

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telecommunications Carriers Eligible to Receive Universal Service Support)	WC Docket No. 09-197
)	
CRICKET COMMUNICATIONS, INC.)	
)	
Petition for Forbearance)	
)	

REPLY COMMENTS OF CRICKET COMMUNICATIONS, INC.

Cricket Communications, Inc. (“Cricket”) respectfully submits these reply comments in connection with the Petition for Forbearance it filed on June 21, 2010 in the above-referenced docket (the “Petition”). The Petition asks the Commission to forbear from enforcing Section 214(e)(5) of the Act and Section 54.207 of the Commission’s rules¹ in connection with Cricket’s pending applications for limited designation as an eligible telecommunications carrier (“ETC”) to participate in the Lifeline and Link Up programs.² As explained in the Petition, and as the Commission has made clear, the primary concern that those sections are intended to address—namely, “cream-skimming”—does not arise where carriers seek and receive only low-income support. Because Cricket is not seeking high-cost support, enforcement of Section 214(e)(5) and Section 54.207 is unnecessary and would waste federal, state, and company resources; by contrast, the requested forbearance would strongly *promote* the universal service objectives embodied in the Act and reflected in Commission policy.

¹ 47 U.S.C. § 214(e)(5); 47 C.F.R. § 54.207.

² See Petition of Cricket Communications, Inc. for Designation as an Eligible Telecommunications Carrier, WC Docket No. 09-197 (Dec. 22, 2010).

Only one party, the Pennsylvania Public Utility Commission (“PaPUC”), filed comments opposing the requested forbearance.³ That opposition, however, was premised on a misreading of Cricket’s Petition and the underlying ETC application. In particular, the PaPUC’s comments express an unwillingness to support “yet another exemption” from the statutory requirement of facilities ownership and assert that Cricket “has not invested in spectrum and owns no facilities,” but rather “relies on another carrier’s underlying facilities to provide duplicative services.”⁴ Yet that claim is simply factually inaccurate. Cricket is not only a facilities-based carrier, but one that has made extensive investments in spectrum and network facilities nationwide (including in Pennsylvania). Accordingly, the PaPUC’s conclusion that Cricket fails to meet “the federal minimum [standards] for FUSF support” is misplaced.⁵ Even assuming the PaPUC were correct that it is not “a wise use of scarce FUSF resources to allow carriers without an investment in underlying facilities to be providing services already provided by carriers in higher cost rural study areas,”⁶ that concern does not have any application to a facilities-based carrier like Cricket. To the contrary, Cricket’s ETC application will make it possible for many low-income consumers to obtain affordable voice and broadband services for the first time.

Apart from this core misunderstanding, the PaPUC offers no legitimate ground for denying the requested forbearance. The PaPUC notes as a general matter that it “does not

³ TracFone Wireless, Inc. filed comments in support of the Petition, echoing Cricket’s argument that the need to modify service area boundaries at the state level in the Lifeline/Link Up context—where such modifications would serve little, if any, purpose—can delay service to the low-income consumers who need it most. *See* Comments of TracFone Wireless, Inc., WC Docket No. 09-197 (filed Jul. 26, 2010) (“TracFone Comments”).

⁴ The Comment of the Pennsylvania Public Utility Commission (“PaPUC Comments”), WC Docket No. 09-197, at 2 (filed Jul. 26, 2010).

⁵ *Id.*

⁶ *Id.*

support forbearances that eliminate the states' critical role in making [service area boundary modification] decisions.”⁷ But there is no such critical role to preserve in this particular context. Because service area boundary modifications are wholly unnecessary where a carrier seeks designation as an ETC only to provide Lifeline and Link Up services, state commissions have no legitimate reason to undertake such modifications in such circumstances. If this Commission grants Cricket's forbearance petition, both it and other carriers will remain obligated to go through the boundary modification process to the extent they seek to obtain high-cost support in an area served by a rural telephone company, if they do not serve that rural carrier's entire study area. Accordingly, the grant of forbearance would not diminish the role of state commissions in preventing cream-skimming; it would simply avoid creating regulatory hurdles where the purpose of the boundary-modification rule is inapplicable.

In short, nothing in PaPUC's comments diminishes the case for forbearance set forth in the Petition. Consistent with the general lack of opposition, the Commission should grant the Petition promptly to facilitate grant of Cricket's related ETC application.

Respectfully submitted,
CRICKET COMMUNICATIONS, INC.

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August 10, 2010

⁷ *Id.*

CERTIFICATE OF SERVICE

I, Jarrett S. Taubman, do hereby certify that, on this 10th day of August, 2010, I served true and correct copies of the foregoing Reply Comments of Cricket Communications, Inc. via U.S. mail, postage prepaid, on the following:

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