Before the Public UTILITIES Commission OF OHIO

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| IN THE MATTER OF THE APPLICATION OF BUDGET PREPAY, INC. FOR DESIGNATION AS A LOW-INCOME ELIGIBLE TELECOMMUNICATIONS CARRIER | )  )  )  )  )  )  ) | Docket No. 12-1933-TP-UNC |
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Application of Budget PrePay, Inc. For designation as a LOW-INCOME eligible telecommunications carrier

AND COMMISSION REQUIRED EXHIBITS

1. **INTRODUCTION**

Budget PrePay, Inc. (“Budget PrePay” or the “Company”), by undersigned counsel, respectfully submits this Petition for Limited Designation as an Eligible Telecommunications Carrier (“ETC”) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”),[[1]](#footnote-1) Sections 54.101 *et seq.* of the Rules of the Federal Communications Commission (“FCC”), as modified by the FCC Report and Order and Further Notice of Proposed Rulemaking released on February 6, 2012, in CC Docket No. 96-45 (“*FCC Lifeline Reform Order*”)[[2]](#footnote-2), and Ohio Admin. Code § 4901:1-6-19 as modified by the Public Utilities Commission of Ohio’s (“PUCO’s” or “Commission’s”) Finding and Order issued on May 23, 2012, in Case No. 10-2377-TP-COI (the “*Ohio Lifeline Reform Order*”).[[3]](#footnote-3) Budget PrePay seeks designation as a low-income ETC solely for the purpose of receiving support from the federal Universal Service Fund (“USF”) to provide Lifeline subsidized wireless service to qualifying Ohio residents throughout Ohio (though Budget PrePay is not planning to offer service in rural ILEC areas) subject to the existence and corresponding coverage of Budget PrePay’s underlying wireless carrier, Verizon Wireless.[[4]](#footnote-4)

Sections 214(e)(2) and 254 of the Act expressly authorize the Commission to designate Budget PrePay as an ETC. Further, the FCC recently determined that it would grant blanket forbearance from Section 214(e)(1)(A)’s “own facilities” requirement to Lifeline-only applications that comply with the conditions set forth in the *FCC Lifeline Reform Order*.[[5]](#footnote-5) Specifically, carriers seeking forbearance must submit and obtain FCC approval of a comprehensive Compliance Plan.[[6]](#footnote-6) A copy of Budget PrePay’s FCC-approved Compliance Plan is attached hereto as Attachment 1. The FCC approved Budget PrePay’s Compliance Plan and granted Budget PrePay forbearance from the “own facilities” requirement on May 25, 2012.[[7]](#footnote-7) Budget PrePay will comply with all aspects of its FCC Compliance Plan in providing Lifeline service in Ohio.

Budget PrePay meets each of the statutory and regulatory prerequisites for designation as an ETC. In addition, consumers qualifying for the Lifeline discounts offered by Budget PrePay will receive the benefits of mobility, as well as the high-quality and high-value services offered by Budget PrePay at a substantially discounted price. As a result, designating Budget PrePay as an ETC will serve the public interest generally and the needs of low-income customers in Ohio in particular. Accordingly, Budget PrePay respectfully requests that the Commission grant this Petition expeditiously so that qualified Ohio residents can benefit from the high-quality and high-value services that the Company plans to offer.

1. **BACKGROUND**

Budget PrePay is a Louisiana corporation[[8]](#footnote-8) and is authorized to conduct business in the State of Ohio.[[9]](#footnote-9) Budget PrePay is a Competitive Local Exchange Carrier (“CLEC”) providing local exchange and long distance services in wire centers served by Ohio’s non-rural ILECs.[[10]](#footnote-10) Budget PrePay is certified to provide CMRS in Ohio pursuant to the Certificate of Public Convenience and Necessity No. 90-5584 issued in PUCO Case No. 11-5013-TP-RCC. Currently, Budget PrePay does not have any Ohio wireless customers. Budget PrePay does, however, provide wireless recharge pin cards for other wireless carriers in Ohio.

Budget PrePay has already been designated an ETC to provide Lifeline supported wireless service in Arkansas, Kentucky, Louisiana, Maryland, Pennsylvania, Rhode Island, Wisconsin and Nevada, and is currently offering, or will begin offering, Lifeline service in each of these states.[[11]](#footnote-11) Budget PrePay now seeks authority to provide Lifeline supported wireless service to low-income customers in Ohio. Budget PrePay will provide its wireless Lifeline service in Ohio under the d/b/a, Budget Mobile.

1. **LEGAL REQUIREMENTS TO BE DESIGNATED AN ETC**

Title 47 U.S.C. § 254(e), provides that “only an eligible telecommunications carrier designated under section 214(e) of this title shall be eligible to receive specific Federal universal service support.” Section 214(e)(1) and (2) of the Act require state commissions to designate as an ETC, throughout the service for which ETC status is sought, any common carrier that (i) offers services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier’s facilities, and (ii) advertises the availability of such services and the charges using media of general distribution.

II. BUDGET PREPAY SATISFIES THE STATUTORY AND REGULATORY PREREQUISITES FOR DESIGNATION AS A LIFELINE-ONLY ETC IN OHIO

Budget PrePay satisfies each of the statutory and regulatory prerequisites set forth in the

Act and the FCC and this Commission’s rules, as respectively modified by the *FCC* *Lifeline Reform Order* and the *Ohio Lifeline Reform Order*:

1. **Budget PrePay Is a Common Carrier**

Section 3(10) of the Act, 47 U.S.C. § 153(10), defines a common carrier as “any person engaged as a common carrier for hire, in interstate or foreign communications by wire or radio . . . .” Budget PrePay meets the definition of a person offering interstate communications by radio, and is a common carrier for hire.

In addition to Budget PrePay’s authority to provide wireline and wireless service in Ohio, Budget PrePay holds a domestic and international Section 214 authorization from the FCC to provide domestic interstate and international telecommunications services throughout the United States, including Ohio.[[12]](#footnote-12)

1. **Service Area**

Section 214(e)(5) of the Act provides that the “service area” shall be a “geographic area established by the State commission.” Consistent with this Commission’s Finding and Order in *In the Matter of the Application of Nexus Communications dba Reachout Wireless for Designation as an Eligible Telecommunications Carrier in the State of Ohio*,[[13]](#footnote-13) Budget PrePay seeks authority to provide USF supported wireless service to qualifying Ohio residents throughout Ohio (though Budget PrePay is not planning to offer service in rural ILEC areas), subject to the existence and corresponding coverage of Budget PrePay’s selected underlying wireless carrier for Ohio, Verizon Wireless.[[14]](#footnote-14)

1. **Budget PrePay Will Provide the Supported Services Through Resale pursuant to Budget PrePay’s FCC Forbearance Order From the "Own Facilities" Requirement**

Budget PrePay purchases certain supported services on a wholesale basis from Verizon Wireless, which is a national service provider. As noted above, the FCC has granted Budget PrePay forbearance from Section 214(e)(1)(A)’s “own facilities” requirement and correspondingly has approved Budget PrePay’s Compliance Plan.[[15]](#footnote-15) A copy of Budget PrePay’s FCC-approved Compliance Plan is attached hereto as Attachment 1. Budget PrePay will comply with all aspects of its Compliance Plan in providing Lifeline service in Ohio.

## Budget PrePay Will Offer the Services and Functionalities Supported by the Federal Low-Income Universal Service Program [47 C.F.R. §§ 54.101(a) and 54.201(d)(1)]

Title 47 C.F.R. § 54.201(d)(1) requires that an ETC offer the services identified in 47 C.F.R. § 54.101(a). In the *FCC* *Lifeline Reform Order*, the FCC revised 47 C.F.R. § 54.101(a) to provide as follows:

1. Services designated for support. Voice telephony services shall be supported by federal universal service support mechanisms. Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911 systems . . . ; and toll limitation services to qualifying low-income consumers as described in subpart E of this part.

Budget PrePay provides each of the services supported by federal universal service support mechanisms, as set forth in Sections 54.101 *et seq.* of the FCC's new rules, and will offer these supported services throughout the State of Ohio upon designation as an ETC, as follows:

1. **Voice Grade Access [47 C.F.R. § 54.101(a)].**Eligible voice telephony services must provide voice grade access to the public switched network or its functional equivalent. “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. Budget PrePay will provide its customers with “voice grade access” by enabling such customers to make and receive calls on the public switched telephone network.
2. **Local Service Minutes at No Additional Charge [47 C.F.R. § 54.101(a)].**Budget PrePay will provide its Lifeline customers with minutes of use for local service at no additional charge. Each of the Lifeline plans to be offered by Budget PrePay (as set forth in Exhibit A) will provide local usage at no additional charge to customers.
3. **Access to Emergency Services [47 C.F.R. § 54.101(a)(5)].** Budget PrePay will provide access to emergency services in conformance with the FCC’s requirements. All of the phones that Budget PrePay will distribute to subscribers will be capable of delivering automatic numbering information (“ANI”) and automatic location information (“ALI”), and otherwise satisfy applicable enhanced-911 requirements.
4. **Toll Limitation [47 C.F.R. § 54.101(a)(9)].** Budget PrePay will provide toll limitation services to qualifying low-income customers, in accordance with applicable FCC and Ohio requirements. “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. Budget PrePay will offer toll limitation service to qualifying low-income customers, as requested.

## Budget PrePay Will Advertise the Availability of and Charges for Its Universal Service Qualifying Offerings [47 C.F.R. § 54.201(d)(2)]

Budget PrePay commits to offer and advertise the availability of the supported services detailed above, consistent with both Ohio established and FCC floor eligibility criteria. Advertising will include descriptions of the supported services and the corresponding rates and charges, and will be designed to inform not only the general public, but will also target the low-income population throughout Budget PrePay’s service area in Ohio. This advertising will occur through a combination of media channels, such as television and radio, newspaper, magazine and other print advertisements, outdoor advertising, direct marketing, and the Internet. (Please see Exhibit G, *infra*, for Budget PrePay’s proposed Ohio advertising materials.)

## Budget PrePay Is Able to Remain Functional in Emergencies

As described above, Budget PrePay does not own or operate any cell site or microwave hubs, since it will provide service in Ohio by reselling services of another wireless network carrier. Those network operators have implemented state-of-the-art network reliability standards and Budget PrePay and its customers in Ohio will benefit from their high standards. Budget PrePay will have the ability to provide for the rerouting of traffic around damaged facilities, and management of traffic spikes resulting from emergency situations through its wireless service provider and its own facilities. Budget PrePay’s underlying wholesale carrier has met all applicable E911 deployment and compliance requirements.

## Budget PrePay Has Committed to Meet Applicable Service Quality and Consumer Protection Standards [47 C.F.R. § 54.202(a)(3)]

Budget PrePay will comply with all applicable state and federal consumer protection and service quality standards. Further, Budget PrePay will abide by CTIA’s Consumer Code for Wireless Service (“CTIA Code”). Budget PrePay is committed to compliance with the CTIA Code in those areas where it is seeking designation as an ETC. Budget PrePay will also use its best efforts to resolve any complaints received by the Commission and designates the following contact person to work with Commission staff to resolve any complaints or other compliance matters:

Robin Enkey

Budget PrePay, Inc.

1325 Barksdale Blvd.

Bossier City, Louisiana 71111

[robine@budgetprepay.com](mailto:robine@budgetprepay.com)

1. **Financial and Technical Qualifications [47 C.F.R. § 54.201(h)]**

As part of the *FCC Lifeline Reform Order*, the FCC amended its rules to require a carrier seeking designation as a Lifeline-only ETC to demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with all of the low-income program rules.[[16]](#footnote-16) Budget PrePay satisfies these criteria.

Budget PrePay, based in Bossier City, Louisiana, has been in business since 1996.[[17]](#footnote-17) Budget PrePay currently derives the majority of its revenue from selling low-cost prepaid telephone services on a nationwide basis to over tens of thousands of customers and employs approximately 340 people.

Budget PrePay owns and operates its own switching facilities in Dallas, Texas and Shreveport, Louisiana. In addition, Budget PrePay has invested millions of dollars in software development, including its own customized, user friendly point-of-sale software.

Budget PrePay has not been subject to any enforcement action at the FCC or in any state. No ETC designations held by Budget PrePay have been rescinded, revoked or terminated by the FCC or by any state.

1. **OHIO ADMIN. CODE § 4901:1-6-19 ETC REQUIREMENTS, AS MODIFIED BY THE *OHIO LIFELINE REFORM ORDER***

Budget PrePay will comply will all of Ohio Admin. Code § 4901:1-6-19’s ETC requirements, as modified by the *Ohio Lifeline Reform Order*:

* + 1. **Free Customer Service Communication[[18]](#footnote-18)**

Budget PrePay will provide a local or toll free customer service number whereby customers may contact it – free of charge – regarding customer service matters. Any minutes used by the customer for calls to the Company’s customer care will be credited back to the customer’s account.

* + 1. **County Specific 911 Fees[[19]](#footnote-19)**

To the extent that any Ohio county has implemented a 911 surcharge pursuant to R.C. §§ 4931.52–.53, Budget PrePay will bill and collect from their customers any county-specific 911 charges imposed and shall remit on a quarterly basis such charges to the county in which the area served by the 911 system is located.

* + 1. **State 911 Surcharge[[20]](#footnote-20)**

Budget PrePay will contribute $0.28 to Ohio’s 911 fund for each Lifeline wireless telephone number of a subscriber who has an address in Ohio. Budget PrePay will comply with this requirement by dividing the total monthly USAC reimbursement within Ohio during the month by fifty, multiplying the quotient by twenty-eight cents, and remitting this amount.

* + 1. **CETC Administrative Assessment**[[21]](#footnote-21)

Budget PrePay will pay the assessment the Commission requires pursuant to R.C. § 4905.10 to offset the Commission’s administrative costs associated with the designation and oversight of CETCs in Ohio.

* + 1. **Telecommunications Relay Service (“TRS”) Fund Charge**

Budget PrePay will pay the TRS fund charge as required by R.C. § 4905.84(C).[[22]](#footnote-22) To permit assessment of the TRS fund charge, for all customer classes, Budget will capture the number of active accounts in its database as of December 31 and include that number in its report as required by the PUCO.

1. **COMMISSION REQUIRED EXHIBITS**
   1. **EXHIBIT A: Proposed Service Offerings, Rates, and Charges, and Lifeline Eligibility Requirements**
      1. **Proposed Service Offerings, Rates, and Charges**

Budget PrePay will initially offer two wireless prepaid USF supported plans throughout its designated service area in Ohio: the Active User Talk and Text Plan and the 250 Minute Talk Plan. All of Budget PrePay’s Lifeline plans will include a free handset and the following custom calling features: Caller ID, Call Waiting, and Voicemail.

Budget PrePay does not impose credit checks or long-term service contracts on its prepaid customers. Customers are not bound by a local calling area requirement; all Budget PrePay plans come with domestic long distance at no extra per minute charge. There are no roaming charges. Customers can purchase extra minutes at retail outlets, in Budget PrePay’s service area, and online. Additional minutes will be loaded electronically. Calls to 911 emergency services are always free, regardless of service activation or availability of minutes.

Budget PrePay believes that its proposed service plans for Lifeline customers in Ohio will be received well by Ohio residents and generate significant interest.

**Active User Talk and Text Plan**: This prepaid service provides for a combined 4000 local/long distance voice minutes and text messages. Each text message counts as one minute of voice service.

Rates & Optional Services

Active User Talk and Text Plan $34.25

Lifeline Credit ($9.25)

Final Lifeline Price $25.00 (per month)

* A 200MB Data Plan with unlimited picture messaging may be added to this plan for $15.00 per month.
* Customers can also add international long distance at $5.00 intervals.
* Customers may purchase the 200MB Data Plan and international long distance at any Budget Mobile location, any participating third party agent, or by calling customer service.

**250 Minute Talk**: This prepaid service provides 250 minutes of free local and domestic long distance calling per month. Customers can add additional airtime in denominations and at the rates indicated below.

Rates & Optional Services

250 Minute Plan $9.25

Lifeline Credit ($9.25)

Final Lifeline Price FREE

* Additional Minutes $5.00 – 50 minutes

$10.00 – 100 minutes

$15.00 – 150 minutes

* 1000 texts may be added for $10.00 per month.
* A 200MB Data Plan with unlimited picture messaging may be added for $15.00 per month.
* The 250 Minute Talk Plan is automatically replenished each month without customer assistance or interaction.
* Customers may purchase the additional services and minute plans at any Budget Mobile location, any participating third party agent, by visting the budgetmobile.com website, or by calling customer service.

**Under both plans**:

* Customers may purchase upgraded handsets, which provide additional features such as digital camera capability, starting at $9.95 to $34.95.
* Customers are not assessed “roaming charges.”
* Minutes will be deducted for calls to 411 services and voicemail, as well as for calls to other Budget PrePay wireless customers.
* Service payments may be made at participating Budget PrePay agent retail outlets frequented by low income customers through the designated service area or by calling customer service.
* Budget PrePay will: (1) provide its Lifeline customers with 911 and E911 access regardless of activation status or availability of prepaid minutes; (2) provide E911-compliant handsets to all of its Lifeline customers; and (3) replace, at no charge to a customer, any non-compliant handset of an existing customer that obtains Lifeline-supported services with an E911-compliant handset.
* **No Activation Fee**:

Pursuant to Ohio Admin. Code § 4901:1-6(B)(2),Budget PrePay will not charge any Lifeline-qualified customer an activation fee.

* + 1. **Lifeline eligibility requirements:**

Budget PrePay will offer its Lifeline service offerings to residential customers who demonstrate their household income is at or below 150% of federal poverty level guidelines through the forms of proof Ohio Admin. Code § 4901:1-6-19(H)(2) deems acceptable. Budget PrePay will also offer its Lifeline service offerings to residential customers who are currently participating in one or more of the following assistance programs:

* + - 1. Home energy assistance program (LIHEAP, HEAP, and E-HEAP);
      2. Supplemental nutritional assistance program (SNAP/food stamps);
      3. Supplemental security income—blind and disabled (SSDI);
      4. Supplemental security income (SSI);
      5. General assistance, including disability assistance (DA);
      6. Medical assistance (Medicaid), including any state program that might supplant Medicaid;
      7. Federal public housing assistance, or section eight;
      8. Temporary Assistance for Needy Families (TANF/Ohio works); or
      9. National school lunch program’s free lunch program (NSL).

1. **EXHIBIT B: BREAKDOWN OF LIFELINE CUSTOMER DISCOUNT COMPONENTS**

Pursuant to the *FCC Lifeline Reform Order*, Budget PrePay will provide the $9.25 USF funded discount to all Lifeline customers, as set out *supra*, in Exhibit A.

**III. EXHIBIT C: DESIGNATION OF BUDGET PREPAY AS A WIRELESS ETC WILL PROMOTE THE PUBLIC INTEREST**

One of the principal goals of the Act, as amended by the Telecommunications Act of 1996, is “to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies” to all citizens, regardless of geographic location or income.[[23]](#footnote-23) The primary purpose of universal service is to ensure that consumers—especially low-income consumers— receive affordable and comparable telecommunications services. A 2008 study has found such services to be a vital economic resource for low-income consumers that leads to improved wage levels and personal safety.[[24]](#footnote-24) Given this context, designating Budget PrePay as an ETC would serve the public interest generally, and the needs of low-income customers in Ohio in particular.

The public interest benefits associated with the Company’s wireless service include nationwide calling areas (as compared to traditional wireline carriers’ local calling areas) and the convenience and personal security afforded by mobile telephone service. Wireless service greatly benefits consumers who routinely drive long distances to attend work or school or to accomplish everyday tasks such as shopping or attending community and social events.

Budget PrePay will offer a unique pre-paid option that is designed to provide consumers who, due to credit or deposit requirements, may not be able to obtain the safety and convenience of telephone service from traditional providers, and Budget PrePay customers are never obligated to pay for a period of service that exceeds 30 days. Because Budget PrePay’s service is provided with no credit check, deposit requirement, minimum service periods, or early termination fees, the service will be an attractive and affordable alternative to qualified low-income consumers without regard to age, residency or creditworthiness. Unlike many wireless providers, one of Budget PrePay’s service offerings is a high-value wireless service that includes nearly unlimited local and domestic long distance calling and text messaging, caller ID, call waiting and voicemail, all without any of the credit check, deposit and contract requirements imposed by the more traditional wireline and wireless service providers.

Because of these benefits, Budget PrePay expects that many eligible consumers will select its wireless Lifeline service in lieu of the more traditional wireline or wireless services available from competing providers. Budget PrePay will fulfill 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.

Designation of Budget PrePay as an ETC would also promote competition. Budget PrePay will bring the same entrepreneurial spirit that has reinvigorated the wireless industry to the Lifeline market in Ohio, helping to redefine the wireless experience for many low-income consumers in the state. Other carriers, therefore, will have the incentive to improve their existing service offerings and tailor their service plans to offer service terms and features appealing to low-income customers.

Budget PrePay has emphasized customer service as a pillar of its marketplace success since service launch. The Company’s business model includes brick and mortar stores in low-income communities to best serve Lifeline customers. Upon designation as an ETC by the PUCO, the Company intends to follow the same business model in Ohio. As a result, in addition to bringing new service options to eligible Ohio residents, Budget PrePay’s designation will also mean new job opportunities for State residents.

Finally, as this Commission has recognized, “[c]ustomer choice is the barometer by which comparable value [of prepaid Lifeline plans to postpaid Lifeline plans] must be measured.”[[25]](#footnote-25) Thus, comparable value is to be viewed “in terms of an increase in the choices and options available to Lifeline customers rather than a minimum service offering that all nontraditional Lifeline service providers must make available.”[[26]](#footnote-26) By offering an additional nontraditional Lifeline service to compete in the marketplace, Budget PrePay’s application for ETC designation promotes the public interest by offering a service of comparable value.

1. **EXHIBIT D: ENROLMENT/ELIGIBILITY VERIFICATION PROCESS**

Budget PrePay will follow the enrollment and eligibility verification procedures as detailed in its FCC Compliance Plan, attached hereto as Attachment 1. Enrollment materials will reflect the Ohio-specific eligibility criterion for those demonstrating income at 150% of the federal poverty rate, as well as Ohio-specific Lifeline-qualifying assistance programs.

1. **EXHIBIT E: INFORMATION A NEW LIFELINE SUBSCRIBER RECEIVES AFTER ENROLLMENT**

New Lifeline subscribers receive a receipt summarizing important Lifeline requirements, service terms and conditions, and handset warranty information. Customers are directed to Budget PrePay’s website to review a complete listing of the terms and service of service. A copy of a sample receipt and of Budget PrePay’s terms and conditions of service are attached hereto as Attachment 3.

1. **EXHIBIT F: COPY OF LIFELINE CUSTOMER PROGRAM ENROLLMENT FORM**

Please see Attachment 4.

1. **EXHIBIT G: COPY OF PROPOSED LIFELINE ADVERTISING LANGUAGE**

Please see Attachment 5.

1. **EXHIBIT H: PROCESS USED TO ENSURE ONLY ONE LIFELINE BENEFIT/PHONE PER HOUSEHOLD**

As set forth in its Compliance Plan approved by the FCC, Budget PrePay has proposed a plan to implement the certification and verification conditions outlined in the *FCC* *Lifeline Reform Order* to ensure that only one Lifeline benefit is provided per household. Budget PrePay shares the concern about waste, fraud and abuse of the Lifeline program and is committed to the safeguards stated in its FCC Compliance Plan, as well as complying with applicable FCC and/or Commission rules.

1. **CONCLUSION**

WHEREFORE, Budget PrePay respectfully requests that the Commission designate it as low-income ETC for purposes of receiving federal USF support to provide Lifeline supported wireless service throughout the state of Ohio (in non-rural ILEC service territory), subject to the existence and corresponding coverage of Budget PrePay’s underlying wireless carrier, Verizon Wireless.

Respectfully submitted:

/s/ Richard R. Parsons

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ATTORNEYS FOR BUDGET PREPAY, INC.

1. 47 U.S.C. § 214(e)(2). [↑](#footnote-ref-1)
2. *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket Nos. 11-42, 03-109, and 12-23, and CC Docket No. 96-45, Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11 (released Feb. 6, 2012) (“*FCC* *Lifeline Reform Order*”). [↑](#footnote-ref-2)
3. *In the Matter of the Commission Investigation into the Provision of Nontraditional Lifeline Service by Competitive Eligible Telecommunications Carriers*, Case No. 10-2377-TP-COI, Finding and Order, at 11 (May 23, 2012) (“*Ohio Lifeline Reform Order*”). [↑](#footnote-ref-3)
4. *See, e.g., In the Matter of the Application of Nexus Communications dba Reachout Wireless for Designation as an Eligible Telecommunications Carrier in the State of Ohio*, Case No. 10-432-TP-UNC, Finding and Order, at 8 (June 22, 2011) (designating Nexus Communications as a wireless ETC authorized to provide Lifeline supported wireless services throughout Ohio, subject to the existence and coverage of its underlying carriers’ facilities). [↑](#footnote-ref-4)
5. *FCC* *Lifeline Reform Order*, at ¶ 368. [↑](#footnote-ref-5)
6. *See FCC Lifeline Reform Order*, at ¶ 368; *see also* Budget PrePay, Inc. Compliance Plan, WC Docket Nos. 09-197 and 11-42 (filed May 1, 2012). [↑](#footnote-ref-6)
7. FCC Public Notice, WC Docket Nos. 09-197 and 11-42, DA 12-828 (released May 25, 2012) (attached hereto as Attachment 2). [↑](#footnote-ref-7)
8. Budget Phone was incorporated in the State of Louisiana on May 1, 1996 (Charter/Organization ID. 34525907D). The principal office of the Company is located at 1325 Barksdale Blvd., Bossier City, LA 71111. [↑](#footnote-ref-8)
9. Ohio Secretary of State Foreign Registration #1299984. [↑](#footnote-ref-9)
10. Certificate of Public Convenience and Necessity No. 90-9218. [↑](#footnote-ref-10)
11. Budget PrePay also has been designated as an ETC for wireline services in Tennessee, Oklahoma, Alabama, Florida, Nebraska, Maryland, Louisiana, Mississippi, Arkansas, Kentucky, Michigan, Missouri, North Carolina, and South Carolina. The Company does not seek ETC designation for its wireline services in this Petition. [↑](#footnote-ref-11)
12. *See* 47 C.F.R. § 63.01 (authority for all domestic common carriers); ITC-214-20030206-00050 (granting Budget PrePay authority to provide facilities-based and resale services in accordance with 47 C.F.R. § 63.18). [↑](#footnote-ref-12)
13. *In the Matter of the Application of Nexus Communications dba Reachout Wireless for Designation as an Eligible Telecommunications Carrier in the State of Ohio*, Case No. 10-432-TP-UNC (June 22, 2011) (“Nexus Order”). [↑](#footnote-ref-13)
14. *Id.* at 8. [↑](#footnote-ref-14)
15. FCC Public Notice, WC Docket Nos. 09-197 and 11-42, DA 12-828 (released May 25, 2012) (attached hereto as Attachment 2). [↑](#footnote-ref-15)
16. *See FCC Lifeline Reform Order*,at ¶ 387. [↑](#footnote-ref-16)
17. Budget PrePay was organized and incorporated in the State of Louisiana on May 1, 1996. [↑](#footnote-ref-17)
18. *Ohio Lifeline Reform Order*, at 18. [↑](#footnote-ref-18)
19. *Ohio Lifeline Reform Order*, at 43. Budget PrePay notes that TracFone Wireless, Inc. has applied for rehearing regarding the Commission’s determination that “nontraditional” ETCs must contribute to Ohio’s 911 and TRS funds. *In the Matter of the Commission Investigation into the Provision of Nontraditional Lifeline Service by Competitive Eligible Telecommunications Carriers*, Case No. 10-233-TP-COI, TracFone Wireless, Inc. Application for Rehearing (June 22, 2012). Budget PrePay will comply with any order this Commission issues regarding TracFone Wireless, Inc.’s Application for Rehearing. [↑](#footnote-ref-19)
20. *Ohio Lifeline Reform Order*, at 44. [↑](#footnote-ref-20)
21. *Ohio Lifeline Reform Order*, at 45–46. [↑](#footnote-ref-21)
22. *Ohio Lifeline Finding and Order*, at 45. [↑](#footnote-ref-22)
23. Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56. [↑](#footnote-ref-23)
24. *See* Nicholas P, Sullivan, “Cell Phone Provide Significant Economic Gains for Low-Income American Households: A Review of Literature and Data from Two New Surveys,” April 2008, accessed at <http://www.newmillenniumresearch.org/archive/Sullivan_Report_032608.pdf>. [↑](#footnote-ref-24)
25. *Ohio Lifeline Reform Order*, at 18. [↑](#footnote-ref-25)
26. *Ohio Lifeline Reform Order*, at 18. [↑](#footnote-ref-26)