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July 18, 2011

Luly E. Massaro, Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

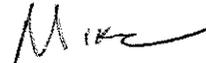
Re: Virgin Mobile, USA, L.P. – Docket No. 4250

Dear Luly:

Enclosed are an original plus nine copies of Virgin Mobile, USA, L.P.'s Petition for Waiver.

If you have any questions or you need any further information, please feel free to call.

Very truly yours,



Michael R. McElroy

MRMc:tmg

cc: Benjamin J. Aron, Esq.
Service list

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

_____)	
In the Matter of)	
)	
Virgin Mobile USA, L.P.)	Docket No. 4250
)	
Petition for Limited Designation as an)	
Eligible Telecommunications Carrier)	
_____)	

VIRGIN MOBILE USA, L.P.’S PETITION FOR WAIVER

Virgin Mobile USA, L.P. (“Virgin Mobile”), pursuant to Rule 1.10(b) of the State of Rhode Island and Providence Plantations Public Utilities Commission’s (“Commission”) Rules of Practice and Procedure, hereby petitions the Commission for waiver of certain rules. Specifically, Virgin Mobile requests that the Commission waive Sections II.A.9., II.C. and III.c. of the Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund and Verification Processes for Compliance with Providing Lifeline and Linkup Service (“Commission’s ETC Rules”), effective February 4, 2010. As described below, the identified rules pertain exclusively or partially to Linkup service and are thus wholly or partially inapplicable to Virgin Mobile, which seeks to become an ETC for the purposes of the Lifeline program only.

Virgin Mobile, on May 20, 2011, filed with the Commission its Application for Limited Designation as an Eligible Telecommunications Carrier (“Application”). In its Application, Virgin Mobile requested that the Commission designate it as an ETC for the limited purposes of providing Lifeline service in Rhode Island. Application at 5. Virgin Mobile also specifically

noted for the Commission that its Application did not seek authority to provide Linkup service. *Id.* In light of the limited nature of its Application, and as described below, the identified sections of the Commission's ETC Rules are inapplicable and should be waived.

Section II.A.9. of the Commission's ETC Rules requires that carriers seeking ETC designation offer both Lifeline and Linkup services. Section II.C. provides that a carrier designated as an ETC must participate in the federal and Rhode Island Linkup programs. Finally, Section III.c. requires that a carrier applying for ETC designation must demonstrate that it offers Linkup services that comply with federal and Rhode Island requirements. Clearly Section II.C. and III.c. are fully inapplicable, and Section II.A.9. is inapplicable in part, to Virgin Mobile's Application, which Application seeks only limited designation for the purposes of offering Lifeline, not Linkup.

The Linkup program is described in the FCC's rules at 47 C.F.R. § 54.411. Therein, the program is described as having two components – both of which are applicable to reduction or deferral of charges for commencement of service at a principal residence. Virgin Mobile's Lifeline service involves no charges for commencement of services. Indeed, qualifying customers are provided with a wireless phone and a block of minutes free of charge. *See* Application 6-9. As Virgin Mobile's service does not impose the charges which are the subject of the Linkup rules, there are no charges to which Linkup could apply.

The Division has stated that it has no objection to this Petition.

Based on the foregoing, Virgin Mobile respectfully requests that the Commission grant this Petition and waive application of Sections II.A.9., II.C. and III.c of the Commission's ETC Rules to Virgin Mobile's Application.

Respectfully submitted,

VIRGIN MOBILE USA, L.P.

By its attorney,

Dated: 7/18/11


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CERTIFICATE OF SERVICE

I hereby certify that a copy of the forgoing petition was served on the service list for this Docket on the 18th day of July, 2011.


Michael R. McElroy

Docket No. 4250 – Virgin Mobile USA, L.P. - ETC Designation Petition
 Service List as of 6/8/11

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