

**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.)	
)	
Amended Petition for Designation as an Eligible Telecommunications Carrier)	

**AMENDED PETITION OF CRICKET COMMUNICATIONS, INC. FOR
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

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Counsel for Cricket Communications, Inc.

March 12, 2012

Summary

Cricket Communications, Inc. (“Cricket”) respectfully submits this Amended Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) in New York, North Carolina, Tennessee, Virginia, and the District of Columbia for the limited purpose of offering Lifeline services to end-user customers in those states. Cricket submitted its initial petition in this docket on December 22, 2009. In light of the Commission’s recent release of a Report and Order amending the Lifeline rules, Cricket submits this amended petition to ensure consistency with the ETC application requirements that will take effect later this year. Since filing its original petition, Cricket has sought and obtained forbearance from the requirement to serve the entirety of a rural telephone company’s study area or to obtain approval to modify the service area boundaries. In addition, the Commission recently approved Cricket’s plan for complying with conditions imposed in the forbearance order. As demonstrated herein, Cricket meets each of the statutory and regulatory prerequisites for ETC designation.

Moreover, designating Cricket as an ETC will serve the public interest generally, and the needs of low-income customers in particular. Cricket has specifically tailored its wireless service plans to share the benefits of wireless telecommunications with underserved customers who have been left behind by other providers. Notably, approximately 80 percent of Cricket’s nearly 6 million customers have annual household incomes of less than \$50,000 and 55 percent have annual household incomes of less than \$30,000. In contrast, just 40 percent of other wireless carriers’ customers have annual household incomes of less than \$50,000. Furthermore, nearly 50 percent of customers subscribing to Cricket’s flat-rate wireless broadband service have never had Internet access at home—not even dial-up. In short, Cricket fulfills a critical role in the marketplace by ensuring that many Americans who cannot qualify

for, or afford, the services provided by other wireless providers can still enjoy the benefits of wireless telecommunications, including wireless broadband.

Designating Cricket as an ETC will improve its ability to serve these customers, and thus will serve the public interest. Accordingly, Cricket respectfully requests that the Commission grant this Amended Petition expeditiously, so that low-income customers can benefit from the variety of high-quality calling plans provided by Cricket without any unnecessary delay.

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Cricket Communications, Inc. (“Cricket”) respectfully submits this Amended Petition for Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(6) of the Communications Act of 1934, as amended (the “Act”),¹ and Section 54.201 *et seq.* of the Commission’s rules.² Cricket seeks designation as an ETC in New York, North Carolina, Tennessee, Virginia, and the District of Columbia (the “ETC Designation States”) for the limited purpose of offering Lifeline services to end-user customers in those states.

Cricket submitted its initial petition in this docket on December 22, 2009. In light of the Commission’s recent release of a Report and Order amending the Lifeline rules,³ Cricket submits this amended petition to ensure consistency with the ETC application requirements that will take effect later this year. Since filing its original petition, Cricket has sought and obtained forbearance from the requirement to serve the entirety of a rural telephone company’s study area

¹ 47 U.S.C. § 214(e)(6).

² 47 C.F.R. § 54.201 *et seq.*

³ *Lifeline and Link Up Reform and Modernization*, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (rel. Feb. 6, 2012) (“*Lifeline Reform Order*”).

or to obtain approval to modify the service area boundaries.⁴ In addition, the Commission recently approved Cricket’s plan for complying with conditions imposed in the forbearance order.⁵ As demonstrated herein, and as certified in Exhibit 1, Cricket meets each of the statutory and regulatory prerequisites for ETC designation. Accordingly, Cricket respectfully requests that the Commission grant this Amended Petition expeditiously, so that low-income customers in the ETC Designation States can benefit from the variety of high-quality calling plans provided by Cricket without any unnecessary delay.

I. BACKGROUND

Cricket. Cricket provides digital wireless services on a common carrier basis, offering customers unlimited calling at flat rates without requiring any fixed-term contract, credit check, or termination fees. Directly and through its affiliates, Cricket currently serves nearly 6 million customers. It provides facilities-based coverage in 34 states and the District of Columbia, and reaches 47 states in total including its MVNO arrangements. Cricket is a Delaware corporation authorized to do business in the ETC Designation States pursuant to Commercial Mobile Radio Service (“CMRS”) licenses granted by the Commission.

Designation of Eligible Telecommunications Carriers. Sections 214(e) and 254 of the Act expressly authorize the Commission to designate Cricket as an ETC.⁶ Section 214(e)(6) of the Act provides that the Commission may designate a common carrier as an ETC where, as here, that carrier’s services are not subject to the jurisdiction of a state commission.⁷

⁴ *Telecommunications Carriers Eligible for Universal Service Support (Cricket and NTCH Petitions for Forbearance)*, Order, 26 FCC Rcd 13723 (Sept. 16, 2011).

⁵ *Telecommunications Carriers Eligible for Universal Service Support (Cricket Communications, Inc. Petition for Forbearance)*, Order, DA 12-158 (rel. Feb. 7, 2012).

⁶ 47 U.S.C. §§ 214(e), 254.

⁷ 47 U.S.C. § 214(e)(6). The state commission serving each ETC Designation State has confirmed that wireless communications carriers, such as Cricket, are not subject to that

That provision further states that the Commission may, in the case of any area in the ETC Designation States served by a rural telephone company, and shall, in the case of any other area in the ETC Designation States, designate more than one common carrier as an ETC, provided the requesting carrier: (i) offers services that are supported by federal universal service support mechanisms; and (ii) advertises the availability of such services.⁸ The Commission’s rules impose additional requirements on a common carrier seeking designation as an ETC. As demonstrated below, Cricket satisfies each of these requirements.

Scope of Cricket Designation Request. Cricket seeks ETC designation only for the purpose of receiving Lifeline support from the federal universal service fund (“USF”) for the benefit of low-income customers. Cricket seeks such designation in its licensed service areas throughout the following counties:

State	Counties
New York	Cayuga, Erie, Genessee, Monroe, Niagara, Onondaga, Ontario, Seneca, Wayne
North Carolina	Alamance, Cabarrus, Chatham, Cleveland, Davidson, Davie, Durham, Edgecombe, Forsyth, Franklin, Gaston, Guilford, Harnett, Iredell, Johnston, Lee, Mecklenburg, Nash, Orange, Randolph, Rowan, Union, Wake, Wilson
Tennessee	Anderson, Bedford, Blount, Cheatham, Coffee, Davidson, Dickson, Fayette, Hamilton, Jefferson, Knox, Loudon, Maury, Montgomery, Robertson, Rutherford, Sevier, Shelby, Sumner, Tipton, Warren, Williamson, Wilson
Virginia	Alexandria (City), Arlington, Caroline, Fairfax, Fairfax (City), Falls Church (City), Fredericksburg (City), King George, Loudoun, Manassas (City), Manassas Park (City), Prince William, Spotsylvania, Stafford
District of Columbia	District of Columbia

commission’s jurisdiction for purposes of ETC designation. *See* Exhibits 2-C through 6-C hereto. *See also* *Federal-State Joint Board on Universal Service*, Twelfth Report and Order and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208, ¶ 96 (2000).

⁸ 47 U.S.C. § 214(e)(6).

Exhibits 2-A through 6-A contain maps showing Cricket's current coverage area in each ETC Designation State, and Exhibits 2-B through 6-B contain lists of the wire centers within those coverage areas.⁹ For the reasons set forth below, designating Cricket as an ETC throughout the requested service areas will serve the public interest, convenience, and necessity.

II. CRICKET SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS AN ETC

Cricket satisfies each of the statutory and regulatory prerequisites set forth in the Act and the Commission's rules:

A. Cricket Offers Voice Telephony Services Supported by the Federal Low-Income Universal Service Program [47 C.F.R. § 54.201(d)]

Cricket provides voice telephony services supported by federal universal service support mechanisms, as set forth in 47 C.F.R. § 54.101, and will offer these supported services throughout the areas in which it is designated as an ETC. Cricket will provide these supported services using its own facilities or a combination of its own facilities and the resale of another carrier's service. Cricket primarily will use its own network infrastructure, which includes the same antennae, cell-sites, towers, trunking, mobile switching and interconnection facilities used to serve its existing customers. Cricket's voice telephony services include:

Voice Grade Access. "Voice grade access" permits a telecommunications user to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal that there is an incoming call. Through interconnection arrangements with local exchange carriers ("LECs") in the ETC Designation States, Cricket's customers will be able to place and receive calls on the public switched telephone network with a minimum bandwidth of 300 to 3000 Hertz.

⁹ Cricket takes this opportunity to update the wire center lists filed as exhibits to Cricket's original petition, in order to eliminate duplicate listings of certain wire centers. Cricket also provides updated coverage maps.

Local Usage. “Local usage” is an amount of usage of exchange service provided without an additional charge to end users. The Commission has specified that a local usage plan is acceptable if it is “comparable to the one offered by the incumbent LEC in the service areas for which the applicant seeks designation.”¹⁰ This comparability analysis must proceed on a case-by-case basis, and take account of value-added capabilities and services incorporated into a plan.¹¹ Cricket’s service plans, summarized in Exhibit 7, all offer unlimited local and toll calling at a low flat rate, and thus are at least comparable in value to those offered by ILECs operating in the ETC Designation States. Cricket’s plans offer consumers numerous benefits, including larger “local” calling areas, mobility, and unlimited local and long-distance usage. In addition, some of Cricket’s plans include value-added features, such as caller ID; unlimited domestic text and picture messaging; unlimited text messaging to Mexico; premium extended coverage providing unlimited service without additional roaming fees in over 4,600 domestic cities and towns; and call waiting, three-way calling, and voicemail, among other services.

Access to Emergency Services. “Access to emergency services” includes access to services, such as 911 and enhanced 911 (“E-911”), provided by local governments or other public safety organizations. Cricket currently provides its voice customers in the ETC Designation States with such access, is capable of delivering automatic numbering information (“ANI”) and automatic location information (“ALI”) over its existing network, and otherwise satisfies applicable state and federal E-911 requirements. Further, Cricket pays all applicable E-911 fees in a timely manner. Cricket will continue to work with local public safety answering

¹⁰ See *Federal-State Joint Board on Universal Service*, Report and Order, 20 FCC Rcd 6371, ¶ 32 (2005) (“2005 ETC Order”).

¹¹ *Id.*

points (“PSAPs”) within its ETC service areas to make 911 and E-911 service available to its customers.

Toll Limitation. “Toll limitation” includes the offering of either “toll control” or “toll blocking” to qualifying low-income customers, as a means of limiting or blocking the completion of outgoing toll calls. Section 54.401(a)(2) of the Commission’s adopted rules provides that toll limitation service is not necessary for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.¹² Cricket’s calling plans do not distinguish between local and toll calls at the point of dialing, and there is no additional charge within its plans for any call that would otherwise be considered a toll call. However, if for any reason Cricket changes the structure of its service plans to distinguish between local and toll calls, Cricket will meet the toll limitation requirement by providing toll blocking.

B. Cricket Will Advertise the Availability of and Charges for its Universal Service Qualifying Offerings [47 C.F.R. § 54.201(d)(2)]

Cricket will advertise the availability of the supported voice telephony services detailed above, and the corresponding rates and charges, in a manner designed to inform the general public within the ETC Designation States. This advertising will occur through a combination of media channels, such as newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet. Cricket will offer Lifeline service only under its own brand name, and not through any affiliates. To the extent that Lifeline service is provided by affiliates in the future, Cricket will disclose such information pursuant to the reporting requirements set forth in 47 C.F.R. § 54.422.

¹² See *Lifeline Reform Order* at ¶ 49.

C. Cricket Will Satisfy Its Additional Obligations as an ETC

In addition to those requirements set forth in Section 54.201 of the Commission's rules, Cricket will satisfy other ETC requirements adopted by the Commission. In particular:

Commitment to Comply With Applicable Service Requirements [47 C.F.R. § 54.202(a)(1)(i)]. Cricket certifies that it will provide voice telephony service using its standard customer equipment (handsets/wireless devices). This service will meet the requirements of Section 54.101 discussed in Section II.A, including voice grade access, local service, and access to emergency services. Because Cricket seeks only low-income support, as opposed to high-cost funding to support the construction of network facilities, it is not submitting a network improvement plan under 47 C.F.R. § 54.202(a)(1)(ii).¹³

Ability to Remain Functional in an Emergency [47 C.F.R. § 54.202(a)(2)].

Cricket is committed to providing and maintaining essential telecommunications services in times of emergency. In particular, Cricket maintains a reasonable amount of back-up power to ensure the functionality of its service without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations. More specifically, all mobile switching centers and cell sites have battery backup power, each switching center has a dedicated diesel generator, and there are several cell site generators in the market area. In instances of power outages, priority is set based upon traffic, cell site location and time of day. In certain parts of the service area, a cell on wheels (COW) can be deployed. In case of a total switch outage, each switch vendor supplier is able to establish a mobile command center.

¹³ The Commission has made clear that this requirement does not apply to carriers seeking designation as a Lifeline-only ETC. See *Lifeline Reform Order* at ¶ 386.

Satisfaction of Applicable Consumer Protection and Service Quality Standards

[47 C.F.R. § 54.202(a)(3)]. Cricket will comply with all applicable state and federal consumer protection and service quality standards. Further, Cricket will abide by CTIA's Consumer Code for Wireless Service ("CTIA Code"). Cricket has already adopted the CTIA Code and is committed to compliance with the CTIA Code throughout its service areas, including in those areas where it is seeking designation as an ETC. In particular, Cricket will use its best efforts to resolve complaints received by the Commission, and designates the following contact person to work with Commission staff to resolve any complaints or other compliance matters:

Bill Smith
Corporate Relations Supervisor
Cricket Communications, Inc.
6380 South Fiddlers Green Circle
Greenwood Village, CO 80111
(720) 374-2855 (telephone)
(720) 374-9125 (facsimile)
governmentinquiry@cricketcommunications.com

Financial and Technical Capability to Provide Lifeline Service [47 C.F.R. §

54.202(a)(4)]. As a leading wireless carrier with nearly 6 million customers and a market capitalization of more than \$800 million, Cricket has both the financial and technical capabilities to provide Lifeline service. Cricket operates as an ETC in 9 states, with an additional 14 state ETC applications pending. The company will continue to rely on its successful business model and service offerings to sustain and grow its network and operations, independent of USF disbursements that provide discounts for qualifying Lifeline subscribers.

Service Plan Terms and Conditions [47 C.F.R. §§ 54.202(a)(5), 54.401(d)].

Cricket offers several all-inclusive wireless service plans to customers, starting at \$35 per month. All currently available rate plans include unlimited local and long distance calling with nationwide coverage. Lifeline subscribers may choose any standard Cricket service plan and

apply the available discount. Consumers can access plan information via the company's website at <http://www.leapwireless.com/brands/prepaid-wireless-phone-plans>. Additional information regarding service terms and conditions is provided in Section III and Exhibit 7.

Service Initiation Deposits [47 C.F.R. § 54.401(c)]. Cricket does not collect service deposits for its plans, and will not do so for Lifeline accounts.

Number-Portability Charges [47 C.F.R. § 54.401(e)]. Cricket does not charge a number-portability fee, and will not do so for Lifeline accounts.

Lifeline Certification and Verification [47 C.F.R. § 54.410]. Cricket will certify and verify consumer eligibility to participate in the Lifeline and Link-Up programs in accordance with the Commission's rules and Cricket's approved compliance plan.

Regulatory Fees. Cricket pays all applicable federal, state, and local regulatory fees, including but not limited to universal service and E-911 fees, in a timely manner.

III. DESIGNATING CRICKET AS A COMPETITIVE ETC WILL SERVE THE PUBLIC INTEREST

Designating Cricket as an ETC will serve the public interest generally, and the needs of low-income customers in the ETC Designation States in particular. Cricket has specifically tailored its wireless service plans to share the benefits of wireless telecommunications with underserved customers who have been left behind by other providers. Cricket offers unlimited voice service at affordable rates starting as low as \$35 per month and unlimited broadband starting at \$45 per month, without the typical strings attached (such as credit checks, long-term commitments, and early termination fees) that otherwise prevent many economically disadvantaged customers from obtaining wireless services. With this foundation of simplicity and affordability as its business model, Cricket and its joint venture partners have built

a network covering approximately 95 million individuals in 34 states and the District of Columbia..

Cricket fulfills a critical role in the marketplace by ensuring that many Americans who cannot qualify for, or afford, the services provided by other wireless providers can still enjoy the benefits of wireless telecommunications, including wireless broadband. Cricket's flat-rate, unlimited service model is ideal for many consumers on a limited budget; other carriers often impose hefty overage charges if consumers exceed their usage limit. Many consumers cannot even qualify for service from other providers because of creditworthiness concerns or the inability to commit to a long-term contract.

As a result, Cricket's customer base of approximately 5.9 million customers is quite unlike those of other wireless providers. Notably, approximately 80 percent of Cricket's customers have annual household incomes of less than \$50,000 and 55 percent have annual household incomes of less than \$30,000. In contrast, just 40 percent of other wireless carriers' customers have annual household incomes of less than \$50,000. The usage patterns of Cricket's customers also are distinct. Ninety percent of Cricket's subscribers use the service for their primary phone (compared to an industry average of 50 percent), and 70 percent do not have a traditional landline phone service at home (compared to an industry average of 25 percent). Cricket's customers also use an average of more than 1500 minutes per month—approximately twice as many as the industry average.

These figures reveal that Cricket reaches market segments that many other carriers have failed to prioritize, and its customers look to Cricket for all of their telecommunications needs, including an entrance to the online world. In fact, nearly 50 percent of customers subscribing to Cricket's flat-rate wireless broadband service have never had

Internet access at home—not even dial-up. Designating Cricket as an ETC will improve its ability to serve these customers, and thus will serve the public interest.

IV. ANTI-DRUG ABUSE CERTIFICATION

No party to this Petition is subject to denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1998, 21 U.S.C. Section 862.

V. CONCLUSION

Based on the foregoing, Cricket has demonstrated its eligibility for designation as an ETC. Accordingly, Cricket respectfully requests that the Commission grant this Petition expeditiously.

Respectfully submitted,
CRICKET COMMUNICATIONS, INC.

By: /s/ Matthew A. Brill
Matthew A. Brill
Jarrett S. Taubman
LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, D.C. 20004

Its Counsel

March 12, 2012

INDEX OF EXHIBITS

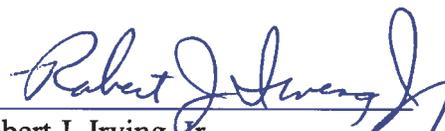
- Exhibit 1** **Declaration of Robert J. Irving, Jr.**
- Exhibit 2** **New York**
 A – Maps of Cricket Coverage Area
 B – Wire Centers within Cricket Coverage Area
 C – Affirmative Statement of Non-Jurisdiction
- Exhibit 3** **North Carolina**
 A – Maps of Cricket Coverage Area
 B – Wire Centers within Cricket Coverage Area
 C – Affirmative Statement of Non-Jurisdiction
- Exhibit 4** **Tennessee**
 A – Maps of Cricket Coverage Area
 B – Wire Centers within Cricket Coverage Area
 C – Affirmative Statement of Non-Jurisdiction
- Exhibit 5** **Virginia**
 A – Map of Cricket Coverage Area
 B – Wire Centers within Cricket Coverage Area
 C – Affirmative Statement of Non-Jurisdiction
- Exhibit 6** **District of Columbia**
 A – Map of Cricket Coverage Area
 B – Wire Centers within Cricket Coverage Area
 C – Affirmative Statement of Non-Jurisdiction
- Exhibit 7** **Summary of Cricket Service Plans**

Exhibit 1: Declaration of Robert J. Irving, Jr.

I, Robert J. Irving, Jr., declare the following under penalty of perjury:

1. I am Senior Vice President and General Counsel for Cricket Communications, Inc., and am authorized to make this declaration on its behalf.
2. I have read the foregoing "Amended Petition of Cricket Communications, Inc. for Designation as an Eligible Telecommunications Carrier." I confirm that the information contained therein is true and correct to the best of my knowledge.
3. To the best of my knowledge, no party to the Petition, nor any of their officers, directors, or persons holding five percent or more of the outstanding stock or shares (voting or non-voting) as specified in Section 1.2002(b) of the Commission's rules, are subject to denial of federal benefits, including Commission benefits, pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 862.

Executed on March 9, 2012.

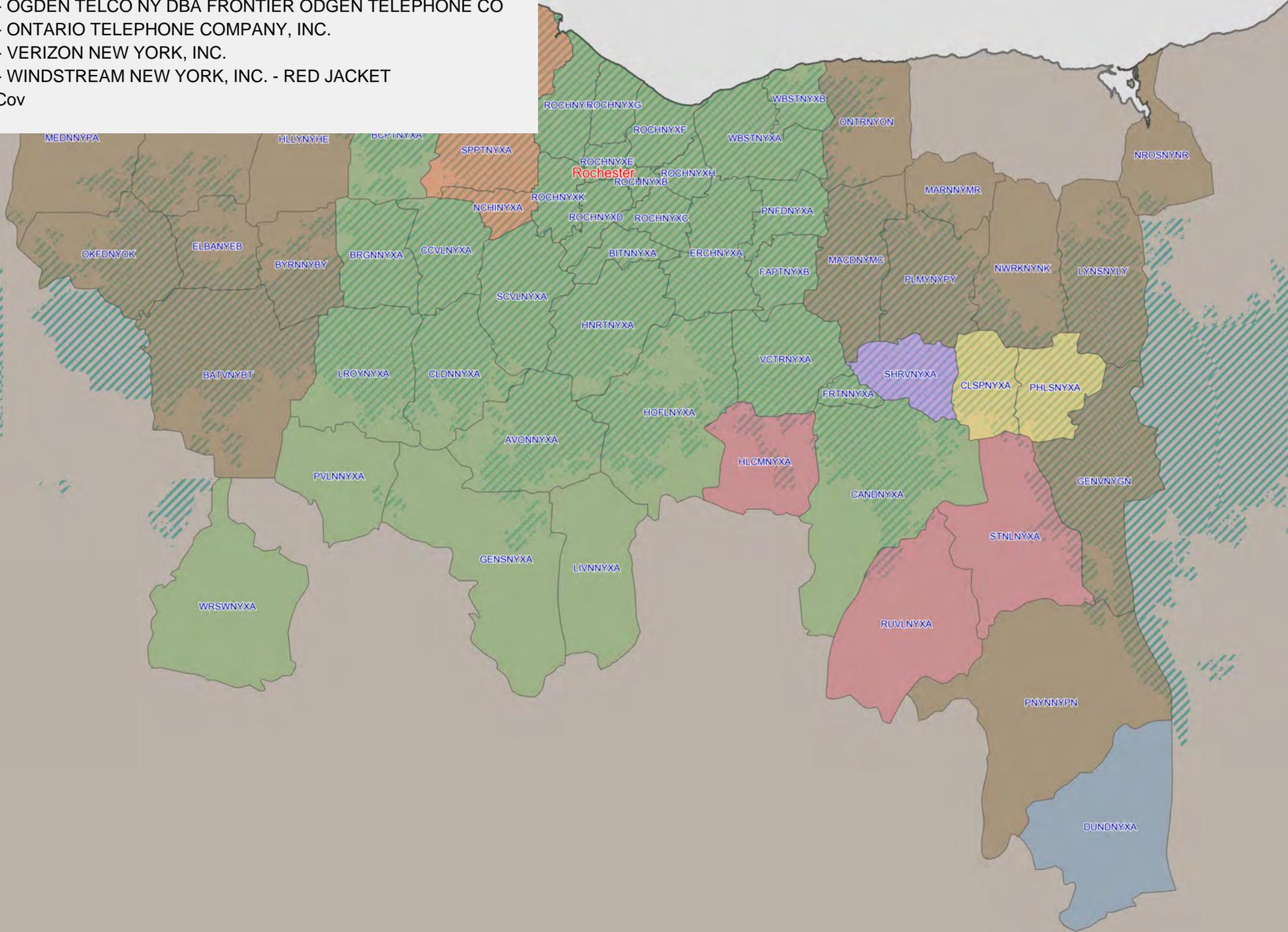


Robert J. Irving, Jr.
Senior Vice President and General Counsel

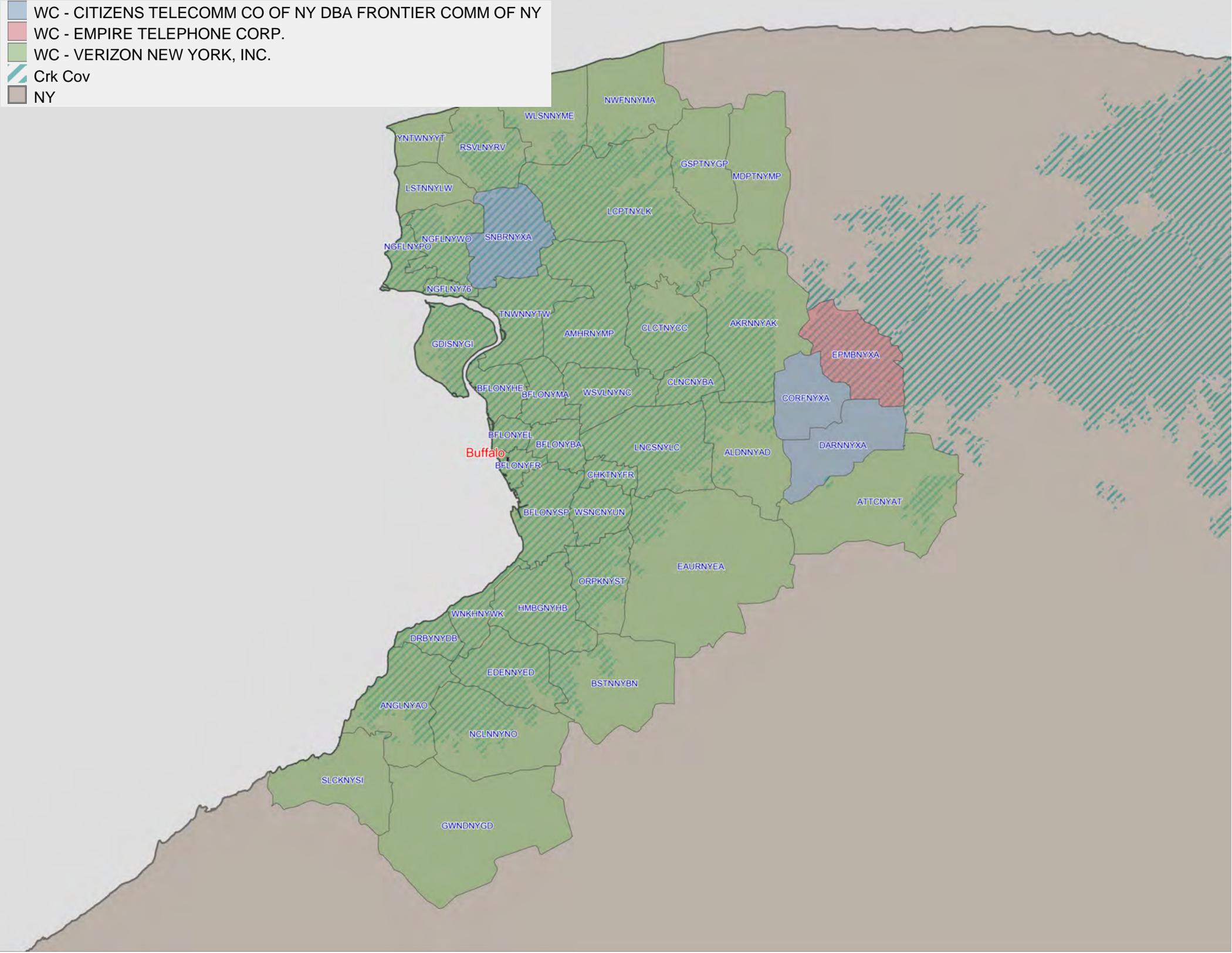
EXHIBIT 2-A

MAPS OF CRICKET COVERAGE AREA IN NEW YORK

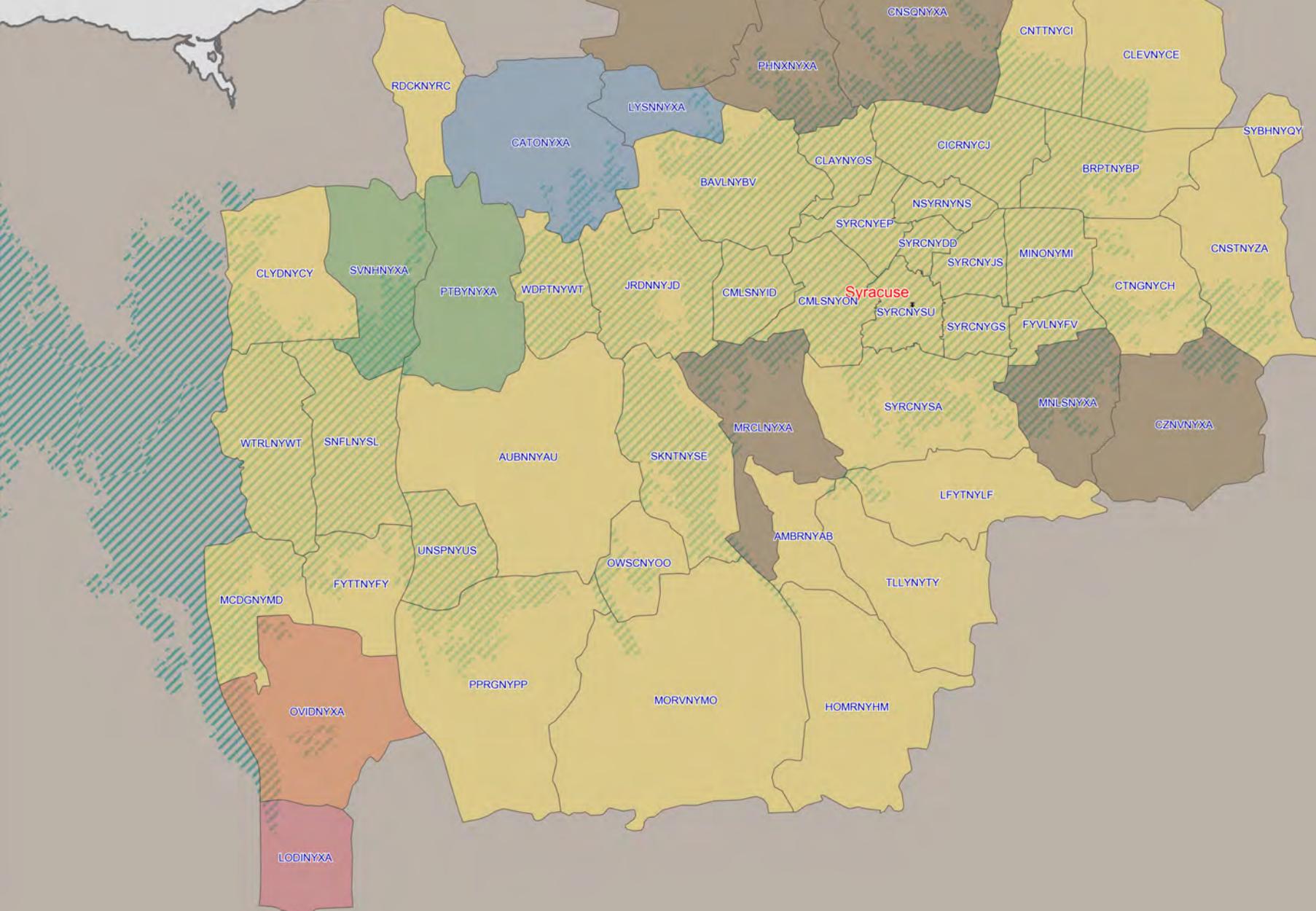
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- WC - FRONTIER COMMUNICATIONS OF SENECA GORHAM, INC.
- WC - FRONTIER TELEPHONE OF ROCHESTER INC
- WC - OGDEN TELCO NY DBA FRONTIER ODGEN TELEPHONE CO
- WC - ONTARIO TELEPHONE COMPANY, INC.
- WC - VERIZON NEW YORK, INC.
- WC - WINDSTREAM NEW YORK, INC. - RED JACKET
- Crk Cov
- NY



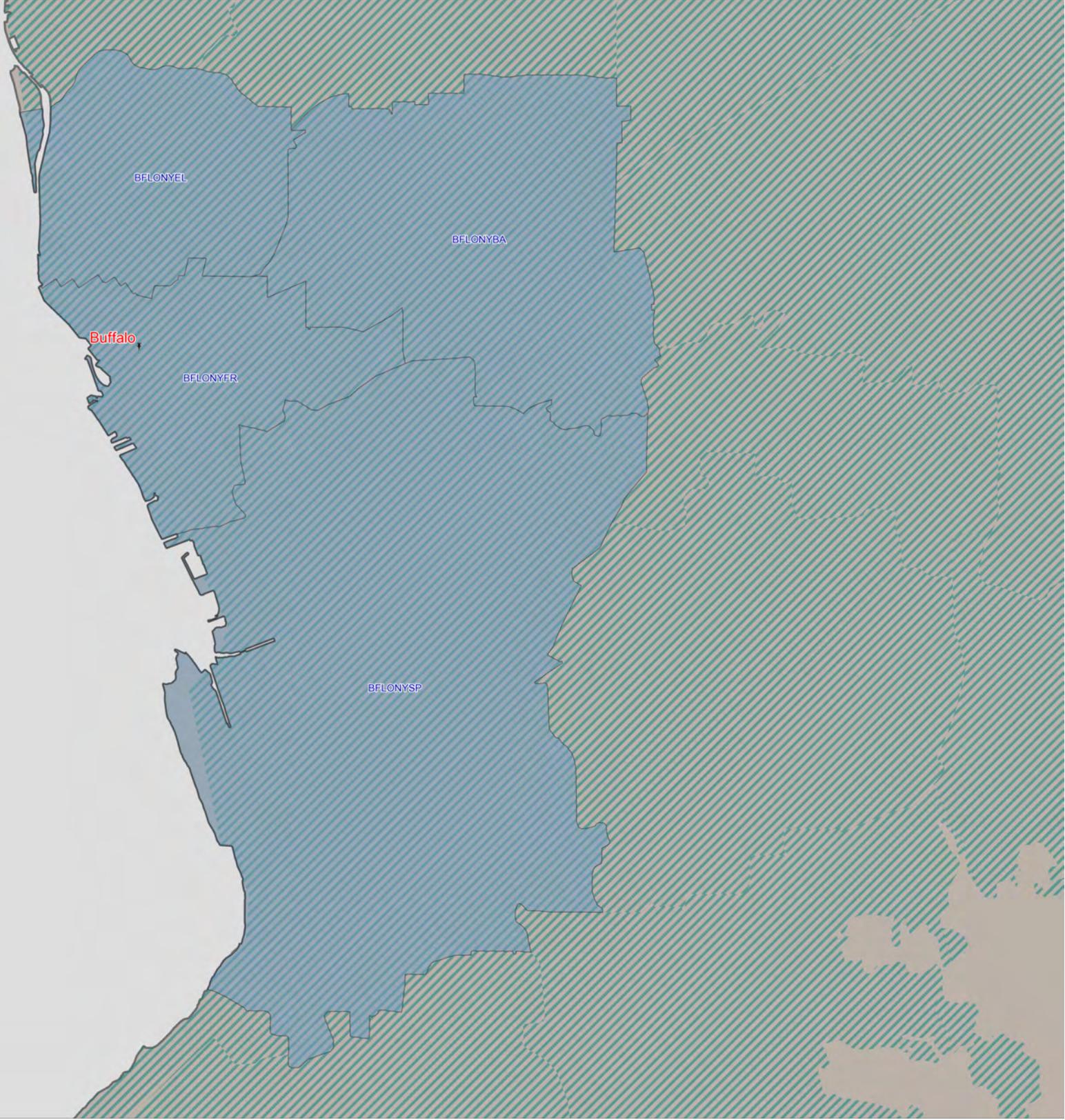
- WC - CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY
- WC - EMPIRE TELEPHONE CORP.
- WC - VERIZON NEW YORK, INC.
- Crk Cov
- NY



- WC - CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY
- WC - EMPIRE TELEPHONE CORP.
- WC - PORT BYRON TELEPHONE CO.
- WC - TRUMANSBURG TELEPHONE CO.
- WC - VERIZON NEW YORK, INC.
- WC - WINDSTREAM NEW YORK, INC. - FULTON
- Crk Cov
- NY

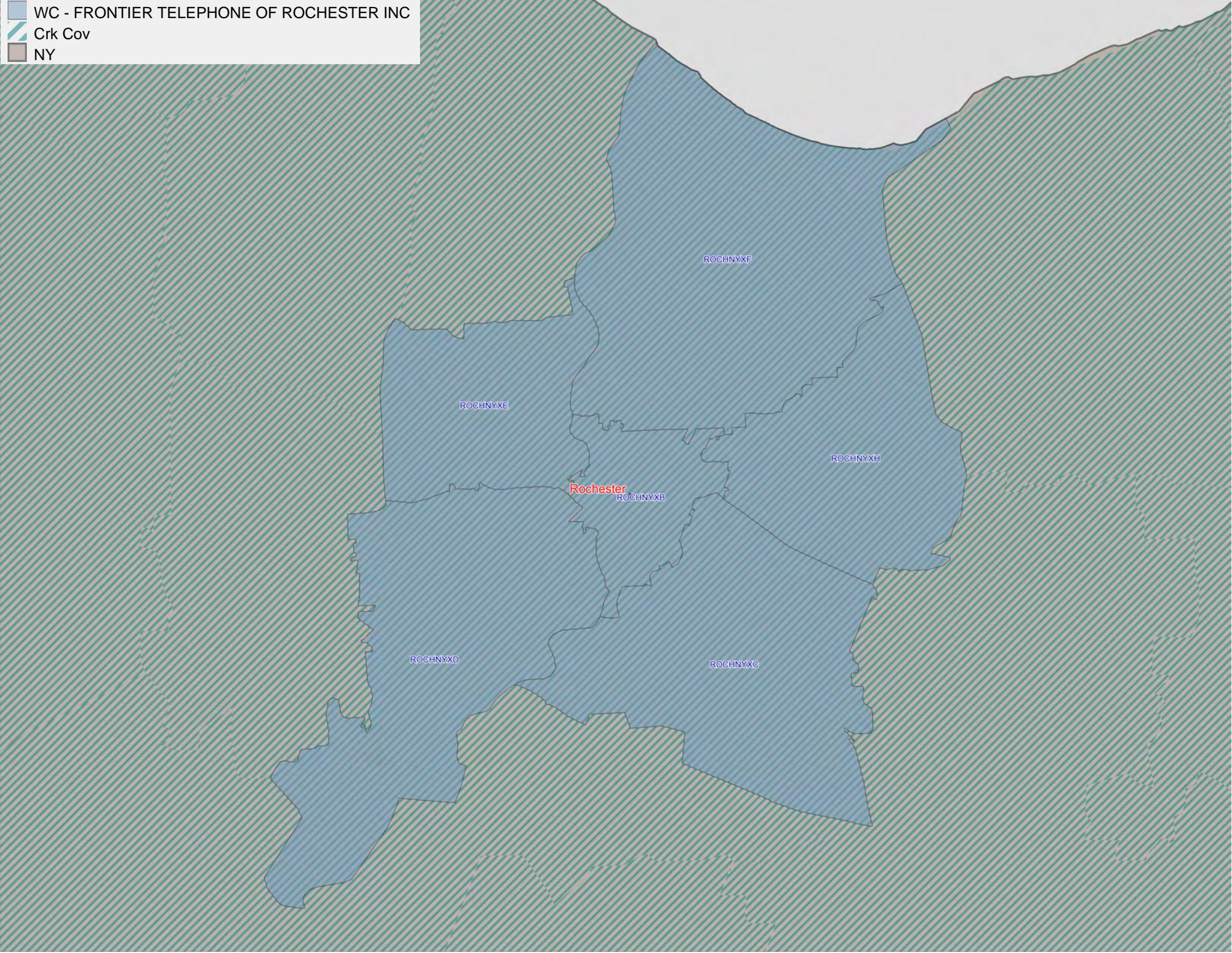


WC - VERIZON NEW YORK, INC.
Crk Cov
NY



WC - FRONTIER TELEPHONE OF ROCHESTER INC

- Crk Cov
- NY



WC - VERIZON NEW YORK, INC.

Crk Cov
NY

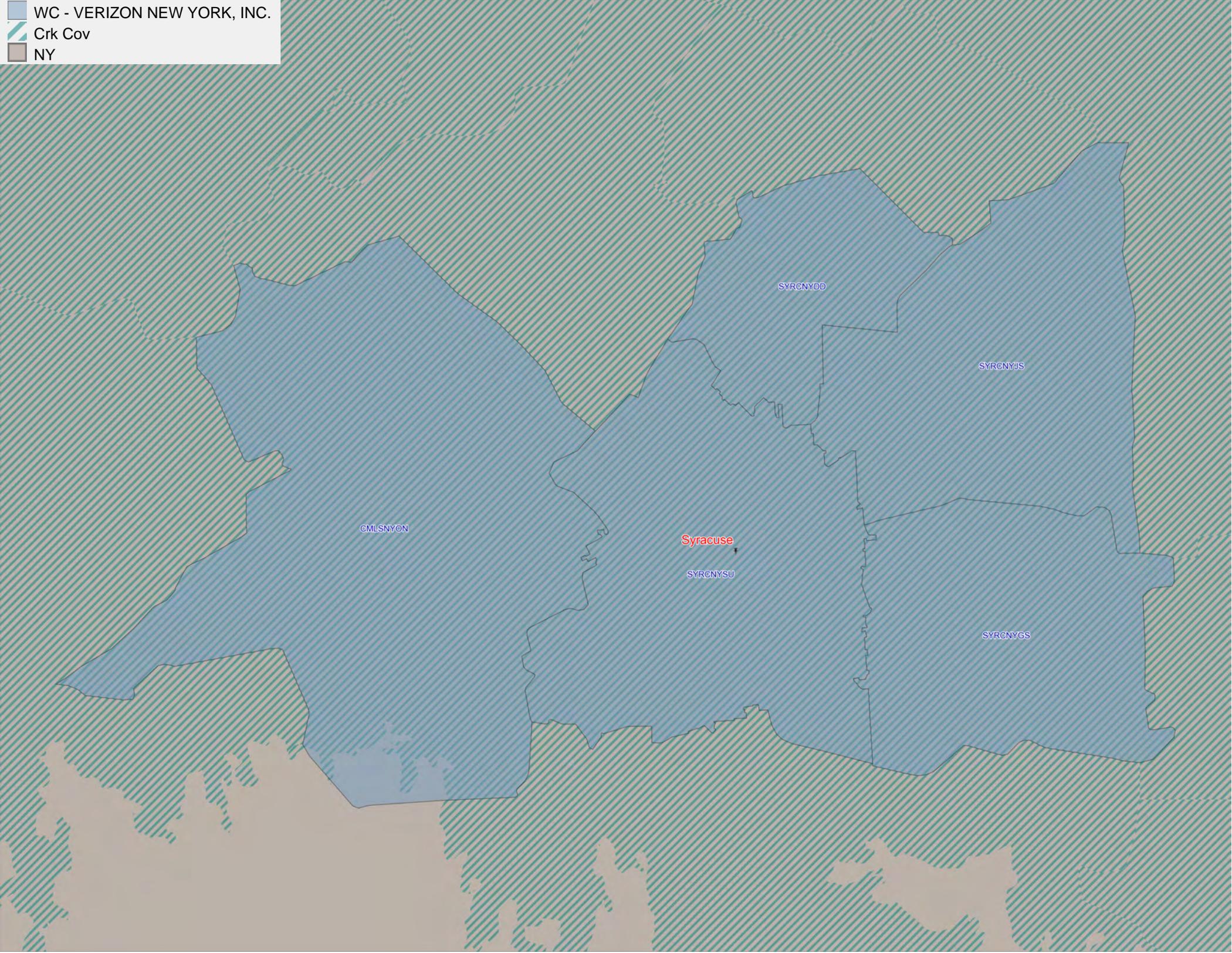


EXHIBIT 2-B

**WIRE CENTERS WITHIN CRICKET COVERAGE
AREA IN NEW YORK**

CLLI	State	OCN	Incumbent	OCNCat
AKRNNYAK	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ALBNNYAI	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ALDNNYAD	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
AMBRNYAB	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
AMHRNYMP	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ANGLNYAO	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ATTCNYAT	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
AUBNNYAU	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
AVONNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
BATVNYBT	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BAVLNYBV	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BCPTNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
BFLONYBA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BFLONYEL	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BFLONYFR	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BFLONYHE	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BFLONYMA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BFLONYSP	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BITNNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
BRGNNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
BRPTNYBP	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BSTNNYBN	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
BYRNNYBY	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CANDNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
CATONYXA	NY	CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY	FRONTIER COMMUNICATIONS	ILEC
CCVLNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
CHKTYFR	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CICRNYCJ	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CLAYNYOS	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CLCTNYCC	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CLDNNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
CLEVNYCE	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CLNCNYBA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CLSPNYXA	NY	ONTARIO TELEPHONE COMPANY, INC.	ONTARIO TELEPHONE CO	ILEC
CLYDNYCY	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CMLSNYID	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CMLSNYON	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CNSQNYXA	NY	WINDSTREAM NEW YORK, INC. - FULTON	WINDSTREAM COMMUNICATIONS	ILEC
CNSTNYZA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CNTTNYCI	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
CORFNYXA	NY	CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY	FRONTIER COMMUNICATIONS	ILEC
CTNGNYCH	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC

CZNVNYXA	NY	WINDSTREAM NEW YORK, INC. - FULTON	WINDSTREAM COMMUNICATIONS	ILEC
DARNNYXA	NY	CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY	FRONTIER COMMUNICATIONS	ILEC
DRBYNYDB	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
DUNDNYXA	NY	CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY	FRONTIER COMMUNICATIONS	ILEC
EAURNYEA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
EDENNYED	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ELBANYEB	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
EPMBNYXA	NY	EMPIRE TELEPHONE CORP.	EMPIRE TELEPHONE CORP.	ILEC
ERCHNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
FAPNTYXB	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
FLTNNYXA	NY	WINDSTREAM NEW YORK, INC. - FULTON	WINDSTREAM COMMUNICATIONS	ILEC
FRTNNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
FYTTNYFY	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
FYVLNYFV	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
GDISNYGI	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
GENSNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
GENVNYGN	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
GSPTNYGP	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
GWNDNYGD	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
HLCMNYXA	NY	FRONTIER COMMUNICATIONS OF SENECA GORHAM, INC.	FRONTIER COMMUNICATIONS	ILEC
HLLNYNHE	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
HLTNNYXA	NY	OGDEN TELCO NY DBA FRONTIER ODGEN TELEPHONE CO	FRONTIER COMMUNICATIONS	ILEC
HMBGNYHB	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
HMLNNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
HNRTNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
HOFLNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
HOMRNYHM	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
JRDNNYJD	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
LCPTNYLK	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
LFYTNLYF	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
LIVNNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
LNCSNYLC	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
LODINYXA	NY	EMPIRE TELEPHONE CORP.	EMPIRE TELEPHONE CORP.	ILEC
LROYNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
LSTNNYLW	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
LYNSNYLY	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
LYSNNYXA	NY	CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY	FRONTIER COMMUNICATIONS	ILEC
MACDNYMC	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
MARNNYMR	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC

MCDGNYMD	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
MDPTNYMP	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
MEDNNYPA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
MINONYMI	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
MNLSNYXA	NY	WINDSTREAM NEW YORK, INC. - FULTON	WINDSTREAM COMMUNICATIONS	ILEC
MORVNYMO	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
MRCLNYXA	NY	WINDSTREAM NEW YORK, INC. - FULTON	WINDSTREAM COMMUNICATIONS	ILEC
NCHINYXA	NY	OGDEN TELCO NY DBA FRONTIER ODGEN TELEPHONE CO	FRONTIER COMMUNICATIONS	ILEC
NCLNNYNO	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
NGFLNY76	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
NGFLNYPO	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
NGFLNYWO	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
NROSNYNR	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
NSYRNYS	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
NWFNNYMA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
NWRKNYNK	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
OKFDNYOK	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ONTRNYON	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ORPKNYST	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
OVIDNYXA	NY	TRUMANSBURG TELEPHONE CO.	TRUMANSBURG TELEPHONE CO.	ILEC
OWSCNYOO	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
PHLSNYXA	NY	ONTARIO TELEPHONE COMPANY, INC.	ONTARIO TELEPHONE CO	ILEC
PHNXNYXA	NY	WINDSTREAM NEW YORK, INC. - FULTON	WINDSTREAM COMMUNICATIONS	ILEC
PLMYNYPY	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
PNFDNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
PNYNNYPN	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
PPRGNYPP	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
PTBYNYXA	NY	PORT BYRON TELEPHONE CO.	TDS TELECOM	ILEC
PVLNNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
RDCKNYRC	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
ROCHNYXB	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXC	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXD	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXE	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXF	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXG	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXH	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXJ	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
ROCHNYXK	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC

RSVLNYRV	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
RUVLNYXA	NY	FRONTIER COMMUNICATIONS OF SENECA GORHAM, INC.	FRONTIER COMMUNICATIONS	ILEC
SCVLNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
SHRVNYXA	NY	WINDSTREAM NEW YORK, INC. - RED JACKET	WINDSTREAM COMMUNICATIONS	ILEC
SKNTNYSE	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SLCKNYSI	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SNBRNYXA	NY	CITIZENS TELECOMM CO OF NY DBA FRONTIER COMM OF NY	FRONTIER COMMUNICATIONS	ILEC
SNFLNYSL	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SPPTNYXA	NY	OGDEN TELCO NY DBA FRONTIER ODGEN TELEPHONE CO	FRONTIER COMMUNICATIONS	ILEC
STNLNYXA	NY	FRONTIER COMMUNICATIONS OF SENECA GORHAM, INC.	FRONTIER COMMUNICATIONS	ILEC
SVNHNYXA	NY	PORT BYRON TELEPHONE CO.	TDS TELECOM	ILEC
SYBHNYQY	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SYRCNYDD	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SYRCNYEP	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SYRCNYGS	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SYRCNYJS	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SYRCNYSA	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
SYRCNYSU	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
TLLYNYTY	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
TNWNNYTW	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
UNSPNYUS	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
VCTRNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
WBSTNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
WBSTNYXB	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
WDPTNYWT	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
WLSNNYME	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
WNKHNYWK	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
WRSWNYXA	NY	FRONTIER TELEPHONE OF ROCHESTER INC	FRONTIER COMMUNICATIONS	ILEC
WSNCNYUN	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
WSVLNYNC	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
WTRLNYWT	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC
YNTWNYTT	NY	VERIZON NEW YORK, INC.	VERIZON	RBOC

EXHIBIT 2-C

**NEW YORK AFFIRMATIVE STATEMENT OF NON-
JURISDICTION**

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

PUBLIC SERVICE COMMISSION

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NEAL N. GALVIN



DAWN K. JABLONSKI
General Counsel

JANET HAND DEIXLER
Secretary

March 27, 2003

TO WHOM IT MAY CONCERN:

Re: Nextel CMRS Jurisdiction

We have received a letter request from NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners") for a statement that the State of New York does not exercise jurisdiction over Commercial Mobile Radio Service providers for purposes of making determinations concerning eligibility for Eligible Telecommunications Carrier designations under 47 U.S.C. §214(e) and 47 C.F.R. §54.201 *et seq.* In response to this request, please be advised that the New York State Public Service Law (PSL) §5 provides that:

Applications of the provisions of this chapter [i.e., the PSL] through one-way paging or two-way mobile radio telephone service with the exception of such services provided by means of cellular radio communication is suspended unless the commission [i.e., the NYS Public Service Commission] . . . makes a determination, after notice and hearing, that regulation of such services should be reinstated to the extent found necessary to protect the public interest because of a lack of effective competition.

The New York State Public Service Commission has not made a determination that regulation should be reinstated under PSL §5. Consequently, based on the representation by Nextel Partners that it is a CMRS provider, Nextel Partners would not be subject to the application of the PSL, and consequently the jurisdiction of the New York Public Service Commission, for the purposes of making the Eligible Telecommunications Carrier designation.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Elizabeth H. Liebschutz'.

Elizabeth H. Liebschutz
Assistant Counsel

STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE

THREE EMPIRE STATE PLAZA, ALBANY, NY 12223-1350

Internet Address: <http://www.dps.state.ny.us>

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DAWN JABLONSKI RYMAN
General Counsel

JACLYN A. BRILLING
Secretary

March 18, 2004

Mitchell Brecher
Greenberg Taurig, LLP
800 Connecticut Avenue, N.W.
Suite 500
Washington, D.C. 20006

RE: Case 04-C-0227 - Petition of TracFone Wireless, Inc. for a Declaratory Ruling that the Company, a Commercial Mobile Radio Service Provider, is not subject to Commission Jurisdiction.

Dear Mr. Brecher,

I am responding to your letter to Secretary Brillling, dated February 23, 2004, on behalf of TracFone Wireless, Inc. ("TracFone"). In your letter, you requested a statement that the State of New York does not exercise jurisdiction over Commercial Mobile Radio Service (CMRS) providers for purposes of making determinations concerning eligibility for Eligible Telecommunications Carrier designations under 47 U.S.C. §214(e) and 47 C.F.R. §54.201 *et seq.* You indicated that TracFone is an authorized reseller of CMRS throughout the United States, including New York.

In response to your request, please be advised that the New York State Public Service Law §5 provides that:

Applications of the provisions of this chapter [the Public Service Law] through one-way paging or two-way mobile radio telephone service with the exception of such services provided by means of cellular radio communication is suspended unless the [New York State Public Service] commission . . . makes a determination, after notice and hearing, that regulation of such services should be reinstated to the extent found necessary to protect the public interest because of a lack of effective competition.

Mr. Mitchell Brecher

March 18, 2004

The New York State Public Service Commission has not made a determination that regulation should be reinstated under Public Service Law §5. *Consequently, based on the representation by TracFone that it is a CMRS provider, TracFone would not be subject to the application of the Public Service Law and, therefore, the jurisdiction of the New York Public Service Commission for the purposes of making the Eligible Telecommunications Carrier designation.*

As this letter is responsive to your request for a statement, Case 04-C-0227 will be closed.

Sincerely,



Kathleen H. Burgess
Assistant Counsel

EXHIBIT 3-A

MAPS OF CRICKET COVERAGE AREA IN NORTH CAROLINA

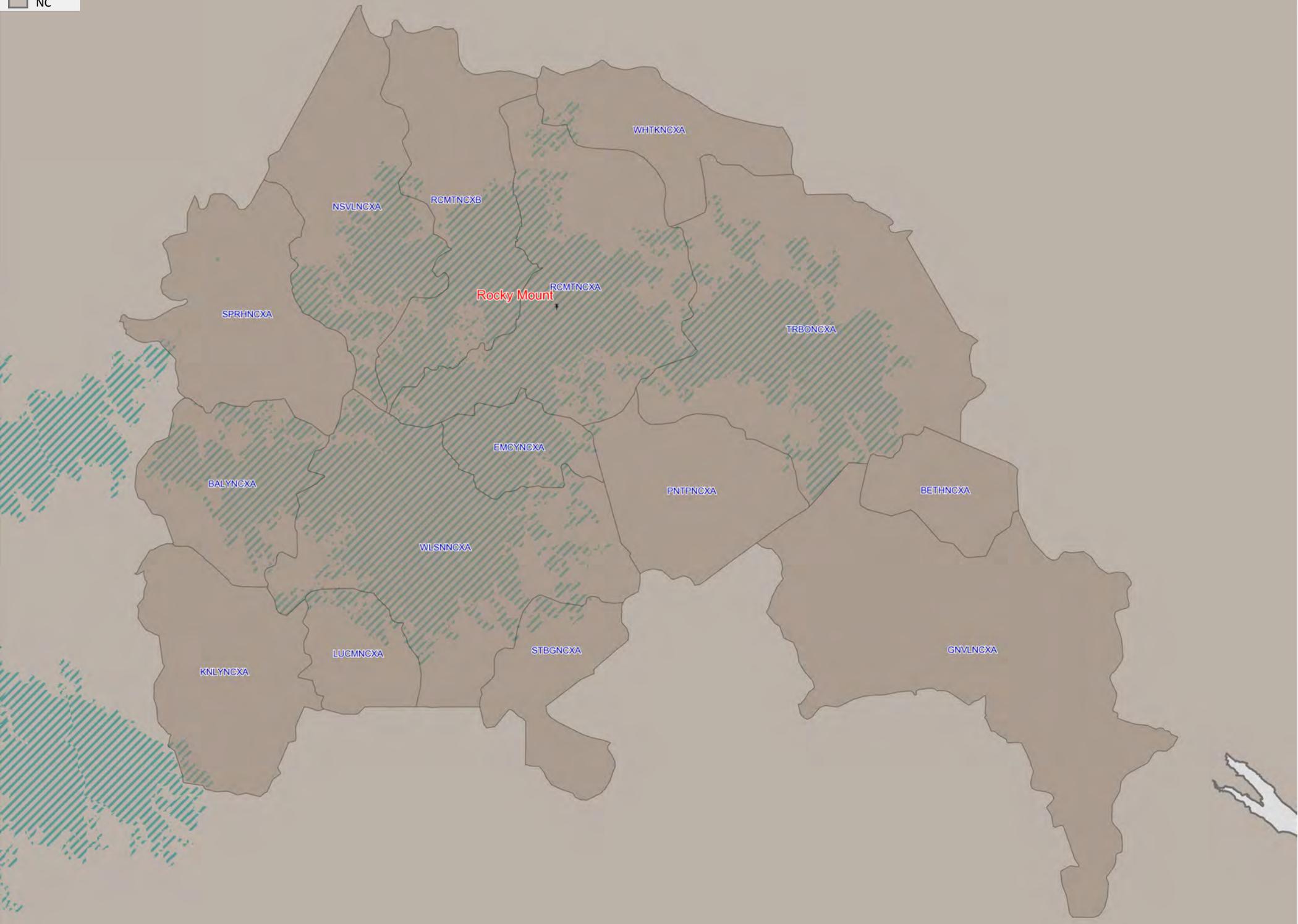


EXHIBIT 3-B

WIRE CENTERS WITHIN CRICKET COVERAGE AREA IN NORTH CAROLINA

CLLI	State	OCN	Incumbent	OCNCat
ADVNNCXA	NC	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP.	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP	ILEC
ALTNNCXA	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
ANGRNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
APEXNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
ASBONCXA	NC	CENTRAL TEL. CO. OF NORTH CAROLINA DBA CENTURYLINK	CENTURYLINK	ILEC
ASBONCXB	NC	CENTRAL TEL. CO. OF NORTH CAROLINA DBA CENTURYLINK	CENTURYLINK	ILEC
BALYNCA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
BETHNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
BLMTNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
BNSNNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
BRWYNCA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
BSCYNMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
BURLNCDA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
BURLNCEL	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
BURLNCHA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CARYNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CARYNCWS	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHGVNCA	NC	WINDSTREAM CONCORD TELEPHONE INC.	WINDSTREAM COMMUNICATIONS	ILEC
CHLDNCA	NC	PIEDMONT TELEPHONE MEMBERSHIP CORP.	PIEDMONT TELEPHONE MEMBERSHIP CORP.	ILEC
CHRLNCBO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCCA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCCR	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCDE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCER	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCLP	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCMI	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCOD	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC

CHRLNCRE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCSH	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCTH	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHRLNCUN	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CHVLCNCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CLEVNMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CNCRNCXA	NC	WINDSTREAM CONCORD TELEPHONE INC.	WINDSTREAM COMMUNICATIONS	ILEC
CPHLNCRO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
CRDMNCXA	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
CRDMNCXM	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
CRTYNCA	NC	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP.	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP	ILEC
CYTNNCA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
DNVRNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
DRHMNCXA	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXB	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXC	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXD	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXE	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXG	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXH	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXM	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DRHMNCXT	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
DUNNNCA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
DVSNPCO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
EBNDNCA	NC	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP.	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP	ILEC
EMCYNCA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
FKTNNCA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
FQVRNCA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC

FRBSNCXB	NC	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP.	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP	ILEC
FROKNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
GBVLNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
GNBONCAP	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GNBONCAS	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GNBONCEU	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GNBONCHO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GNBONCLA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GNBONCMC	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GNBONCPG	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GNVLNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
GRQYNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
GRVRNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GSCKNXA	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
GSTANCD	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
GSTANCSO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
HGPNNCXA	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
HGPNNCXB	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
HGPNNCXC	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
HGPNNCXD	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
HGPNNCXE	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
HGPNNCXF	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
HLBONCXB	NC	CENTRAL TEL. CO. OF NORTH CAROLINA DBA CENTURYLINK	CENTURYLINK	ILEC
HMBRNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
HRBGNCXA	NC	WINDSTREAM CONCORD TELEPHONE INC.	WINDSTREAM COMMUNICATIONS	ILEC
HRMYNCXA	NC	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP.	YADKIN VALLEY TELEPHONE MEMBERSHIP CORP	ILEC
HSVLCNC	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
INTRNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC

KGMTNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
KINGNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
KNDLNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
KNLYNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
KNPLNCXA	NC	WINDSTREAM CONCORD TELEPHONE INC.	WINDSTREAM COMMUNICATIONS	ILEC
KRVLNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
LCSTNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
LLTNNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
LNTNNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
LTMRCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
LUCMNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
LWDLNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
LWLLNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
LWVLNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
LXTNNCXA	NC	WINDSTREAM LEXCOM COMMUNICATIONS, INC.	WINDSTREAM COMMUNICATIONS	ILEC
LXTNNCXB	NC	WINDSTREAM LEXCOM COMMUNICATIONS, INC.	WINDSTREAM COMMUNICATIONS	ILEC
LXTNNCXC	NC	WINDSTREAM LEXCOM COMMUNICATIONS, INC.	WINDSTREAM COMMUNICATIONS	ILEC
LXTNNCXD	NC	WINDSTREAM LEXCOM COMMUNICATIONS, INC.	WINDSTREAM COMMUNICATIONS	ILEC
LXTNNCXE	NC	WINDSTREAM LEXCOM COMMUNICATIONS, INC.	WINDSTREAM COMMUNICATIONS	ILEC
MEBNNCXA	NC	MEBTEL, INC. DBA CENTURYLINK	MADISON RIVER COMMUNICATIONS	ILEC
MHVLNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
MKVLNCXA	NC	CENTRAL TEL. CO. OF NORTH CAROLINA DBA CENTURYLINK	CENTURYLINK	ILEC
MNTINCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
MONRNCXA	NC	FRONTIER COMMUNICATIONS OF THE CAROLINAS INC - NC	FRONTIER COMMUNICATIONS	ILEC
MRVINCX	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
MTHLNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
MTHWNCXB	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
NSVLNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC

NWSLNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
OLIVNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
OLTWNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
PCLDNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
PIVLNCXB	NC	PINEVILLE TELEPHONE CO.	PINEVILLE TELEPHONE CO.	ILEC
PNTPNXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
PRTNNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
PTBONCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
RCMTNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
RCMTNCXB	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
RDVLNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
REDSNCXA	NC	PIEDMONT TELEPHONE MEMBERSHIP CORP.	PIEDMONT TELEPHONE MEMBERSHIP CORP.	ILEC
RLGHNCDU	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCGA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCGL	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCHO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCJO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCMO	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCSE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCST	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCU	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCV	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCW	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCX	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCY	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RLGHNCZ	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
RMSRNCXA	NC	CENTRAL TEL. CO. OF NORTH CAROLINA DBA CENTURYLINK	CENTURYLINK	ILEC
RNMNNCXA	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
RRHLNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
SELMNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
SHFRNCXA	NC	CENTRAL TEL. CO. OF NORTH CAROLINA DBA CENTURYLINK	CENTURYLINK	ILEC
SHLBNMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
SLBRNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
SLVLNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
SMFDNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC

SMNTNCXA	NC	WINDSTREAM LEXCOM COMMUNICATIONS, INC.	WINDSTREAM COMMUNICATIONS	ILEC
SNFRNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
SPRHNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
SRFDNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
SSVLNCJE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
SSVLNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
STBGNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
STNLNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
SXPHNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
THVLNCXA	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
THVLNCXB	NC	NORTH STATE TELEPHONE CO. DBA NORTH STATE COMM	NORTH STATE COMM	ILEC
TRBONCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
TRMNNCMA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WHTKNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
WKFSNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
WKTWNCXA	NC	CENTRAL TEL. CO. OF NORTH CAROLINA DBA CENTURYLINK	CENTURYLINK	ILEC
WLCMNCXA	NC	WINDSTREAM LEXCOM COMMUNICATIONS, INC.	WINDSTREAM COMMUNICATIONS	ILEC
WLSNNCXA	NC	CAROLINA TEL AND TEL CO., LLC DBA CENTURYLINK	CENTURYLINK	ILEC
WNDLNCPI	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNGTNCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
WNSLNCAR	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNSLNCCL	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNSLNCFI	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNSLNCGL	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNSLNCLE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNSLNCVI	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNSLNCWA	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC
WNSLNCWH	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC

WXHWCXA	NC	WINDSTREAM NORTH CAROLINA, INC.	WINDSTREAM COMMUNICATIONS	ILEC
ZBLNNCCE	NC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL	AT&T	RBOC

EXHIBIT 3-C

**NORTH CAROLINA AFFIRMATIVE STATEMENT OF
NON-JURISDICTION**

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. P-100, SUB 133c

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Designation of Carriers Eligible for Universal)
Carrier Support) ORDER GRANTING PETITION

BY THE COMMISSION: On August 22, 2003, North Carolina RSA3 Cellular Telephone Company, d/b/a Carolina West (Carolina West), a commercial mobile radio service (CMRS) provider, filed a Petition seeking an affirmative declaratory ruling that the Commission lacks jurisdiction to designate CMRS carrier eligible telecommunications carrier (ETC) status for the purposes of receiving federal universal service support.

In support of its Petition, Carolina West stated that it was a CMRS provider authorized by the Federal Communications Commission (FCC) to provide cellular mobile radio telephone service in North Carolina, and that the FCC had clearly recognized that CMRS carriers such as Carolina West may be designated as ETCs. ETC status is necessary for a provider to be eligible to receive universal service support. Section 214(e)(6) of the Telecommunications Act provides that if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC is charged with making the ETC determination. The FCC has stated that, in order for the FCC to consider requests pursuant to this provision, a carrier must provide an "affirmative statement" from the state commission or court of competent jurisdiction that the state lacks jurisdiction to perform the designation. To date, several state commissions have declined to exercise such jurisdiction.

North Carolina has excluded CMRS from the definition of "public utility." See, G.S. 62-3(23). Pursuant to this, the Commission issued its Order Concerning Deregulation of Wireless Providers in Docket Nos. P-100, Sub 114 and Sub 124 on August 28, 1995, concluding that the Commission no longer has jurisdiction over cellular services. Accordingly, Carolina West has now requested the Commission to issue an Order stating that it does not have jurisdiction to designate CMRS carriers ETC status for the purposes of receiving federal universal service support.

WHEREUPON, the Commission reaches the following

CONCLUSIONS

After careful consideration, the Commission concludes that it should grant Carolina West's Petition and issue an Order stating that it lacks jurisdiction to designate ETC status

for CMRS carriers. As noted above, in its August 28, 1995, Order in Docket Nos. P-100, Sub 114 and Sub 124, the Commission observed that G.S. 62-3(23)j, enacted on July 29, 1995, has removed cellular services, radio common carriers, personal communications services, and other services then or in the future constituting a mobile radio communications service from the Commission's jurisdiction. 47 USC 3(41) defines a "state commission" as a body which "has regulatory jurisdiction with respect to the intrastate operation of carriers." Pursuant to 47 USC 214(e)(6), if a state commission determines that it lacks jurisdiction over a class of carriers, the FCC must determine which carriers in that class may be designated as ETCs. Given these circumstances, it follows that the Commission lacks jurisdiction over CMRS services and the appropriate venue for the designation of ETC status for such services is with the FCC. Accord., Order Granting Petition, ALLTEL Communications, Inc., June 24, 2003.

IT IS, THEREFORE, SO ORDERED.

ISSUED BY ORDER OF THE COMMISSION.

This the 28th day of August, 2003.

NORTH CAROLINA UTILITIES COMMISSION



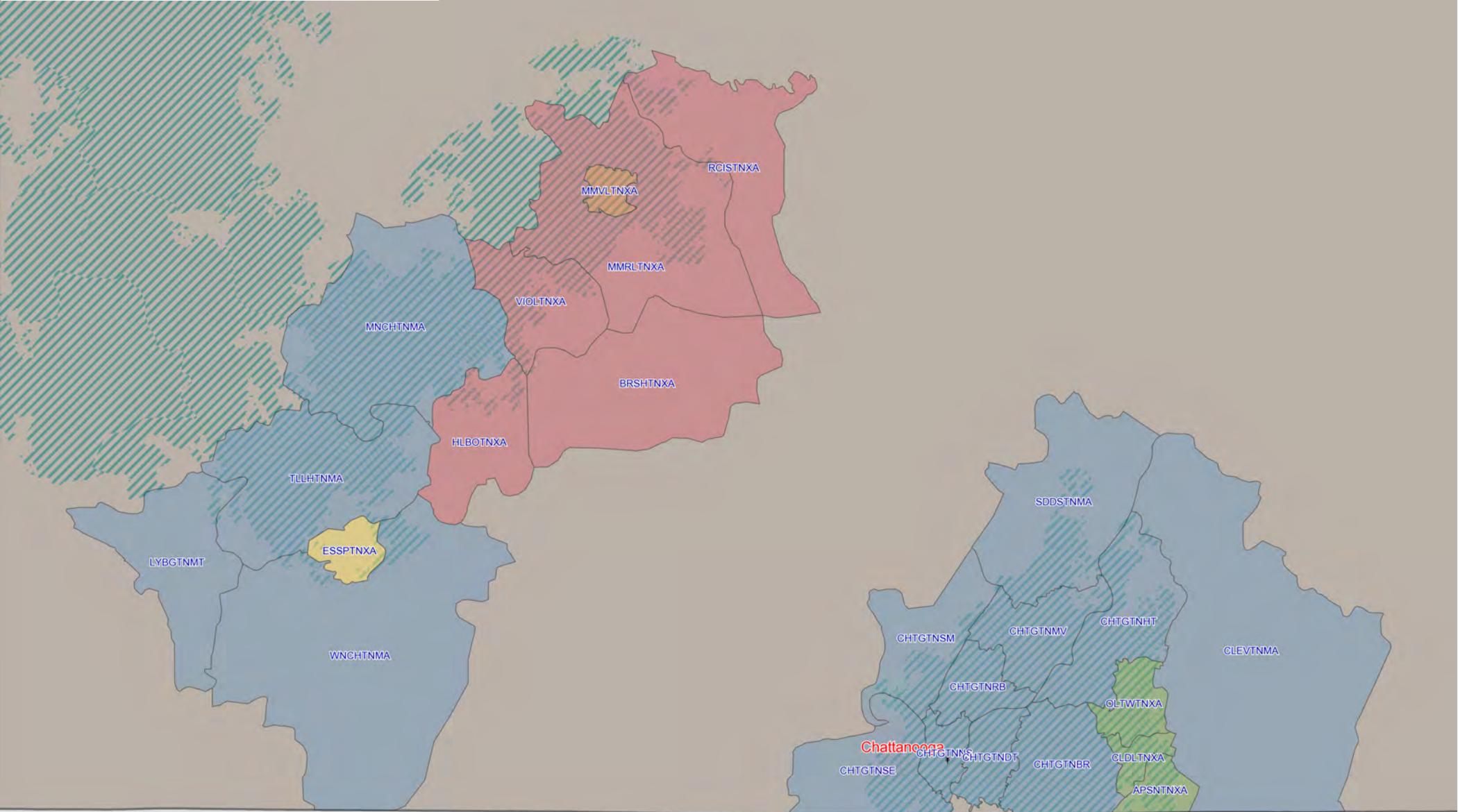
Patricia Swenson, Deputy Clerk

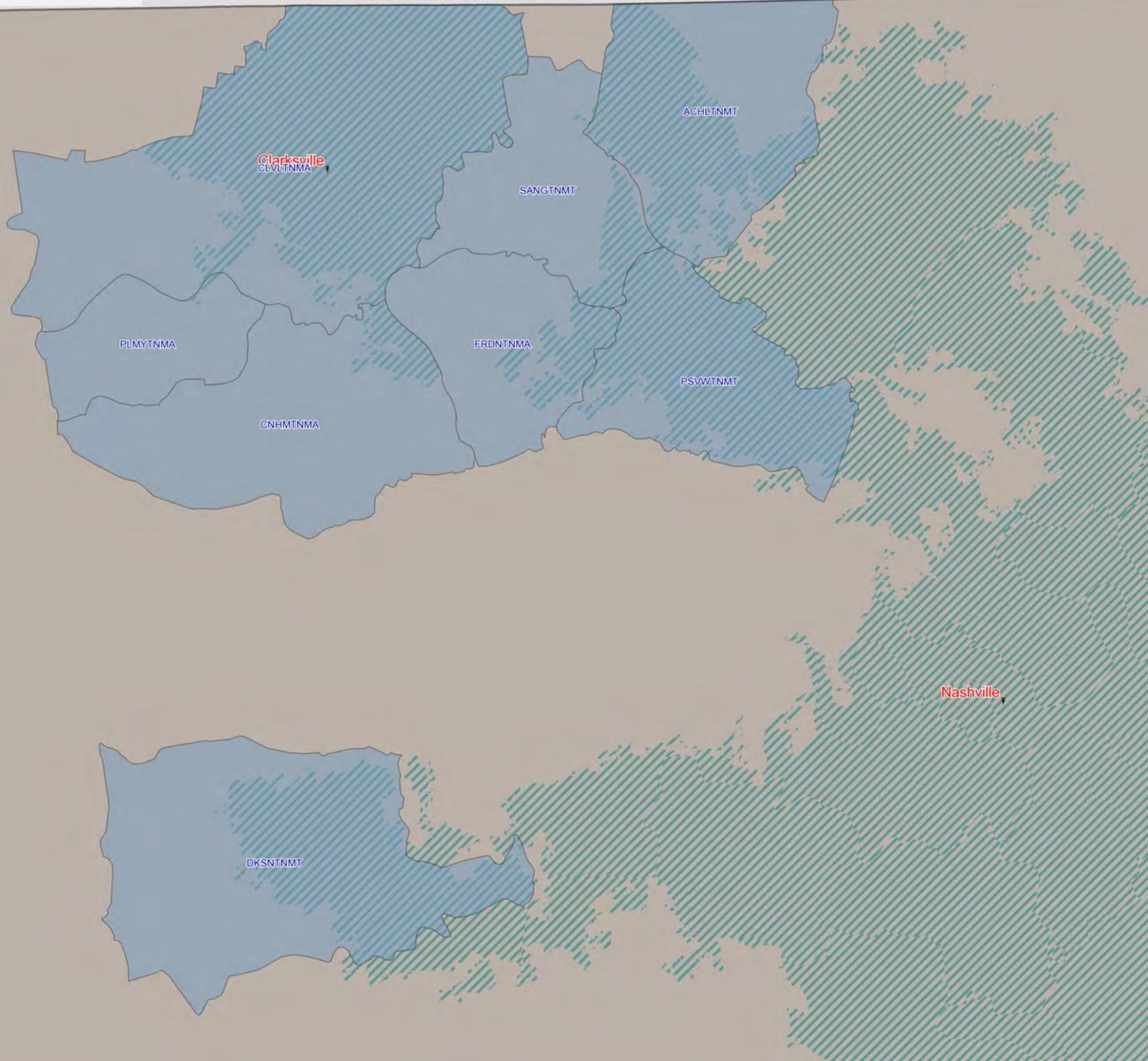
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EXHIBIT 4-A

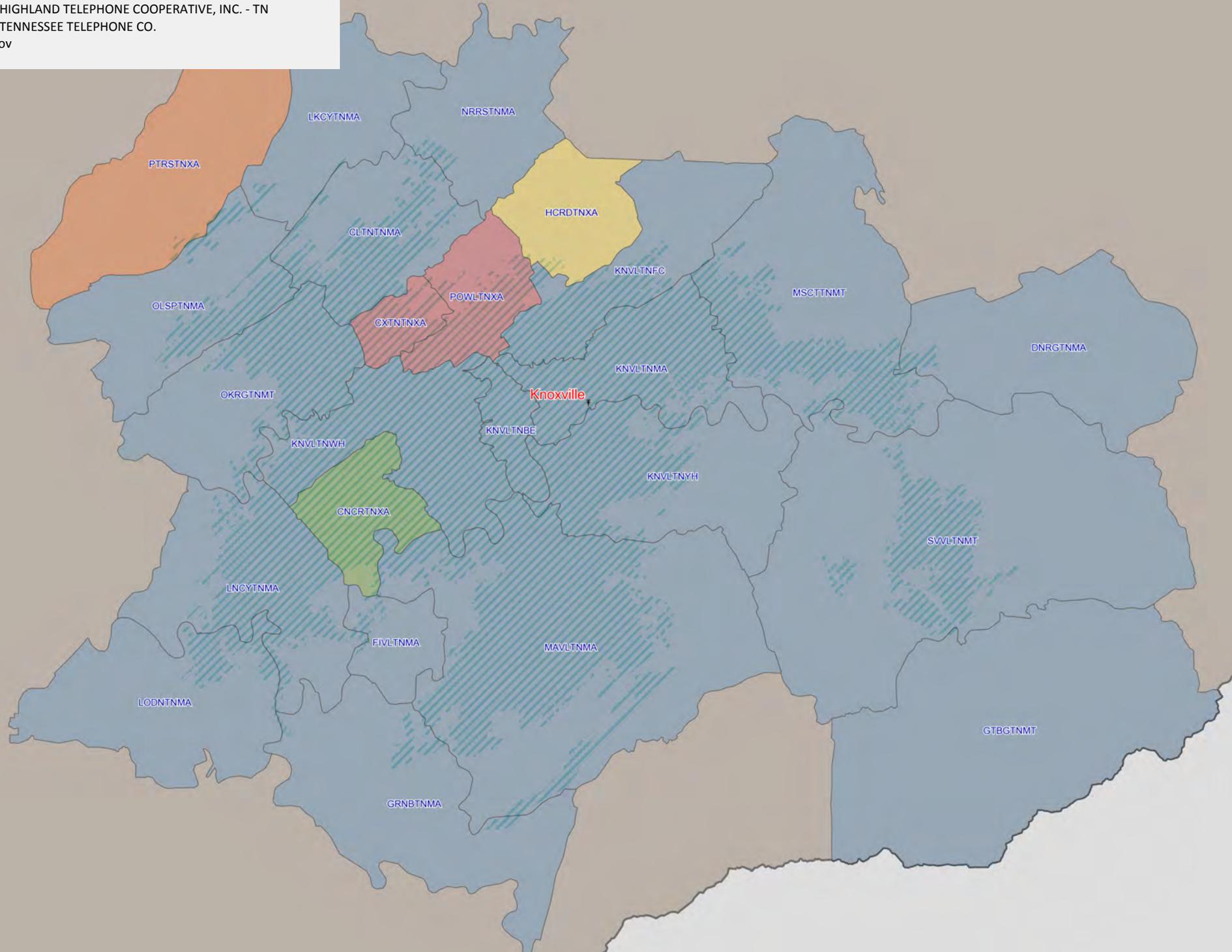
**MAPS OF CRICKET COVERAGE AREA IN
TENNESSEE**

-  WC - BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL
-  WC - BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.
-  WC - CENTURYTEL OOLTEWAH-COLLEGE DALE DBA CENTURYLINK
-  WC - CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC
-  WC - UNITED TEL CO INC.
-  Crk Cov
-  TN

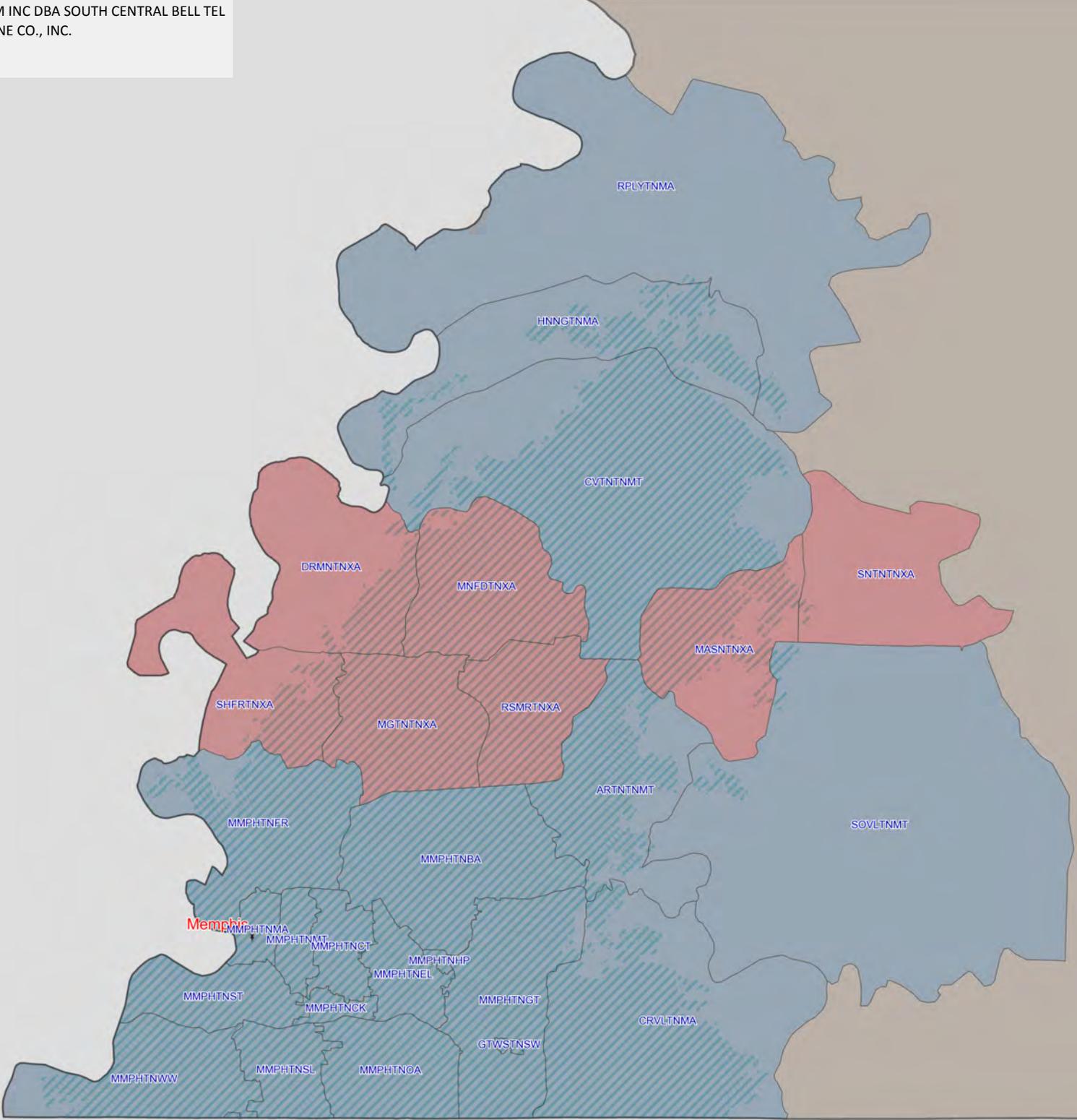




- WC - BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL
- WC - CITIZENS TELECOM VOL ST LLC DBA FRONTIER VOL STATE
- WC - CONCORD TELEPHONE EXCHANGE, INC.
- WC - HIGHLAND TELEPHONE COOPERATIVE, INC. - TN
- WC - TENNESSEE TELEPHONE CO.
- Crk Cov
- TN



- WC - BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL
- WC - MILLINGTON TELEPHONE CO., INC.
- Crk Cov
- TN



- WC - BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL
- WC - BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.
- WC - DEKALB TELEPHONE COOPERATIVE
- WC - NORTH CENTRAL TELEPHONE COOPERATIVE, INC. - TN
- WC - TENNESSEE TELEPHONE CO.
- WC - UNITED TEL CO INC.
- Crk Cov
- TN

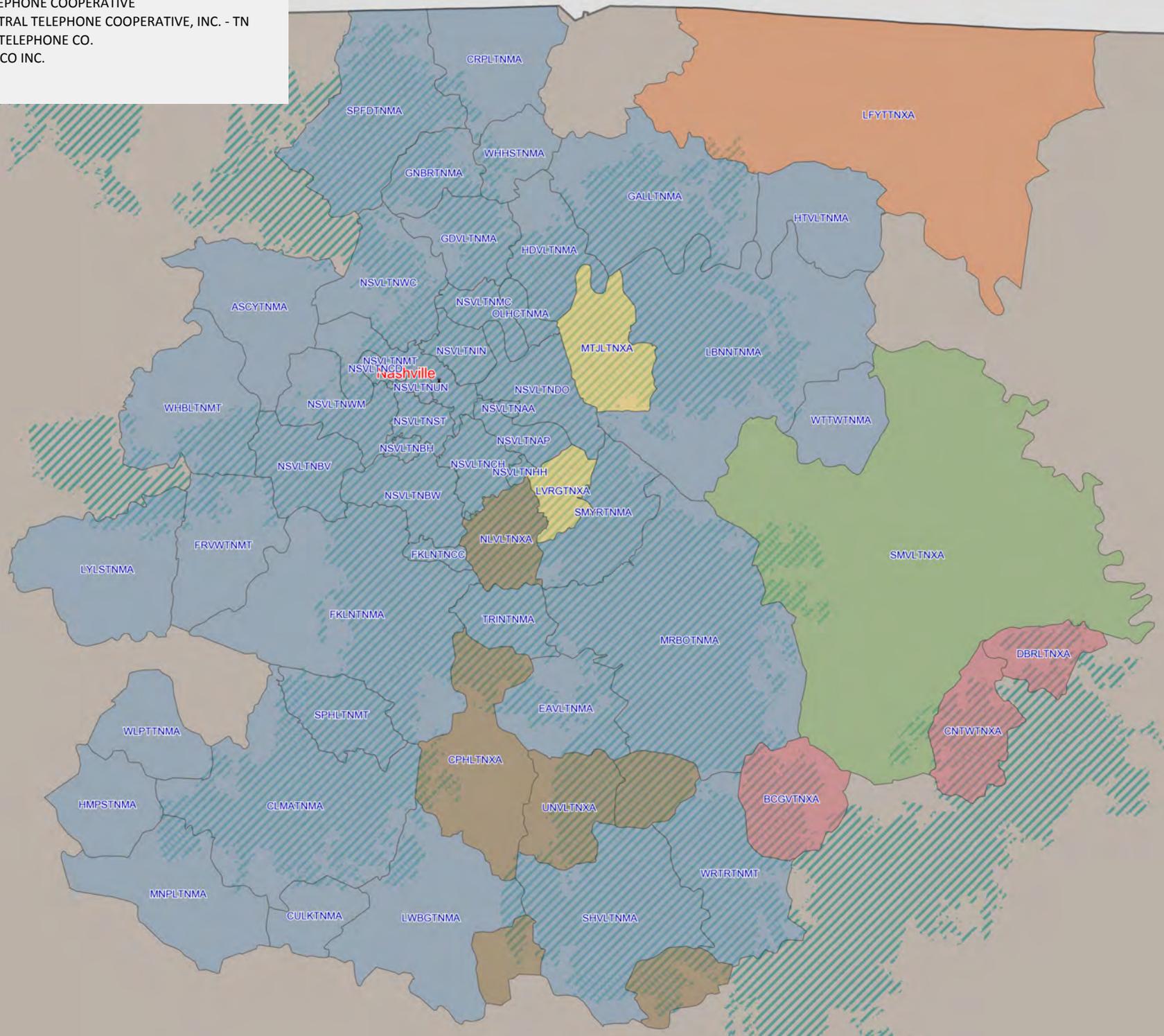


EXHIBIT 4-B

**WIRE CENTERS WITHIN CRICKET COVERAGE
AREA IN TENNESSEE**

CLLI	State	OCN	Incumbent	OCNCat
ACHLTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
APSNTNXA	TN	CENTURYTEL OOLTEWAH-COLLEGEDALE DBA CENTURYLINK	CENTURYLINK	ILEC
ARTNTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
ASCYTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
BCGVTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC
BRSHTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC
CHTGTNBR	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CHTGTNDT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CHTGTNHT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CHTGTNMV	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CHTGTNNS	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CHTGTNRB	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CHTGTNSE	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CHTGTNSM	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CLDLTNXA	TN	CENTURYTEL OOLTEWAH-COLLEGEDALE DBA CENTURYLINK	CENTURYLINK	ILEC
CLEVTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CLMATNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CLTNTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CLVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CNCRTNXA	TN	CONCORD TELEPHONE EXCHANGE, INC.	TDS TELECOM	ILEC
CNHMTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CNTWTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC
CPHLTNXA	TN	UNITED TEL CO INC.	UNITED TEL CO	ILEC
CRPLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CRVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CULKTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CVTNTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
CXTNTNXA	TN	CITIZENS TELECOM VOL ST LLC DBA FRONTIER VOL STATE	FRONTIER COMMUNICATIONS	ILEC

DBRLTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC
DKSNTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
DNRGTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
DRMNTNXA	TN	MILLINGTON TELEPHONE CO., INC.	MILLINGTON TELEPHONE CO	ILEC
EAVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
ESSPTNXA	TN	UNITED TEL CO INC.	UNITED TEL CO	ILEC
FIVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
FKLNTNCC	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
FKLNTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
FRDNTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
FRVWTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
GALLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
GDVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
GNBRTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
GRNBTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
GTBGTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
GTWSTNSW	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
HCRDTNXA	TN	TENNESSEE TELEPHONE CO.	TDS TELECOM	ILEC
HDVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
HLBOTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC
HMPSTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
HNNGTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
HTVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
KNVLTNBE	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
KNVLTNFC	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
KNVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
KNVLTNWH	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
KNVLTNYH	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
LBNNTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC

LFYTTNXA	TN	NORTH CENTRAL TELEPHONE COOPERATIVE, INC. - TN	NORTH CENTRAL TELEPHONE COOP	ILEC
LKCYTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
LNCYTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
LODNTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
LVRGTNXA	TN	TENNESSEE TELEPHONE CO.	TDS TELECOM	ILEC
LWBGTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
LYBGTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
LYLSTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MASNTNXA	TN	MILLINGTON TELEPHONE CO., INC.	MILLINGTON TELEPHONE CO	ILEC
MAVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MGTNTNXA	TN	MILLINGTON TELEPHONE CO., INC.	MILLINGTON TELEPHONE CO	ILEC
MMPHTNBA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNCK	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNCT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNEL	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNFR	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNGT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNHP	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNOA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNSL	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNST	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMPHTNWW	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MMRLTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC
MMVLTNXA	TN	CITIZENS COMM CO TN DBA FRONTIER COMM OF TN, LLC	FRONTIER COMMUNICATIONS	ILEC
MNCHTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MNFDTNXA	TN	MILLINGTON TELEPHONE CO., INC.	MILLINGTON TELEPHONE CO	ILEC
MNPLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MRBOTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC

MSCTTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
MTJLTNXA	TN	TENNESSEE TELEPHONE CO.	TDS TELECOM	ILEC
NLVLTNXA	TN	UNITED TEL CO INC.	UNITED TEL CO	ILEC
NRRSTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNAA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNAP	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNBH	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNBV	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNBW	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNCD	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNCH	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNDO	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNHH	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNIN	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNMC	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNST	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNUN	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNWC	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
NSVLTNWM	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
OKRGTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
OLHCTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
OLSPTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
OLTWTNXA	TN	CENTURYTEL OOLTEWAH-COLLEGE DALE DBA CENTURYLINK	CENTURYLINK	ILEC
PLMYTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
POWLTNXA	TN	CITIZENS TELECOM VOL ST LLC DBA FRONTIER VOL STATE	FRONTIER COMMUNICATIONS	ILEC
PSVWTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
PTRSTNXA	TN	HIGHLAND TELEPHONE COOPERATIVE, INC. - TN	HIGHLAND TEL COOP INC	ILEC
RCISTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC

RPLYTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
RSMRTNXA	TN	MILLINGTON TELEPHONE CO., INC.	MILLINGTON TELEPHONE CO	ILEC
SANGTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
SDDSTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
SHFRTNXA	TN	MILLINGTON TELEPHONE CO., INC.	MILLINGTON TELEPHONE CO	ILEC
SHVLTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
SMVLTNXA	TN	DEKALB TELEPHONE COOPERATIVE	DEKALB TELEPHONE COOP	ILEC
SMYRTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
SNTNTNXA	TN	MILLINGTON TELEPHONE CO., INC.	MILLINGTON TELEPHONE CO	ILEC
SOVLTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
SPFDTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
SPHLTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
SVVLTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
TLLHTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
TRINTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
UNVLTNXA	TN	UNITED TEL CO INC.	UNITED TEL CO	ILEC
VIOLTNXA	TN	BEN LOMAND RURAL TELEPHONE COOPERATIVE, INC.	BEN LOMAND RURAL TELEPHONE COOPERATIVE	ILEC
WHBLTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
WHHSTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
WLPTTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
WNCHTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
WRTRTNMT	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC
WTTWTNMA	TN	BELLSOUTH TELECOMM INC DBA SOUTH CENTRAL BELL TEL	AT&T	RBOC

EXHIBIT 4-C

**TENNESSEE AFFIRMATIVE STATEMENT OF NON-
JURISDICTION**

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 11, 2003

IN RE:

APPLICATION OF ADVANTAGE CELLULAR
SYSTEMS, INC. TO BE DESIGNATED AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER

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)

DOCKET NO.
02-01245

ORDER

This matter came before Chairman Sara Kyle, Director Deborah Taylor Tate and Director Pat Miller of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned in this docket, at the regularly scheduled Authority Conference held on January 27, 2003, for consideration of the *Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier* ("Application") filed on November 21, 2002.

Background

Advantage Cellular Systems, Inc. ("Advantage") is a commercial mobile radio service provider ("CMRS") seeking designation as an Eligible Telecommunications Carrier ("ETC") by the Authority pursuant to 47 U.S.C. §§ 214 and 254. In its *Application*, Advantage asserts that it seeks ETC status for the entire study area of Dekalb Telephone Cooperative, Inc., a rural cooperative telephone company. Advantage maintains that it meets all the necessary requirements for ETC status and therefore is eligible to receive universal service support throughout its service area.

The January 27, 2003 Authority Conference

During the regularly scheduled Authority Conference on January 27, 2003, the panel of Directors assigned to this docket deliberated Advantage's *Application*. Of foremost consideration was the issue of the Authority's jurisdiction. The panel unanimously found that the Authority lacked

jurisdiction over Advantage for ETC designation purposes.¹

This conclusion was implicitly premised on Tenn. Code Ann. § 65-4-104, which provides that:

The Authority has general supervisory and regulatory power, jurisdiction and control over all public utilities and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.

For purposes of Tenn. Code Ann. § 65-4-104, the definition of public utilities specifically excludes, with certain exceptions not relevant to this case, “[a]ny individual, partnership, copartnership, association, corporation or joint stock company offering domestic public cellular radio telephone service authorized by the federal communications commission.”

The Authority’s lack of jurisdiction over CMRS providers implicates 47 U.S.C. § 214(e), which addresses the provision of universal service. Where common carriers seeking universal service support are not subject to a state regulatory commission’s jurisdiction, 47 U.S.C. § 214(e)(6) authorizes the Federal Communications Commission (“FCC”) to perform the ETC designation.²

¹ This finding is not inconsistent with the Authority’s decision in *In re: Universal Service Generic Contested Case*, Docket 97-00888, *Interim Order on Phase I of Universal Service*, pp. 53-57 (May 20, 1998), in which the Authority required intrastate telecommunications carriers to contribute to the intrastate Universal Service Fund including telecommunications carriers not subject to authority of the TRA. The decision in Docket No. 97-00888 was based primarily on 47 U.S.C. § 254(f) which authorizes states to adopt regulations not inconsistent with the Federal Communications Commission’s rules on Universal Service and specifically requires every telecommunications carrier that provides intrastate telecommunications services to contribute to the preservation and advancement of universal service in that state. The *Interim Order* was issued prior to the effective date of 47 U.S.C. § 214(e)(6).

² 47 U.S.C. § 214(e)(6) states:

(6) Common carriers not subject to state commission jurisdiction

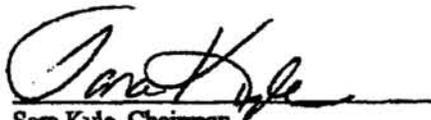
In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

As a matter of "state-federal comity," the FCC requires that carriers seeking ETC designation "first consult with the state commission to give the state commission an opportunity to interpret state law."³ Most carriers that are not subject to a state regulatory commission's jurisdiction seeking ETC designation must provide the FCC "with an affirmative statement from a court of competent jurisdiction or the state commission that it lacks jurisdiction to perform the designation."⁴

The panel noted that the FCC is the appropriate forum for Advantage to pursue ETC status pursuant to 47 U.S.C. § 214(e)(6). This Order shall serve as the above mentioned affirmative statement required by the FCC.

IT IS THEREFORE ORDERED THAT:

The Application of Advantage Cellular Systems, Inc. To Be Designated As An Eligible Telecommunications Carrier is dismissed for lack of subject matter jurisdiction.


Sara Kyle, Chairman


Deborah Taylor Tate, Director


Pat Miller, Director

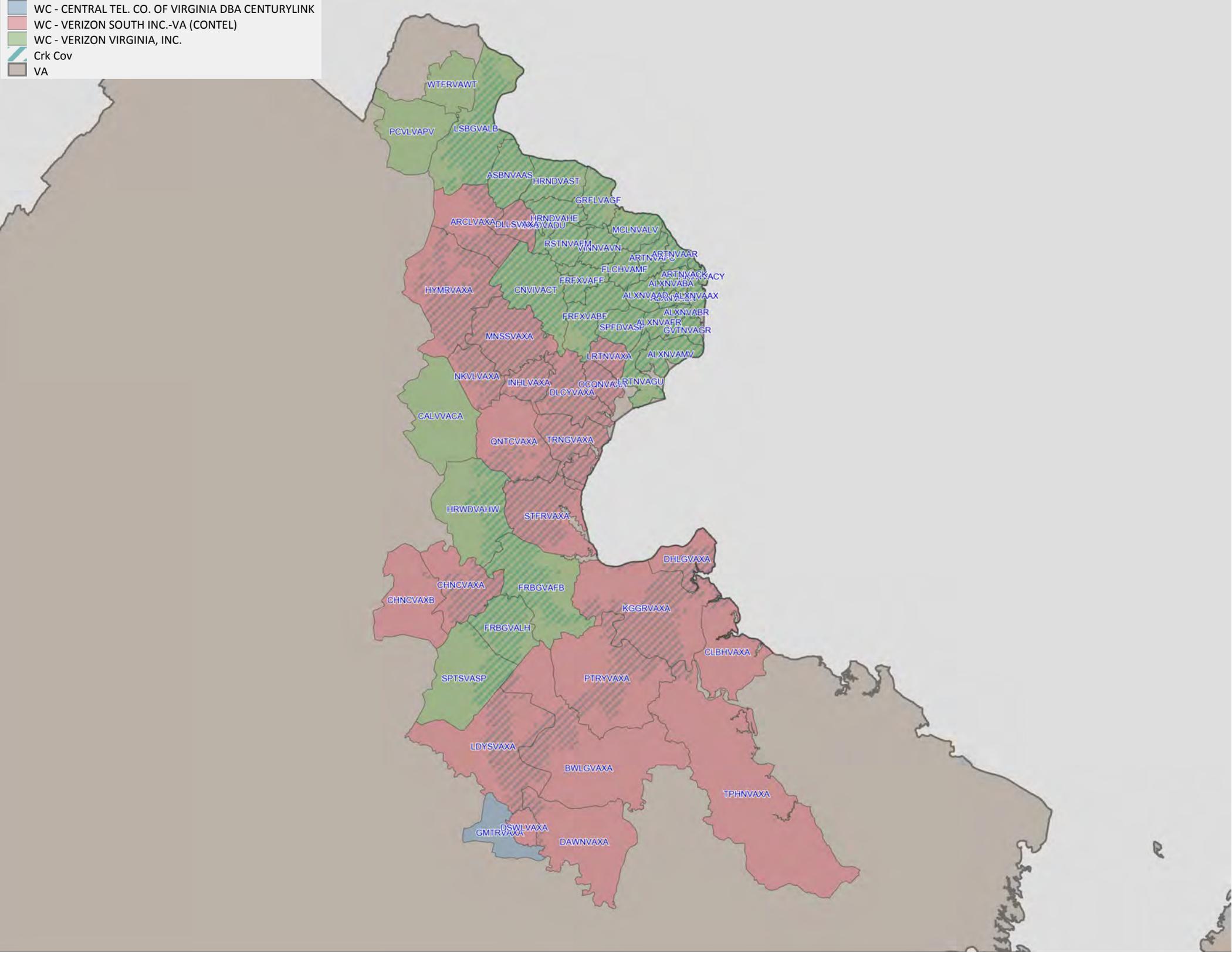
³ *In the Matter of Federal-State Joint Bd. on Universal Service, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 15 F.C.R. 12208, 12264, ¶ 113 (June 30, 2000).

⁴ *See id.* (The "affirmative statement of the state commission may consist of any duly authorized letter, comment, or state commission order indicating that it lacks jurisdiction to perform designations over a particular carrier.")

EXHIBIT 5-A

MAP OF CRICKET COVERAGE AREA IN VIRGINIA

- WC - CENTRAL TEL. CO. OF VIRGINIA DBA CENTURYLINK
- WC - VERIZON SOUTH INC.-VA (CONTEL)
- WC - VERIZON VIRGINIA, INC.
- Crk Cov
- VA



WC - VERIZON VIRGINIA, INC.
Crk Cov
VA

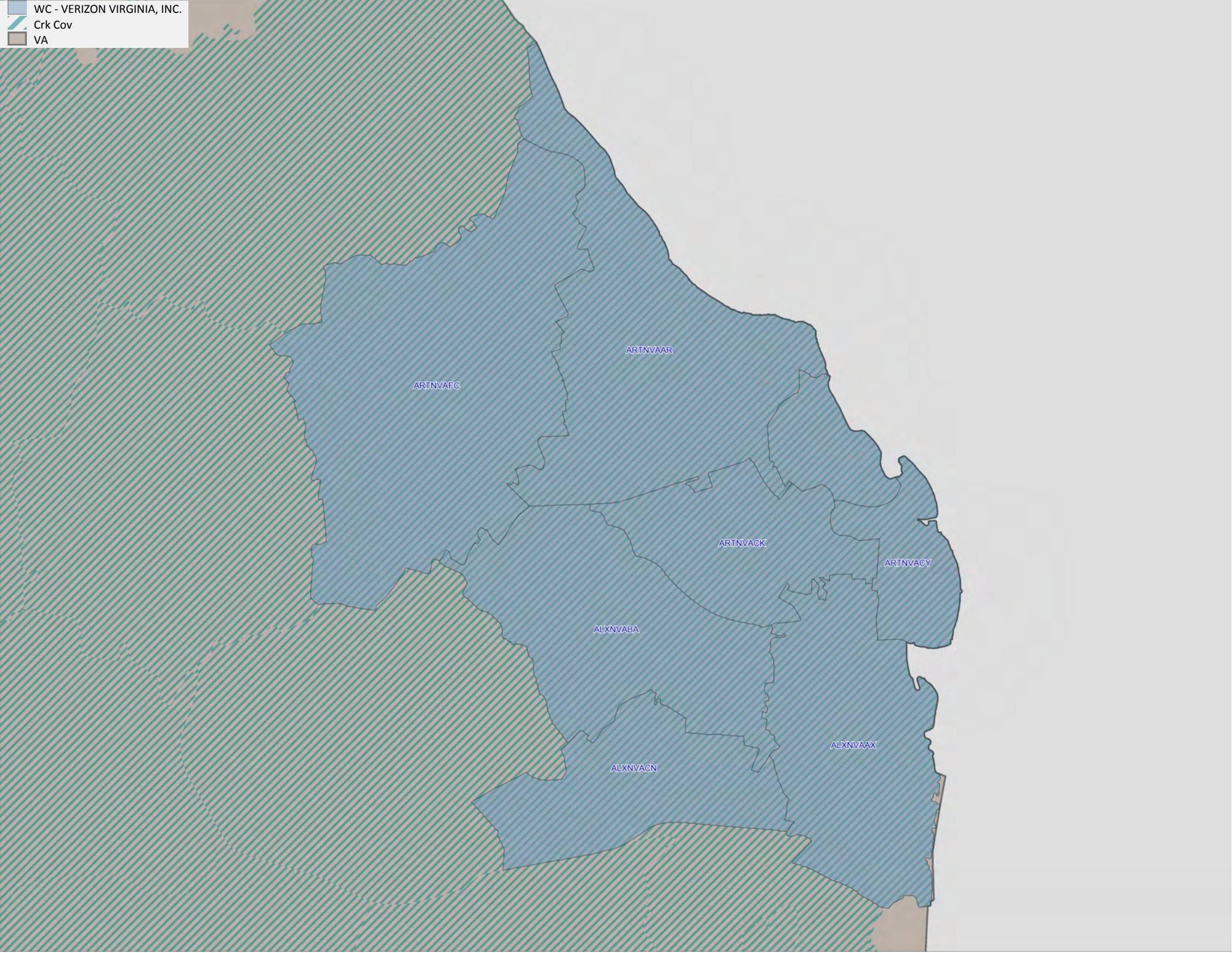


EXHIBIT 5-B

**WIRE CENTERS WITHIN CRICKET COVERAGE
AREA IN VIRGINIA**

CLLI	State	OCN	Incumbent	OCNCat
ALXNVAAD	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ALXNVAAX	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ALXNVABA	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ALXNVABR	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ALXNVACN	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ALXNVAFR	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ALXNVAMV	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ARCLVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
ARTNVAAR	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ARTNVACK	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ARTNVACY	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ARTNVAFC	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
ASBNVAAS	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
BWLGVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
CALVVACA	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
CHNCVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
CHNCVAXB	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
CLBHVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
CNVIVACT	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
DAWNVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
DHLGVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
DLCYVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
DLLSVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
DSWLVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
FLCHVAMF	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
FRBGVAFB	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
FRBGVALH	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
FRFXVABF	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
FRFXVAFF	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
GMTRVAXA	VA	CENTRAL TEL. CO. OF VIRGINIA DBA CENTURYLINK	CENTURYLINK	ILEC
GRFLVAGF	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
GVTNVAGR	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
HRNDVADU	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
HRNDVAHE	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
HRNDVAST	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
HRWDVAHW	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
HYMRVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
INHLVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
KGGRVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
LDYSVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
LRTNVAGU	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
LRTNVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
LSBGVALB	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
MCLNVALV	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
MNSSVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
NKVLVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
OCQNVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
PCVLVAPV	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
PTRYVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
QNTCVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
RSTNVAFM	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
SPFDVASP	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC

SPTSVASP	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
STFRVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
TPHNVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
TRNGVAXA	VA	VERIZON SOUTH INC.-VA (CONTEL)	VERIZON	RBOC
VINNVAVN	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC
WTFRVAWT	VA	VERIZON VIRGINIA, INC.	VERIZON	RBOC

EXHIBIT 5-C

**VIRGINIA AFFIRMATIVE STATEMENT OF NON-
JURISDICTION**

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION DOCUMENT CONTROL
AT RICHMOND, APRIL 9, 2004

IN RE:

APPLICATION OF VIRGINIA CELLULAR LLC

09 APR -9 A 11:46
CASE NO. PUC-2001-00263

For designation as an eligible
telecommunications provider under
47 U.S.C. § 214(e) (2)

ORDER INVITING COMMENTS AND/OR REQUESTS FOR HEARING

On December 21, 2001, Virginia Cellular LLC ("Virginia Cellular") filed an application with the State Corporation Commission ("Commission") for designation as an eligible telecommunications carrier ("ETC"). This was the first application by a Commercial Mobile Radio Service ("CMRS") carrier for ETC designation.¹ Pursuant to the Order Requesting Comments, Objections, or Requests for Hearing, issued by the Commission on January 24, 2002, the Virginia Telecommunications Industry Association and NTELOS Telephone Inc. ("NTELOS") filed their respective comments and requests for hearing on February 20, 2002. Virginia Cellular filed Reply Comments on March 6, 2002. Our Order of April 9, 2002, found that § 214(e)(6) of the Act is applicable to Virginia Cellular's application because this Commission has not asserted jurisdiction over CMRS carriers and that Virginia Cellular should apply to the Federal Communications Commission ("FCC") for ETC designation.

Virginia Cellular filed its Petition for Designation as an Eligible Telecommunications Carrier in the State of Virginia with the FCC on April 26, 2002. On January 22, 2004, the FCC released its order designating Virginia Cellular as an ETC in specific portions of its licensed

¹ Virginia Cellular is a CMRS carrier as defined in 47 U.S.C. § 153(27) and is authorized as the "A-band" cellular carrier for the Virginia Rural Service Area, serving the counties of Rockingham, Augusta, Nelson, and Highland and the cities of Harrisonburg, Staunton, and Waynesboro.

service area in the Commonwealth of Virginia subject to certain conditions ("FCC's January 22, 2004, Order").²

The FCC's January 22, 2004, Order further stated that Virginia Cellular's request to redefine the service areas of Shenandoah Telephone Company ("Shentel") and MGW Telephone Company ("MGW") in Virginia pursuant to § 214(3)(5) of the Telecommunications Act of 1996 ("Act") was granted subject to the agreement of this Commission. On March 2, 2004, the FCC filed its January 22, 2004, Order as a petition in this case.³

Section 214(e)(5) of the Act states:

SERVICE AREA DEFINED. - The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c), establish a different definition of service area for such company.

In this instance, the FCC has determined that the service areas of Shentel and MGW, which are both rural telephone companies under the Act, should be redefined as requested by Virginia Cellular.⁴ The FCC further recognizes that the "Virginia Commission's first-hand knowledge of the rural areas in question uniquely qualifies it to determine the redefinition proposal and examine whether it should be approved."⁵

² CC Docket No. 96-45, *In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia.*

³ See paragraph 45 of the FCC's January 22, 2004, Order. The FCC, in accordance with § 54.207(d) of its rules, requests that the Virginia Commission treat this Order as a petition to redefine a service area under § 54.207(d)(1) of the FCC's rules. A copy of the petition can be obtained from the Commission's website at: <http://www.wvstate.va.us/scc/caseinfo.htm>.

⁴ The FCC denied Virginia Cellular's request to redefine the study area of NTELLOS. See paragraph 50 of the FCC's January 22, 2004, Order.

⁵ The FCC's January 24, 2004, Order at paragraph 2. (citations omitted)

The Commission finds that interested parties should be afforded the opportunity to *comment and/or request a hearing regarding the FCC's petition to redefine the service areas of Shentel and MGW.* We note that the FCC believes that its proposed redefinition of these service areas should not harm either Shentel or MGW.⁶ However, we request any interested party to specifically address in its comments whether our agreeing to the FCC's proposal to redefine the service areas of Shentel and MGW would harm these companies.

NOW UPON CONSIDERATION of all the pleadings of record and the applicable law, the Commission is of the opinion that interested parties should be allowed to comment or request a hearing regarding the FCC's proposed redefinition of Shentel's and MGW's service areas.

Accordingly, IT IS ORDERED THAT:

(1) Any interested party desiring to comment regarding the redefinition of Shentel's and MGW's service areas may do so by directing such comments in writing on or before May 7, 2004, to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Interested parties desiring to submit comments electronically may do so by following the instructions found on the Commission's website: <http://www.state.va.us/scc/caseinfo.htm>.

(2) On or before May 7, 2004, any interested party wishing to request a hearing regarding the redefinition of Shentel's and MGW's service areas shall file an original and fifteen (15) copies of its request for hearing in writing with the Clerk of the Commission at the address set forth above. Written requests for hearing shall refer to Case No. PUC-2001-00263 and shall include: (i) a precise statement of the interest of the filing party; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in the matter.

⁶ See paragraphs 43 and 44 of the FCC's January 22, 2004, Order.

(3) On or before June 1, 2004, interested parties may file with the Clerk of the Commission an original and fifteen (15) copies of any responses to the comments and requests for hearing filed with the Commission. A copy of the response shall be delivered to any person who filed comments or requests for hearing.

(4) This matter is continued generally.

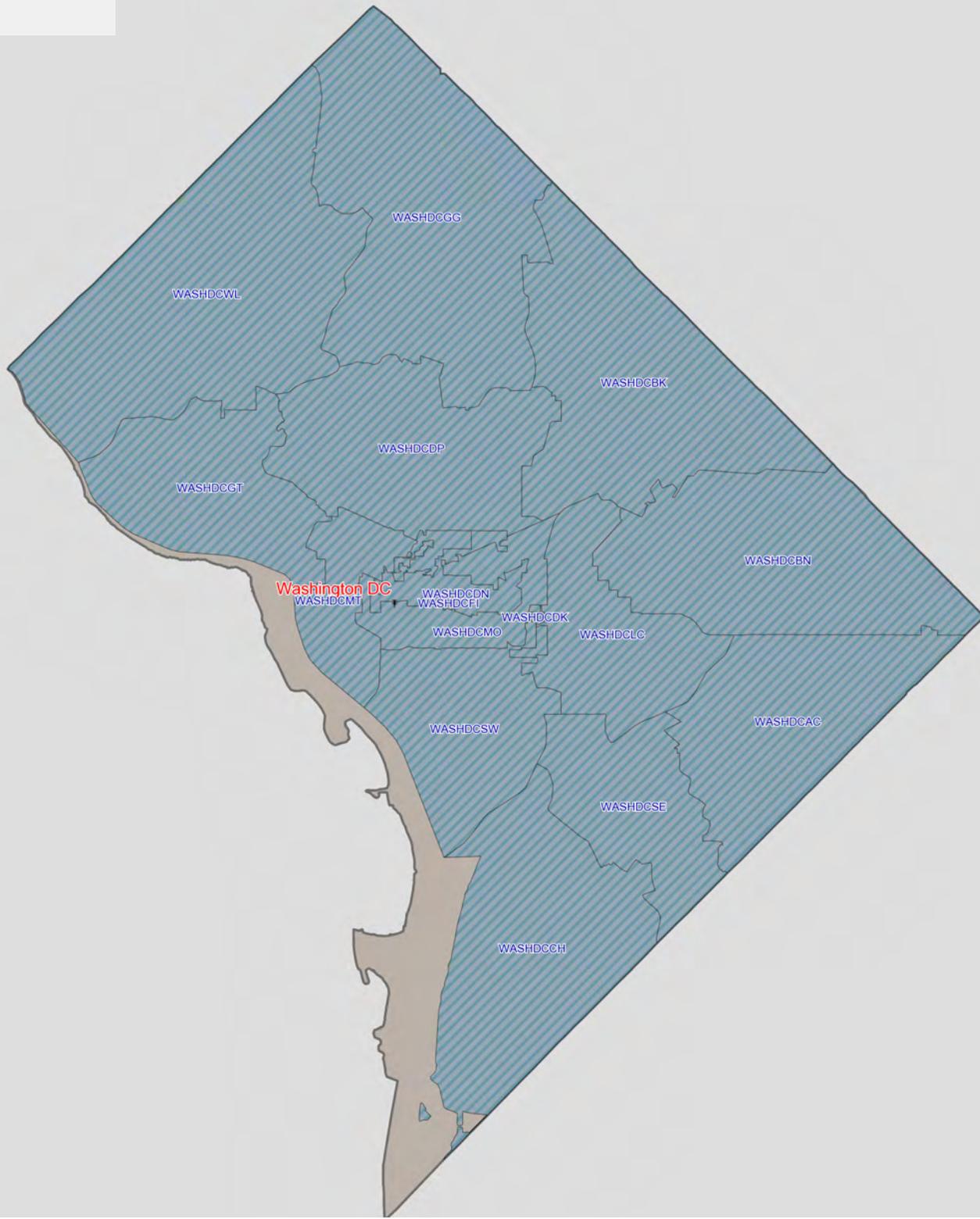
AN ATTESTED COPY hereof shall be sent by the Clerk of the Commission to: each local exchange telephone company licensed to do business in Virginia, as shown on Attachment A hereto; David A. LaFuria, Esquire, Lukas, Nace, Gutierrez & Sachs, Chartered, 1111 19th Street, N.W., Suite 1200, Washington, D.C. 20036; Thomas Buckley, Attorney-Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554; Virginia Telecommunications Industry Association, c/o Richard D. Gary, Esquire, Hunton & Williams LLP, Riverfront Plaza, East Tower, 951 East Byrd Street, Richmond, Virginia 23219-4074; L. Ronald Smith, President and General Manager, Shenandoah Telephone Company, P.O. Box 105, Williamsville, Virginia 24487; Lori Warren, Director of Regulatory Affairs, MGW Telephone Company, P.O. Box 459, Edinburg, Virginia 22824-0459; C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of Attorney General, 900 East Main Street, 2nd Floor, Richmond, Virginia 23219; and the Commission's Office of General Counsel and Divisions of Communications, Public Utility Accounting, and Economics and Finance.

EXHIBIT 6-A

MAP OF CRICKET COVERAGE AREA IN THE DISTRICT OF COLUMBIA

WC - VERIZON WASHINGTON, DC INC.

Crk Cov
DC



WC - VERIZON WASHINGTON, DC INC.

- Crk Cov
- DC

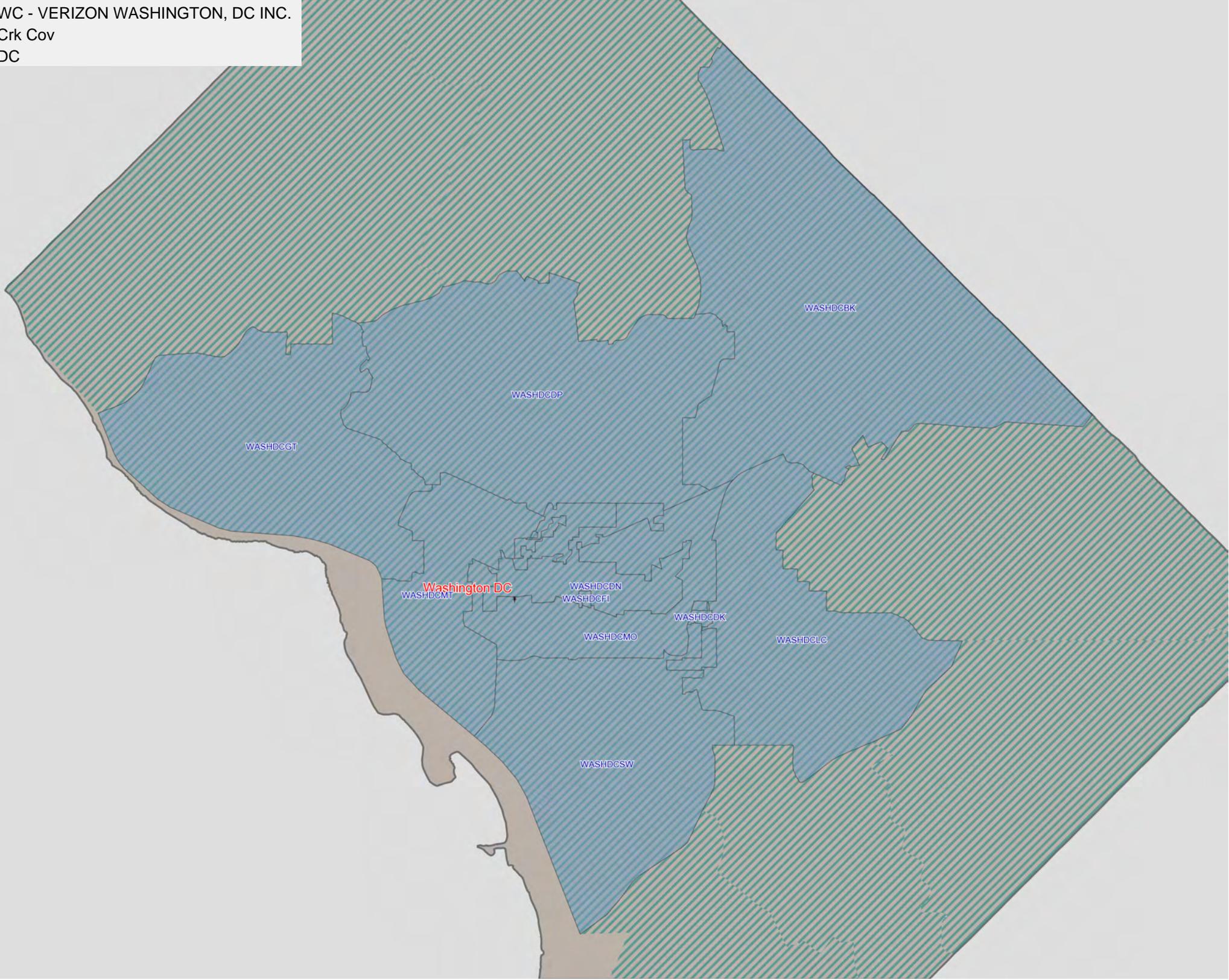


EXHIBIT 6-B

WIRE CENTERS WITHIN CRICKET COVERAGE AREA IN THE DISTRICT OF COLUMBIA

CLLI	State	OCN	Incumbent	OCNCat
WASHDCAC	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCBK	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCBN	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCCH	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCDK	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCDN	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCDP	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCFI	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCGG	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCGT	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCLC	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCMO	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCMT	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCSE	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCSW	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC
WASHDCWL	DC	VERIZON WASHINGTON, DC INC.	VERIZON	RBOC

EXHIBIT 6-C

DISTRICT OF COLUMBIA AFFIRMATIVE STATEMENT OF NON-JURISDICTION



Public Service Commission of the District of Columbia
1333 H Street, N.W., 2nd Floor, West Tower
Washington, D.C. 20005
(202) 626-5100
www.dcpsc.org

December 27, 2007

Via First Class & Certified Mail

Ms. Debra McGuire Mercer
Counsel for TracFone Wireless, Inc.
Greenberg Traurig
2101 L Street, NW, Suite 1000
Washington, DC 20037

Dear Ms. Mercer:

Thank you for your December 6, 2007 letter stating TracFone Wireless's intent to be designated as an eligible telecommunications carrier in the District of Columbia. As you are aware, the Public Service Commission of the District of Columbia ("Commission") does not have jurisdiction over wireless carriers operating in the District of Columbia, pursuant to section 34-2006(b) of the District of Columbia Code. Thus, the Commission has no authority to designate TracFone Wireless as an eligible telecommunications carrier in the District of Columbia.

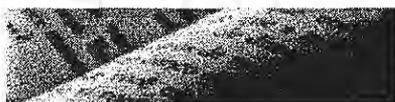
Attached please find a copy of the relevant section of the District of Columbia Code for your information. Should you need anything further, please contact me at 202-626-5140 or rbeverly@psc.dc.gov.

Sincerely,

A handwritten signature in cursive script that reads "Richard A. Beverly".

Richard A. Beverly
General Counsel

Enclosure

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Welcome to the online source for the District of Columbia Official Code

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

DC ST § 34-2006

Formerly cited as DC ST 1981 § 43-1456

District of Columbia Official Code 2001 Edition [Currentness](#)
Division V. Local Business Affairs

Title 34. Public Utilities. (Refs & Annos)

Subtitle V. Telecommunications.

Chapter 20. Telecommunications Competition. (Refs & Annos)

→§ 34-2006. Exemptions.

(a) This chapter shall not apply to cable television services performed pursuant to an existing cable television franchise agreement with the District of Columbia which is in effect on September 9, 1996. To the extent that a cable television company seeks to provide local exchange services within the District of Columbia, such company shall be regulated under the provisions of this chapter for their local exchange services.

(b) Pursuant to the federal Telecommunications Act of 1996, this chapter shall not apply to licensed or unlicensed wireless services authorized by the Federal Communications Commission operating in the District of Columbia.

CREDIT(S)

(Sept. 9, 1996, D.C. Law 11-154, § 7, 43 DCR 3736.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 43-1456.

Legislative History of Laws

For legislative history of D.C. Law 11-154, see Historical and Statutory Notes following § 34-2001.

References in Text

The federal Telecommunications Act of 1996, referred to in (b), is Pub. L. 104-104, which is codified throughout Title 47 of the United States Code.

DC CODE § 34-2006

Current through November 1, 2007

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EXHIBIT 7: SUMMARY OF CRICKET SERVICE PLANS

	Cricket Wireless						
	\$35	\$45	\$55			\$65	
	Basic	Value	Mexico†	Muve Feature	Smart	Global†	Muve Smart
Rate Plan Includes							
Calling							
unlimited nationwide local calling	x	x	x	x	x	x	x
unlimited nationwide US long distance*	x	x	x	x	x	x	x
caller ID	x	x	x	x	x	x	x
Voicemail	x	x	x	x	x	x	x
call waiting & 3-way calling	\$5	x	x	x	x	x	x
call forwarding	N/A	x	x	x	x	x	x
Messaging							
unlimited US text	x	x	x	x	x	x	x
unlimited US picture	-	x	x	x	x	x	x
unlimited US video	-	x	x	x	x	x	x
unlimited int'l text	-	x	x	x	x	x	x
unlimited int'l picture†	-	x	x	x	x	x	x
unlimited int'l video†	-	x	x	x	x	x	x
unlimited global messaging (includes all the above)	\$5	x	x	x	x	x	x
More Features							
mobile web	\$5	x	x	x	x	x	x
data backup & 411	\$5	x	x	x	x	x	x
Muve Music	N/A	N/A	N/A	x	N/A	N/A	x
Mexico landline (included minutes)	-	-	500	-	-	-	-
Mexico mobile (included minutes)	-	-	30	-	-	-	-
Mexico local number†	\$5	\$5	x	\$5	\$5	\$5	\$5
int'l landline (included minutes)	-	-	-	-	-	500	-
int'l mobile (included minutes)	-	-	-	-	-	30	-
global local number†	\$5	\$5	\$5	\$5	\$5	x	\$5
unlimited international long distance	\$10	\$10	\$10	\$10	\$10	\$10	\$10
roaming (30 minutes)	\$5	\$5	\$5	\$5	\$5	\$5	\$5
Cricket navigator	\$5	\$5	\$5	N/A	N/A	\$5	N/A
handset protection	\$5	\$5	\$5	\$5	\$5	\$5	\$5

* Unlimited US long distance includes calling to all 50 states, Puerto Rico, and Canada

† Launches October 30, 2011