

BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION

IN THE MATTER OF THE APPLICATION)
OF BUDGET PREPAY, INC. DBA BUDGET) **CASE NO. BPP-T-12-01**
MOBILE FOR DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS) **NOTICE OF APPLICATION**
CARRIER PURSUANT 47 U.S.C. § 214(e)(2).)
) **NOTICE OF**
) **MODIFIED PROCEDURE**
) **ORDER NO. 32700**

On July 19, 2012, Budget PrePay dba Budget Mobile filed an Application requesting designation as an “eligible telecommunications carrier” (ETC) throughout the State of Idaho “for the limited purposes of receiving support from the federal Universal Service Fund (USF).” Application at 2. Budget intends to provide wireless telecommunications services to eligible low-income customers participating in the Idaho “Lifeline” program. The Lifeline program is intended to provide telecommunications service to eligible low-income customers by using USF revenues to make such services more affordable. Idaho participates in the residential Lifeline program pursuant to *Idaho Code* § 56-901. See Order No. 21713.

THE APPLICATION

Budget PrePay is a Louisiana corporation authorized to conduct business within Idaho. Budget is a commercial mobile radio services (CMRS) carrier licensed by the Federal Communications Commission (FCC). Budget is a competitive local exchange carrier (CLEC) that provides basic local exchange services and long-distance services in 42 states. Application at 2. Budget asserts that it meets all of the requirements of Section 214(e)(1) of the federal Telecommunications Act to be designated as an ETC. 47 U.S.C. § 214(3). More specifically, Budget asserts it is able to provide the support services required for ETC designation, including access to the public switch telephone network, local calling services, access to emergency services, as well as access to operator services and directory assistance.¹

¹ In December 2011, the FCC amended the list of required services for ETC designation by removing dual tone signaling, single-party service, and access to operator services, interexchange services, and directory assistance. *In the Matter of Lifeline and Link Up Reform and Modernization, Report and Order and Further Notice of Proposed Rulemaking*, 27 F.C.C. Rcd. 6656 at ¶ 365 (Feb. 6, 2012).

Budget intends to initially offer qualifying Lifeline customers a choice of two prepaid calling plans. The first plan is a “talk & text” wireless plan that provides 4,000 minutes of combined local/toll voice services and texting for \$25. Each text will count as one voice minute. The second plan is offered at no cost to the customer but limited to 250 minutes of local/toll usage. Under the second plan customers may purchase additional minutes of usage. Application at 16-17. Budget also proposes to offer its eligible Lifeline customers toll blocking and toll control services. While these toll limitation services do not need to be offered for Lifeline services, these services allow Budget’s customers to protect against unexpectedly larger bills.²

If approved for ETC designation, Budget intends to offer services using its own facilities, or in combination with its own facilities and the resale of another carrier’s facilities.³ *Id.* at 4-5. In addition, it intends to advertise the availability of its services and related charges using media of general distribution. *Id.* at 5. “Budget will use a variety of media resources, including point of sale material of various kinds, onsite merchandising, banners, customer direct mail, customer brochures, television, and print media.” *Id.* at 7.

Budget’s proposed ETC service area for Idaho is comprised of wire centers for both non-rural and rural incumbent local exchange carriers (ILECs). More specifically, Budget proposes to provide ETC services in the CenturyLink and Frontier service areas, as well as in the wire centers of several rural ILECs. Application, Exh. 2.

Budget asserts that its ETC designation will be in the public interest. In particular, Budget believes that providing “discounted wireless service in both rural and urban areas is consistent with the public interest.” *Id.* at 20. Budget’s two Lifeline plans will be provided to eligible telecommunications customers “without the requisite credit check, deposit, service activation fees, minimum service periods and contract requirements of the more traditional wireless service providers.” *Id.* at 21. Budget also commits to complying with any applicable Lifeline eligibility requirements developed by the FCC, this Commission, or the Idaho Legislature. *Id.* at 24-25. Consequently, Budget requests that the Commission designate it as a wireless ETC throughout Idaho for the purpose of receiving federal USF support for Lifeline services. Budget also requests that the Commission “either find inapplicable or waive [reporting]

² See n.1 at ¶ 367.

³ Budget’s underlying wireless providers are Sprint and Verizon Wireless. Application at 13.

requirements related solely to high-cost funding, including initial and annual provision of a network improvement plan, provision of related progress reports, and [usage] certification . . . of high-cost funds.” *Id.* at 25-26.

NOTICE OF MODIFIED PROCEDURE

YOU ARE FURTHER NOTIFIED that the Commission has determined that the public interest may not require a formal hearing in this matter and will proceed under Modified Procedure pursuant to Rules 201 through 204 of the Idaho Public Utilities Commission’s Rules of Procedure, IDAPA 31.01.01.201 through .204. The Commission notes that Modified Procedure and written comments have proven to be an effective means for obtaining public input and participation.

YOU ARE FURTHER NOTIFIED that any person desiring to state a position on this Application may file a written comment in support or opposition with the Commission within twenty-one (21) days from the service date of this Notice. The comment must contain a statement of reasons supporting the comment. Persons desiring a hearing must specifically request a hearing in their written comments. Written comments concerning this Application shall be mailed to the Commission and the Applicant at the addresses reflected below:

Commission Secretary
Idaho Public Utilities Commission
PO Box 83720
Boise, ID 83720-0074

Street Address for Express Mail:

472 W. Washington Street
Boise, ID 83702-5918

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All comments should contain the case caption and case number shown on the first page of this document. Persons desiring to submit comments via e-mail may do so by accessing the Commission's home page located at www.puc.idaho.gov. Click the "Comments and Questions" icon and complete the comment form using the case number as it appears on the front of this document. These comments must also be sent to the Applicant at the e-mail addresses listed above.

YOU ARE FURTHER NOTIFIED that if no written comments or protests are received within the time limit set, the Commission will consider this matter on its merits and enter its Order without a formal hearing. If written comments are received within the time limit set, the Commission will consider them and, in its discretion, may set the same for formal hearing.

YOU ARE FURTHER NOTIFIED that the Application and supporting workpapers, testimonies and exhibits have been filed with the Commission and are available for public inspection during regular business hours at the Commission offices. The Application and testimonies are also available on the Commission's web site at www.puc.idaho.gov by clicking on "File Room" and then "Telephone Cases."

YOU ARE FURTHER NOTIFIED that all proceedings in this case will be held pursuant to the Commission's jurisdiction under Title 62 of the Idaho Code and specifically *Idaho Code* § 62-610D. The Commission may enter any final Order consistent with its authority under Title 62.

YOU ARE FURTHER NOTIFIED that all proceedings in this matter will be conducted pursuant to the Commission's Rules of Procedure, IDAPA 31.01.01.000 *et seq.*

ORDER

IT IS HEREBY ORDERED that this case be processed under Modified Procedure. Interested persons wishing to file comments must do so within 21 days from the service date of this Order.

DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 20th
day of December 2012.



PAUL KJELLANDER, RESIDENT




MACK A. REDFORD, COMMISSIONER



MARSHA H. SMITH, COMMISSIONER

ATTEST:



Jean D. Jewell
Commission Secretary

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