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December 14, 2010

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington D.C. 20554

Re: Ex Parte Communication: WC Docket No. 09-197

Dear Ms. Dortch:

Virgin Mobile USA (“Virgin Mobile” or the “Company”), by its undersigned counsel, hereby outlines certain voluntary commitments that the Company agrees to implement to combat the potential for waste, fraud and abuse with respect to its provision of Lifeline services. To the extent necessary, the Company requests that the Commission incorporate these procedures into the compliance plan previously approved by the Commission in this docket. Virgin Mobile also agrees to be bound by the procedures described herein in connection with the Commission’s approval of the Company’s pending requests for eligible telecommunications carrier (“ETC”) designation in the states of Alabama, Connecticut, Delaware, New Hampshire and Washington D.C.

Until the Commission implements regulations of general applicability regarding treatment of inactive prepaid Lifeline accounts and households receiving multiple Lifeline discounts in contravention of Lifeline rules, Virgin Mobile will implement the following

procedures in each state where it provides Lifeline services within 30 days of release of any order approving the Company's pending ETC designation requests:

- Virgin Mobile will implement a 60-day inactivity policy in all states where it provides Lifeline services, unless directed otherwise by a state public utility commission ("PUC").¹ Under this policy, if no usage appears on a Virgin Mobile Lifeline customer's account during any continuous 60-day period, Virgin Mobile will promptly notify the customer that the customer is no longer eligible for Virgin Mobile Lifeline service subject to a 30-day grace period. During the 30-day grace period, the customer's account will remain active, but Virgin Mobile will engage in outreach efforts to determine whether the customer desires to remain on Virgin Mobile's Lifeline service. If the customer's account does not show any customer-specific activity during the grace period (such as making or receiving a voice call, receiving or sending a text message, downloading data or adding money to the account), Virgin Mobile will deactivate Lifeline services for that customer. In addition, the Company will not seek to recover a federal Universal Service Fund subsidy for the free minutes provided to the customer during the grace period or thereafter report that customer on its USAC Form 497.
- Virgin Mobile will make available state-specific customer data, including name and address, to each state PUC where it operates for the purpose of permitting the PUC to determine whether an existing Assurance Wireless Lifeline customer receives Lifeline service from another carrier. Virgin Mobile will promptly investigate any notification that it receives from a state PUC that one of its customers already receives Lifeline service from another carrier. Should the Company's investigation conclude that the customer receives Lifeline services from another carrier in violation of the Commission's regulations, Virgin Mobile will immediately deactivate the customer's Lifeline service and Virgin Mobile will no longer report that customer on USAC Form 497.

Virgin Mobile submits that the voluntary commitments described herein should remove any remaining impediments to prompt approval of the Company's outstanding

¹ Virgin Mobile will consult with the PUCs in the states where it provides Lifeline services regarding implementation of the policy described above. Virgin Mobile expects that certain state PUCs or similar agencies may seek to incorporate state-specific variations to the policy. Other PUCs may oppose implementation of any inactivity policy in their jurisdiction. Consequently, Virgin Mobile may modify the parameters of the inactivity policy described herein after consultation with the respective state PUCs. Virgin Mobile will notify the Commission should any PUC oppose implementation of an inactivity policy in any form in its state.

Ms. Marlene H. Dortch
December 14, 2010
Page 3

requests for ETC designation. Swift action by the Commission on these long-standing requests will ensure that lower-income customers in these states have access to a broader array of Lifeline services during this period of extended economic hardship. Finally, Virgin Mobile looks forward to working actively with the Commission to implement industry-wide procedures that will effectively curtail waste, fraud and abuse regarding the provision of Lifeline services.

Respectfully submitted,

_____/s/_____
Antoinette C. Bush
John M. Beahn
Counsel to Virgin Mobile USA

cc: Zac Katz