

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Commission)	
Investigation into the Provision of)	Case No. 10-2377-TP-COI
Nontraditional Lifeline Service by)	
Competitive Eligible)	
Telecommunication Carriers.)	

**JOINT MOTION
OF VIRGIN MOBILE USA, L.P.
AND
THE STAFF OF THE PUBLIC UTILITIES COMMISSION OF OHIO
FOR AN ORDER ACCEPTING AN AGREED AMOUNT AS SATISFACTION
FOR VIRGIN MOBILE USA'S TOTAL OUTSTANDING REMITTANCE
PAYMENT TO THE STATE OF OHIO'S 9-1-1 FUND AND APPROVAL
AND ADOPTION OF SETTLEMENT.**

In this case, the Public Utilities Commission of Ohio (Commission) determined in its Finding and Order dated May 23, 2012 and its Entry on Rehearing dated October 10, 2012 that the state of Ohio's 9-1-1 Fund fees are applicable to eligible telecommunication carriers (ETCs) including prepaid wireless carriers providing Lifeline service beginning at the date of a wireless provider's ETC designation. Virgin Mobile USA, L.P. (Virgin Mobile) was designated an ETC on May 19, 2011 in Case No. 10-429-TP-UNC. Recently enacted Substitute House Bill 360 (129th General Assembly) exempts prepaid wireless Lifeline providers, including Virgin Mobile, from Ohio 9-1-1 Fund fees beginning as of the date of enactment; however, Virgin Mobile is responsible for the payment of Ohio 9-1-1 Fund fees for Lifeline customers for the period starting at its ETC designation and ending with the enactment of Sub. H.B. 360. Virgin Mobile disputes that it is responsible for paying such fees from the date of its ETC designation and prior to the

effective date of the Commission's Entry on Rehearing dated October 10, 2012. An appeal of the Commission's decision in this case by Virgin Mobile is presently pending before the Ohio Supreme Court (Supreme Court Case No. 12-2036).

In order to resolve this case and Case No. 12-2036 at the Ohio Supreme Court, and to avoid the expense and administrative burden of further litigation and without either party waiving any of its rights or arguments with respect to the applicability of 9-1-1 fees to providers of Lifeline services, Virgin Mobile and the Staff of the Public Utilities Commission of Ohio (Staff) have agreed that \$100,000 is an acceptable payment to fully satisfy Virgin Mobile's Ohio 9-1-1 fund payment. Virgin Mobile and the Staff ask the Commission for an order accepting the \$100,000 as satisfaction for Virgin Mobile's total outstanding remittance payment to Ohio's 9-1-1 Fund. In exchange for an order accepting the \$100,000 as satisfaction for Virgin Mobile's total outstanding remittance payment to Ohio's 9-1-1 Fund, Virgin Mobile agrees to dismiss its appeal of the Commission's decision in this case to the Ohio Supreme Court.

For the foregoing reasons, Virgin Mobile and the Staff respectfully urge the Commission for an order accepting the \$100,000 as satisfaction for Virgin Mobile's total outstanding remittance payment to the Ohio 9-1-1 Fund and that, in exchange for an Order accepting that amount, Virgin Mobile will dismiss its appeal of the Commission's decision to the Ohio Supreme Court.

Respectfully submitted,

/s/ Steven L. Beeler

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Joint Motion has been served upon the below-named counsel via regular and/or electronic mail, this 5th day of March, 2013.

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Case No(s). 10-2377-TP-COI

Summary: Motion Joint Motion of Virgin Mobile USA, L.P., and the Staff of the Public Utilities Commission of Ohio for an Order Accepting an Agreed Amount as Satisfaction for Virgin Mobile USA's Total Outstanding Remittance Payment to the State of Ohio's 9-1-1 Fund and Approval and Adoption of Settlement submitted by Assistant Attorney General Steven Beeler electronically filed by Kimberly L Keeton on behalf of Public Utilities Commission of Ohio