Company, L.P.
Sprint Spectrum, L.P.
Nextel Communications of the Mid-Atlantic, Inc.
Virgin Mobile USA, L.P.

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CERTIFICATE OF SERVICE

I, James B. Goldstein, hereby certify that on this day, September 23, 2010, I caused a true and correct copy of the foregoing document to be served by first class mail upon all the below listed parties of record listed on the DTC 10-3 Service List.


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