



October 24, 2012

**Via Electronic Submission**

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> St., SW, Room TW-A325  
Washington, DC 20554

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

Dear Ms. Dortch:

On October 22, 2012, Charles McKee, Norina Moy, and I, all of Sprint Nextel Corp., met via telephone with Alex Minard and Divya Shenoy of the Wireline Competition Bureau regarding Virgin Mobile USA's January 13, 2012 Petition for Forbearance submitted in the proceeding identified above. In its Petition, Virgin Mobile requested forbearance from the application of rural study area redefinition requirements when Virgin Mobile is operating as a Lifeline-only ETC.

In this conversation, Virgin Mobile agreed to provide information on jurisdictions in which the state regulatory body designated Virgin Mobile as a Lifeline-only ETC in RLEC study areas without redefinition of the study area (see attached Exhibit 1). It is our understanding that the FCC already has this information for the states in which ETC designation was granted by the FCC.

Virgin Mobile noted that it was requesting relief similar to that requested<sup>1</sup> and granted<sup>2</sup> to Cricket Communications, Inc. ("Cricket"). In its Petition, Cricket sought forbearance that was both retroactive and prospective in both FCC- and state commission-granted Lifeline ETC areas as follows:

... those areas in New York, North Carolina, Tennessee, Virginia, and the District of Columbia in which Cricket has sought such ETC designation from the Commission and (ii) **those areas in other states in which Cricket has sought, or will seek, designation as an ETC from the relevant state commission** pursuant to Section 214(e)(2) of the Act.<sup>3</sup> (Emphasis added.)

The Commission stated in its Order:

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<sup>1</sup> See Petition for Forbearance of Cricket Communications, Inc. ("Cricket Petition"), WC Docket No. 09-197, filed June 21, 2010.

<sup>2</sup> See In the Matter of Telecommunications Carriers Eligible for Universal Service Support; NTCH, Inc. Petition for Forbearance from 47 U.S.C. § 214(e)(5) and 47 C.F.R. § 54.207(b); Cricket Communications, Inc., Petition for Forbearance ("Cricket Order"), 26 FCC Rcd 13723 (2011).

<sup>3</sup> Cricket Petition at 1-2.

We conclude that conditionally forbearing from the conformance requirement of section 214(e)(5) of the Act and section 54.207(b) of the Commission's rules is appropriate and in the public interest under these limited circumstances. As such, and for the limited purpose of participation in the Lifeline program only, we conditionally forbear from applying the second sentence of section 214(e)(5) of the Act as well as section 54.207(b) of our rules insofar as those sections would require that NTCH or Cricket's service area conform to the service area of any rural telephone company serving the same area. We note that by forbearing from the conformance requirements for NTCH and Cricket to be eligible for ETC designation for Lifeline-only support as stated herein, section 54.207(c) of the Commission's rules is inapplicable because redefinition is not necessary. As a result, if a commission designates either NTCH or Cricket as a facilities-based, limited, Lifeline-only ETC in part of a rural service area, that designation will not require redefinition of the rural telephone company's service area.<sup>4</sup>

Pursuant to Section 1.1206 of the Commission's Rules, a copy of this letter is being filed electronically in the above-referenced docket. If you have any questions, please feel free to contact me at (913) 315-9176.

Sincerely,

*/s/ W. Richard Morris*

W. Richard Morris

Cc: Alex Minard, FCC (via e-mail)  
Divya Shenoy, FCC (via e-mail)

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<sup>4</sup> Cricket Order at para. 9, footnote omitted.

EXHIBIT 1  
Virgin Mobile ETC Designations and RLEC Coverage

<b>FCC AUTHORIZED ETC DESIGNATIONS</b>	Docket Number	
Alabama	WC Docket 09-197, 12/29/2010	
Connecticut	WC Docket 09-197, 12/29/2010	
Delaware	WC Docket 09-197, 12/29/2010	
District of Columbia	WC Docket 09-197, 12/29/2010	
New Hampshire	WC Docket 09-197, 12/29/2010	
New York	WC 96-45, 03/04/2009	
North Carolina	WC 96-45, 03/04/2009	
Tennessee	WC 96-45, 03/04/2009	
Virginia	WC 96-45, 03/04/2009	
<b>STATE ETC DESIGNATIONS</b>	Docket Number	RLEC Coverage in ETC Designation
Arkansas	Docket 10-034-U, 02/03/2011	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
California	Resolution No. T-17284, 05/05/2011	No.
Colorado	Docket No. 11A-657T, 03/06/2012	RLEC area ETC status granted in requested areas contingent upon approval of Virgin Mobile Study Area Forbearance Petition at FCC
Florida	Docket 090245, 05/19/2010 and 07/12/2010	No.
Georgia	Docket 31297, 03/18/2011	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Idaho	Case UMU-T-11-01, 09/19/2012	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Indiana	Cause 41052 ETC 55, 11/10/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Iowa	Docket IAC-2010-3902, 01/13/2011	Yes. ETC approval covers RLEC wirecenters requested

		by Virgin Mobile.
Kansas	Docket 10-VMBZ-657-ETC, 11/02/2011	Yes, but RLEC study areas with partial Virgin Mobile coverage were redefined.
Kentucky	Case 2010-00524, 06/10/2011	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Louisiana	Docket S31282, 07/10/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Maine	Docket 2011-10, 08/10/2011	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Maryland	Dockets 121433, 123558, 123591 and TE-10097, 07/09/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Massachusetts	Docket D.T.C. 10-11, 09/09/2011	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Michigan	Case U 15966, 02/18/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Mississippi	Docket 2010-UA-118, 10/25/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
New Jersey	Docket T010020093, 08/04/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
New Mexico	Case 11-00158-UT, 10/12/2012	RLEC area ETC status granted in requested areas contingent upon approval of Virgin Mobile Study Area Forbearance Petition at FCC
Ohio	Case 10-429-TP-UNC, 05/19/2011	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Oregon	Docket UM 1522, 01/23/2012	No.
Pennsylvania	Docket P-2010-2155915, 12/22/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Rhode Island	Docket 4250, 08/31/2011	No.
South Carolina	Docket 2010-91-C, 01/26/2011	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Texas	Docket 38056, 05/18/2010	No.

Utah	Docket 10-2521-01, 05/25/2011	No
Washington	Docket 100203, 11/10/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
West Virginia	Case 10-0246-C-PC, 09/21/2010	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.
Wisconsin	Docket 9592-TI-100, 03/02/2012	Yes. ETC approval covers RLEC wirecenters requested by Virgin Mobile.