**Before the**

**PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Application of )

Budget PrePay, Inc., for Approval to ) Case No. 12-1933-TP-UNC

Relinquish Its Designation as an Eligible )

Telecommunications Carrier and for ) Case No. 11-5013-TP-RCC

Cancellation of Its Certificate of Public )

Convenience and Necessity )

**APPLICATION OF BUDGET PREPAY, INC.,**

**FOR APPROVAL TO RELINQUISH ITS DESIGNATION**

**AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

**AND FOR CANCELLATION OF ITS CERTIFICATE**

**OF PUBLIC CONVENIENCE AND NECESSITY**

 Budget PrePay, Inc. (“Budget PrePay”), by its counsel, and pursuant to Section 214(e) of the Communications Act of 1934 (“Act”),[[1]](#footnote-1) Section 54.205 of the Federal Communications Commission (“FCC”) Rules,[[2]](#footnote-2) Rule 4901:1-6-09(D)(2) of the Ohio Administrative Code (“OAC”), and the Finding and Order of the Public Utility Commission of Ohio (“Commission”), Case No. 12-1933-TP-UNC (issued November 28, 2012), hereby requests that the Commission approve this Application to relinquish Budget PrePay’s Eligible Telecommunications Carrier (“ETC”) designation in the State of Ohio, effective July 5, 2017, pursuant to OAC 4901:1-6-24, and to cancel Budget PrePay’s Certificate of Public Convenience and Necessity granted by the Commission on December 1, 2011. In support of these requests, Budget PrePay states as follows:

1. Budget PrePay is a Louisiana corporation with its principal offices located at 1325 Barksdale Boulevard, Bossier City, Louisiana 71111. Budget PrePay provides prepaid wireless telecommunications services. It provides wireless Lifeline services to consumers in Ohio using the networks of multiple underlying facilities-based carriers.[[3]](#footnote-3)
2. On December 1, 2011, the Commission, in Case No. 11-5013-TP-RCC, granted Budget PrePay a Certificate of Public Convenience and Necessity, No. 90-5584, to provide Commercial Mobile Radio Service (“CMRS”) in the State of Ohio. Budget PrePay hereby requests that this Certificate be cancelled by the Commission, contemporaneously with the Commission’s grant of Budget PrePay’s Application for relinquishment of its ETC designation in the State of Ohio.
3. The Commission granted Budget PrePay’s request for designation as a Lifeline-only ETC in Ohio in 2012.[[4]](#footnote-4)
4. Budget PrePay intends to relinquish its Lifeline-only ETC designation in all areas of Ohio for which it is so designated.
5. The Commission’s grant of Budget PrePay’s requested relinquishment of its ETC designation will not affect the amount of federal Lifeline support available to other ETCs in Ohio.
6. Budget PrePay is entitled to relinquish its wireless ETC designation pursuant to Section 214(e)(4) of the Act, which states, in pertinent part:

A State commission ... *shall permit an eligible telecommunications carrier to relinquish its designation* as such a carrier *in any area served by more than one eligible telecommunications carrier*.An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission ... of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission ... shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.[[5]](#footnote-5)

1. A rule prescribed by the FCC reiterates these requirements of Section 214(e)(4) of the Act, and states, in pertinent part, that a “state commission shall permit” an ETC to “relinquish its designation as such in any area served by more than one [ETC]”[[6]](#footnote-6) upon “advance notice to the state commission of such relinquishment.”[[7]](#footnote-7) In addition, the FCC’s rules require state commissions to ensure that the relinquishing ETC’s subscribers will be served by the one or more remaining ETCs, and to ensure sufficient notice to permit the purchase and construction of facilities, if necessary.[[8]](#footnote-8)
2. As there is already at least one other ETC in all areas in which Budget PrePay is currently designated as an ETC, the Commission is required by federal law to permit Budget PrePay to relinquish its Lifeline-only ETC designation.
3. To the best of Budget PrePay’s knowledge, no purchase or construction of facilities by other carriers will be necessary after Budget PrePay’s relinquishment of its ETC designation is approved by the Commission and Budget PrePay ceases providing wireless Lifeline services to consumers in Ohio.[[9]](#footnote-9)
4. Budget PrePay requests the Commission to issue an order granting this Application as soon as possible prior to the planned relinquishment date of July 5, 2017, so that Budget PrePay can provide ample notice to its subscribers and ensure an orderly transition.
5. Budget PrePay currently serves subscribers throughout the State of Ohio. Budget PrePay is ceasing marketing its Lifeline services and enrolling customers in Lifeline in Ohio contemporaneously with the filing of this Application.
6. Budget PrePay is taking steps to mitigate the impact of relinquishment on its current Lifeline subscribers. As of the date of this Application, Budget PrePay has less than 1,750 wireless subscribers within its ETC designated area in Ohio, and those consumers will have multiple options for alternative ETC service providers in the state, including both wireline and wireless carriers (*e.g.,* incumbent local exchange carriers). A list of competitive wireless ETCs is included in **Attachment A**.
7. Budget PrePay does not provide non-Lifeline service to any subscribers in Ohio.
8. Budget PrePay has authority to provide federal Lifeline-supported service to qualifying residents in Ohio,[[10]](#footnote-10) subject to the existence and corresponding coverage of Budget PrePay’s underlying facilities-based carriers.[[11]](#footnote-11)
9. Budget PrePay has begun notifying its Lifeline subscribers in Ohio that it will no longer be an ETC. Budget PrePay’s notification informs each affected subscriber that a Lifeline discount can be obtained from the remaining ETC(s) in the area and includes the names of some of the other Lifeline providers offering service in Budget PrePay’s ETC designation area.
10. If a Budget PrePay subscriber decides to obtain service from another provider, there will of course be no early termination fee, as Budget PrePay provides service on a prepaid basis and, therefore, never assesses such fees. As Budget PrePay subscribers are most familiar with receiving information from Budget PrePay via text message, Budget PrePay has sent, and will be sending, each Lifeline subscriber text messages notifying the subscriber of the change and directing the subscriber to a phone number with information about alternative Lifeline providers.
11. A copy of these text messages is provided in **Attachment B**.
12. Budget PrePay sent the first such text message to its subscribers on May 5, 2017.
13. Budget PrePay will send the second such text message to remaining subscribers no later than June 30, 2017.
14. Budget PrePay will provide a written notification letter, by U.S. Mail, no later than May 12, 2017, to remaining wireless Lifeline subscribers in Ohio who have not transferred service. A sample text of this letter is included in **Attachment C**.
15. The letter will notify each subscriber that Budget PrePay expects to discontinue its provision of all wireless service to Ohio customers on or before July 5, 2017. The letter will also inform each subscriber how to obtain Lifeline benefits from other competitive wireless Lifeline providers in Budget PrePay’s service area.
16. In addition to the information provided by text message and letter, Budget PrePay added information on its website about alternative Lifeline providers in Ohio. A copy of the text appearing on the Budget Mobile website is provided as **Attachment D**.
17. Budget PrePay will provide to Commission staff copies of the scripts used by its customer service representatives to inform subscribers about Budget PrePay’s planned discontinuance of service.
18. Budget PrePay will continue to provide existing eligible Lifeline subscribers with the Lifeline discount, and claim reimbursement for the Lifeline discount, until the effective date of relinquishment. Budget PrePay will no longer seek reimbursement for the Lifeline discount after the effective date of the ETC relinquishment.
19. Budget PrePay does not require customer deposits, so there is no need for a plan for return of deposits to customers.
20. Beginning on May 12, 2017, Budget PrePay will provide weekly updates to the Staff of the Commission regarding the number of remaining subscribers in Ohio, and will file a letter in the docket prior to the approved relinquishment date noting the number of remaining Budget subscribers in Ohio.
21. On or around June 30, 2017, Budget PrePay will begin notifying its subscribers of the impending discontinuance of service by re-routing subscribers’ outbound calls to a Budget PrePay customer service representative who will provide information about the discontinuance and alternative service providers. This practice will not affect 9-1-1 calls, which will be routed to emergency responders in a standard fashion.
22. On or about July 5, 2017, Budget PrePay will initiate a batch de-enrollment of any remaining subscribers in the National Lifeline Accountability Database and release the phone numbers of those customers no longer served by Budget PrePay as of this date.

**CONCLUSION**

 For the foregoing reasons, Budget PrePay respectfully requests that the Commission grant this Application expeditiously and issue an order allowing Budget PrePay to relinquish its CMRS registration, Lifeline only ETC designation, and its right to receive federal universal service funding in Ohio, effective July 5, 2017, and cancelling Budget PrePay’s Certificate of Public Convenience and Necessity.

Respectfully Submitted,

 /s/ Richard R. Parsons

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*Counsel for Budget PrePay, Inc.*

Dated: May 5, 2017

**ATTACHMENT A**

**Competitive Wireless ETCs Providing Service in Ohio**

Air Voice Wireless

American Broadband and Telecommunications

Boomerang Wireless

Global Connection Inc. of America d/b/a Stand Up Wireless

i-wireless

Q Link Wireless

Tempo Telecom

Telrite Corporation d/b/a Life Wireless

TracFone Wireless d/b/a SafeLink Wireless

Sprint d/b/a Assurance Wireless

**ATTACHMENT B**

**Language of Text Messages to Budget PrePay Subscribers in Ohio**

|  |
| --- |
| **Budget Mobile plans to cease service in Ohio on or about 7-5-2017.****To continue service, you will need to contact another Lifeline provider authorized by the PUC of Ohio.****Additional information is available from the PUC of Ohio at: https://www.puco.ohio.gov/puco/be-informed/consumer-topics/lifeline-telephone-assistance-program-help-with-paying-your-telephone-bill/****A list of Lifeline providers in Ohio is also available at http://www.lifelinesupport.org/ls/companies/companies.aspx****For more information, please call 888-777-4007 or visit www.budgetmobile.com** |

**ATTACHMENT C**



\_\_\_\_\_, 2017

[SUBSCRIBER NAME AND ADDRESS]

**\*\*IMPORTANT NOTICE REGARDING YOUR LIFELINE SERVICE\*\***

Dear Budget Mobile Subscriber:

Please be advised that Budget Mobile is seeking to relinquish its authority to provide Lifeline services in Ohio. If granted by the Public Utilities Commission of Ohio (PUCO), Budget Mobile will no longer provide Lifeline service in Ohio and you will be required to seek Lifeline service from another authorized carrier in Ohio. If you do not transfer your existing Lifeline wireless service from Budget Mobile to another Lifeline provider, you risk a loss of Lifeline service.

Budget Mobile anticipates the discontinuance of Lifeline service in Ohio on or before **July 5, 2017**.

In an effort to help with this transition of service, you should access the Universal Service Administrative Company’s (USAC) webpage at <http://www.lifelinesupport.org/ls/companies/companies.aspx> to see a list of Lifeline providers in Ohio or call USAC at 1-888-641-8722 and press 1 for additional assistance. USAC can help you determine an alternative Lifeline provider in Ohio that is best for you.

**You will need another Lifeline carrier to set up a new Lifeline account, verify your Lifeline benefit eligibility and, if desired, to transfer your existing phone number. Please be advised that your new Lifeline carrier may have different rates and terms and conditions, and/or require that you use a different handset than what has been provided to you by Budget Mobile*.***

If you have any questions or concerns during the transition period, please contact Budget Mobile directly or you may also contact the ***Public Utilities Commission of Ohio*** at 800-686-7826, (614) 466-3292 (in Columbus area), and at 7-1-1 (TTY/TDD)or at [www.puco.ohio.gov](http://www.puco.ohio.gov).If you are unable to enroll with an alternative Lifeline carrier by **July 5, 2017**, you will lose your Lifeline service and possibly yourphone number.

Budget Mobile would like to take this opportunity to express our gratitude for the many years of being able to provide wireless phone services. If you have any questions or concerns regarding the change to your wireless account, you can call Budget Mobile at 1-888-777-4007 and speak to a Customer Service Representative. We will be happy to answer any questions you may have.

Sincerely,



**ATTACHMENT D**

**Text from Budget Mobile Website Notifying Customers**

**That Budget Mobile Will No Longer Be Providing Wireless Lifeline Service**



**Notice to Ohio Lifeline Customers About**

**Discontinuance of Budget Mobile Service**

Budget Mobile is seeking to relinquish its authority to provide wireless Lifeline service in Ohio and will soon discontinue its provision of wireless service in Ohio.

In order to keep your Lifeline service, you will be required to transfer your service to another Lifeline carrier in Ohio. If you do not transfer your existing Lifeline wireless service by July 5, 2017, from Budget Mobile to another Lifeline carrier, you will lose your telephone service.

In an effort to help with this transition of service, you may access the Public Utilities Commission of Ohio website or the [Universal Service Administrative Company (USAC) website](http://www.lifelinesupport.org/ls/companies/companies.aspx) to see a list of Lifeline providers in Ohio.

If you have any questions or concerns regarding the upcoming change to your Lifeline service with Budget Mobile, please call Budget Mobile at 1-888-777-4007 and speak to a Budget Mobile Customer Service Representative.

For more information regarding the Lifeline service in Ohio, you may also contact the Public Utilities Commission of Ohio at 1-800-686-7826.

1. 47 U.S.C. § 214(e). [↑](#footnote-ref-1)
2. 47 C.F.R. § 54.205. [↑](#footnote-ref-2)
3. *See* Letter from Robin Enkey, Director of Compliance, Budget PrePay, to Betty F. McNeal, Secretary, Ohio Public Utilities Commission, Case No. 12-1933-TP-UNC (filed Mar. 7, 2017) (“Enkey Letter”). [↑](#footnote-ref-3)
4. *In the Matter of the Petition of Budget PrePay, Inc., for Designation as a Low-Income Competitive Eligible Telecommunications Carrier*, Case No. 12-1933-TP-UNC, Finding and Order (Nov. 28, 2012) (“*Order*”). [↑](#footnote-ref-4)
5. 47 U.S.C. § 214(e)(4) (emphasis added). [↑](#footnote-ref-5)
6. 47 C.F.R. § 54.205(a). [↑](#footnote-ref-6)
7. *Id*. [↑](#footnote-ref-7)
8. 47 C.F.R. § 54.205(b). [↑](#footnote-ref-8)
9. *See* 47 U.S.C. § 214(e)(4). [↑](#footnote-ref-9)
10. *See Order* at 4 (stating that, “due to the company’s reliance on the statewide facilities of its underlying carrier, this designation shall be statewide in scope”). [↑](#footnote-ref-10)
11. *See id.* at 3 n.3; Enkey Letter. [↑](#footnote-ref-11)