

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

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

ORDER

The Commission finds:

- (1) Pursuant to its May 23, 2012, Finding and Order, the Commission established certain requirements for the provision of Lifeline service, including those necessitated by the Federal Communications Commission's (FCC's) Report and Order in *In the Matter of Lifeline and Link Up Reform and Modernization, Lifeline and Link Up, Federal-State Joint Board on Universal Service, Advancing Broadband Availability Through Digital Literacy Training*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 12-23 (rel. Feb. 6, 2012). Among other requirements, the Commission determined 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.
- (2) By entry on rehearing issued October 10, 2012, the Commission denied an application for rehearing of the May 23, 2012, finding and order filed by Virgin Mobile USA, LP (Virgin Mobile). Among other issues, Virgin Mobile challenged the Commission's requirement that prepaid wireless providers retroactively remit previously unremitted 9-1-1 fees that otherwise would have been collected as of the date of the ETC designation.¹
- (3) Virgin Mobile appealed the Commission's May 23, 2012, finding and order and the October 10, 2012, entry on rehearing to the Ohio Supreme Court.

¹ Virgin Mobile was designated an ETC on May 19, 2011, in Case No. 10-429-TP-UNC.

- (4) Subsequent to Virgin Mobile's Ohio Supreme Court appeal, Substitute House Bill 360 (129th General Assembly) was enacted that exempts prepaid wireless Lifeline providers, including Virgin Mobile, from Ohio's 9-1-1 Fund fee beginning on the date of enactment.
- (5) On March 5, 2013, a joint motion on behalf of Virgin Mobile and Commission Staff (Staff) was filed seeking an order, *inter alia*, accepting an agreed amount as satisfaction for Virgin Mobile's total outstanding remittance payment to the State of Ohio's 9-1-1 Fund and, in exchange, Virgin Mobile will dismiss its appeal of the Commission decision to the Ohio Supreme Court.
- (6) The Commission has reviewed the joint motion and determines that the joint motion should be approved. Accordingly, the Commission accepts \$100,000 as satisfaction for Virgin Mobile's total outstanding remittance payment to the Ohio 9-1-1 Fund provided Virgin Mobile dismisses its appeal at the Ohio Supreme Court.

It is, therefore,

ORDERED, That the joint motion be approved in accordance with finding (6). It is, further,

ORDERED, That a copy of this order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

Todd A. Snitchler, Chairman

Steven D. Lesser

Andre T. Porter

Lynn Slaby

M. Beth Trombold

JRJ/vrm

Entered in the Journal

MAR 06 2013

Barcy F. McNeal

Barcy F. McNeal
Secretary