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April 27, 2017

VIA FEDERAL EXPRESS AND ELECTRONIC MAIL

Rhode Island Public Utilities Commission
Attn: Ms. Luly Massaro
89 Jefferson Boulevard
Warwick, RI 02888
E-mail: luly.massaro@puc.ri.gov

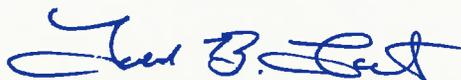
Re: Petition of Budget Prepay, Inc. d/b/a Budget Mobile for Relinquishment of Its Designation as a Lifeline-Only Eligible Telecommunications Carrier Docket Nos. 4294, _____

Dear,

Enclosed for filing please find an original and nine (9) copies of Budget PrePay, Inc. d/b/a Budget Mobile's Petition for Relinquishment of Its Designation as a Lifeline-Only Eligible Telecommunications Carrier. A copy is also being provided to the Administrator of the Division. Please return to me a date stamped copy in the enclosed stamped self-addressed envelope.

If you have any questions or require any additional information, please contact the undersigned counsel directly.

Respectfully submitted,



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Counsel to Budget PrePay, Inc.

cc: Macky McCleary, Administrator, Division of Public Utilities and Carriers
Cindy Wilson-Frias, Senior Legal Counsel

**Before the
RHODE ISLAND PUBLIC UTILITIES COMMISSION**

In the Matter of

Petition of Budget PrePay, Inc. d/b/a
Budget Mobile for Relinquishment of its
Designation as a Lifeline-Only Eligible
Telecommunications Carrier in
Rhode Island

Docket Nos. 4294, _____

**PETITION OF BUDGET PREPAY, INC. D/B/A
BUDGET MOBILE FOR RELINQUISHMENT OF ITS DESIGNATION AS A
LIFELINE-ONLY ELIGIBLE TELECOMMUNICATIONS CARRIER IN RHODE
ISLAND**

Budget PrePay, Inc. d/b/a Budget Mobile (“Budget”), pursuant to Section 214(e)(4) of the Communications Act of 1934 (“Act”)¹ and Section 54.205 of the Rules and Regulations (“Rules”) of the Federal Communications Commission (“FCC”)², hereby requests that the Rhode Island Public Utilities Commission (“Commission”) permit it to relinquish its designation as a Lifeline-Only Eligible Telecommunications Carrier (“ETC”) in the State of Rhode Island, effective June 5, 2017. In support thereof, the following is respectfully submitted:

I. BACKGROUND

1. Budget is a Louisiana corporation. Its principal place of business is 1325 Barksdale Blvd., Bossier City, LA 71111. Budget provides wireless Lifeline telecommunications services to consumers in Rhode Island through resale of Commercial Mobile Radio Services (“CMRS”) provided by multiple underlying facilities-based carriers.

¹ 47 U.S.C. § 214(e)(4).

² 47 C.F.R. § 54.205.

2. The Commission granted Budget's request for designation as a Lifeline-only ETC in Rhode Island on December 21, 2011.³

3. Budget seeks to relinquish its Lifeline-only ETC designation and to discontinue service in Rhode Island, because of changes in the wireless industry and proposed modifications to the Lifeline program.

4. Relinquishment of Budget's Lifeline-only ETC designation will not affect the amount of federal Lifeline support available to other ETCs in the Rhode Island.

II. RELINQUISHMENT REQUIREMENTS

5. Under the USF provisions of the Act, the Commission must allow an ETC to relinquish its designation in any area served by more than one ETC. Section 214(e)(4) of the Act states, in pertinent part, as follows:

A State commission ... shall permit an [ETC] to relinquish its designation as such a carrier in any area served by more than one [ETC]. An [ETC] that seeks to relinquish its [ETC] designation for an area served by more than one [ETC] shall give advance notice to the State commission ... of such relinquishment. Prior to permitting a telecommunications carrier designated as an [ETC] to cease providing universal service in an area served by more than one [ETC], the State commission ... shall require the remaining [ETC] or [ETCs] 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. The State commission ... shall establish a time, not to exceed one year after the State commission ... approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.⁴

6. The FCC's implementing rule essentially reiterates the requirements of § 214(e)(4) of the Act and states, in pertinent part, that a "state commission shall permit" an ETC to "relinquish

³ See In re: Petition of Budget PrePay, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Rhode Island for the purpose of Offering Lifeline Service to Qualified Households, *Order*, Docket No.4294, dated Dec. 21, 2011.

⁴ 47 U.S.C. § 214(e)(4). See 47 C.F.R. § 54.205.

its designation as such in any area served by more than one [ETC].”⁵ The FCC rule also requires that the ETC “shall give advance notice to the state commission of such relinquishment.”⁶ Finally, the rule requires state commissions to ensure that the relinquishing ETC’s customers will be served by the remaining ETC(s) and ensure sufficient notice to permit the purchase and construction of facilities, if necessary.⁷

7. The statutory requirements for relinquishing ETC designation are: (1) there must be more than one ETC serving in the area of the ETC seeking relinquishment; (2) the ETC seeking relinquishment must provide advance notice to the relevant state commission; (3) the customers served by the relinquishing ETC must continue to be served by an ETC; and (4) to the extent that additional facilities are required to serve any of the relinquishing ETC’s customers, sufficient notice shall be provided to ensure that the construction or purchase can be timely completed. As shown below, all such requirements for relinquishing Budget’s ETC designation are satisfied.

III. BUDGET'S REQUEST FOR RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION MEETS ALL REQUIREMENTS

8. The Commission has designated numerous other wireless ETCs to provide Lifeline service within Budget’s current ETC designated area, including American Broadband & Telecommunications, Sprint d/b/a Assurance Wireless, Telrite d/b/a Life Wireless, Q Link Wireless, TracFone Wireless d/b/a SafeLink Wireless, Blue Jay Wireless, and Boomerang Wireless

⁵ 47 C.F.R. § 54.205(a).

⁶ *Id.*

⁷ *See id.* § 54.205(b).

9. As there is at least one other ETC in all areas in which Budget is currently designated as an ETC, the Commission is required by law to permit Budget to relinquish its Lifeline-only ETC designation.

10. Since multiple ETCs already serve the same ETC service area that Budget serves, to the best of Budget's knowledge, those ETCs will not be required to purchase or construct additional facilities to ensure that Budget's Lifeline subscribers continue to receive service.

11. Because there is at least one additional ETC throughout Budget's ETC service area, the Commission is required by law to permit Budget to relinquish its Lifeline-only ETC designation and the requirements set forth in § 214(e)(4) of the Act and § 54.205 of the Rules have been met.

IV. CUSTOMER NOTICE

12. Budget has less than 300 subscribers in Rhode Island and will notify each Lifeline customer that it will soon no longer be an ETC. If a Budget customer decides to obtain service from another provider, there will not be any early termination fees, as Budget customers are not subject to such fees.

13. Budget's customers will receive notice that Budget intends to discontinue their service via text message. Text messages have historically been the mechanism by which Budget communicates with its customers and, therefore, Budget believes text messages are the most effective method of ensuring Budget customers receive this important information

14. Budget will send each Lifeline customer at least one text message no later than May 1, 2017, which is thirty (30) days prior to Budget's preferred relinquishment date of June 5, 2017, notifying Budget's Lifeline customers of the change. The contents of this message will include the following information: (1) Budget is no longer an ETC and their existing service will be

discontinued; (2) a Lifeline discount can be obtained from the remaining ETCs in Rhode Island and information about alternative Lifeline providers in Rhode Island will be provided; (3) the customer must make arrangements with another carrier to continue Lifeline service; and (4) a toll-free number will be provided that customers may call to reach Budget's customer service representatives to assist with the transition. The notice is set forth below:

Budget Mobile plans to cease service on June 5, 2017.

To continue service, you will need to contact another Lifeline provider authorized by the Rhode Island PUC

A list of Lifeline providers in Rhode Island is available at <http://www.ripuc.org/utilityinfo/telecom/Lifeline.html>

For more information, please call 888-777-4007 or visit www.budgetmobile.com

15. Budget will continue to provide its existing Lifeline customers with the Lifeline Rhode Island discount and claim reimbursement for the Lifeline discount until Budget discontinues its wireless operations in Rhode Island. Budget expects to stop seeking reimbursement for the Lifeline discount on or about June 5, 2017.

V. CONCLUSION

For the foregoing reasons, Budget respectfully requests that the Commission grant this Application expeditiously allowing Budget to relinquish its Lifeline-only ETC designation in Rhode Island, effective June 5, 2017.

Respectfully submitted,



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