

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition for Renewal of ETC Designation of Virgin Mobile USA, L.P.
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Docket No. P-2010-2155915

**PETITION FOR RENEWAL OF  
ELIGIBLE TELECOMMUNICATIONS CARRIER  
DESIGNATION**

Virgin Mobile USA, L.P. (“Virgin Mobile”), a wholly owned subsidiary of Sprint Nextel Corporation (“Sprint”), by its counsel, hereby petitions the Pennsylvania Public Utility Commission (the “Commission”) to renew its Certification to operate in Pennsylvania as an Eligible Telecommunications Carrier (“ETC”). In support of its Petition for Renewal of ETC Designation (“Petition”) Virgin Mobile states the following:

1. In an Order issued on December 22, 2010, the Commission designated Virgin Mobile as an ETC for the purposes of offering wireless Lifeline services in the Commonwealth of Pennsylvania. *See Order, Petition of Virgin Mobile USA, L.P. for Limited Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service*, Docket No. P-2010-2155915 (entered December 22, 2010) (“Virgin Mobile Designation Order”).
2. The Virgin Mobile Designation Order contained the following observation.

Although a wireless carrier does not need to apply to this Commission for approval of changes in its corporate control, the meaning of the term “change in corporate control” that may necessitate a renewed ETC designation petition to this Commission can be found at the Commission’s related Statement of Policy at 52 Pa. Code § 69.901. Additional guidance on the meaning of the same term can be found at our Transfer of Control regulations for Telecommunications Public Utilities at 52 Pa. Code § 63.321 et seq.

Virgin Mobile Designation Order at p. 31, fn. 42. Although making this observation, the Commission offered no additional guidance on whether it believes that a “renewed ETC designation petition” must be filed with the Commission in the event of a change in corporate control over wireless carriers, which are not required to file applications regarding transfers of control since they are not defined as public utilities under Pennsylvania law.

3. Virgin Mobile has offered Lifeline services as an ETC pursuant to its Commission issued designation for over two years. Virgin Mobile has been and remains in full compliance with the terms of the Commission’s Virgin Mobile Designation Order.

4. On July 12, 2013, pursuant to the Order of the Commission dated April 18, 2013 in the *Application of Sprint Communications Company L.P. for Approval of a General Rule Indirect Transfer of Control*, Docket Number A-2012-2337337, Sprint provided the Commission with notice that on July 10, 2013, a transaction between Sprint Nextel Corporation, Starburst II, Inc. (“Starburst II”) and SOFTBANK CORP. (“SoftBank”) was completed by which SoftBank acquired indirect control of Sprint.<sup>1</sup> As described in the Application and Commission Order, this transaction took place at the parent holding company level and results in no change to the Sprint subsidiaries operating in Pennsylvania. No name change, transfer of certificates, assets, or customers, or change in tariffs for the Sprint subsidiaries operating in Pennsylvania result from the closing of this transaction. The transaction has been transparent to the customers of Sprint’s subsidiaries and Sprint’s subsidiaries will continue to provide service to their customers in Pennsylvania pursuant to those authorizations under the same rates, terms, and conditions.

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<sup>1</sup> The Commission has already approved the Sprint-SoftBank transaction as pertains to another Sprint subsidiary. See Order, *Application of Sprint Communications Company L.P. for Approval of a General Rule Indirect Transfer of Control*, Docket Number A-2012-2337337 (entered April 18, 2013).

5. Sprint and its subsidiaries, including Virgin Mobile, continue to hold all of the authorizations that they held prior to the closing of the transaction. The current customers of Virgin Mobile, including Lifeline customers, remain customers of Virgin Mobile following the closing of the transaction. Sprint's current Chief Executive Officer ("CEO"), Daniel Hesse, has been appointed the CEO of Starburst II, which has been renamed Sprint Corporation. Accordingly, the proposed transaction is seamless to customers. Any future changes to the rates, terms, and conditions of service will be undertaken pursuant to the customers' contracts and applicable law.

6. Virgin Mobile currently meets all criteria for designation as an ETC and will continue to meet all such criteria following the consummation of Sprint's transaction with SoftBank.

**WHEREFORE**, Virgin Mobile requests that the Commission either (1) approve the renewal of Virgin Mobile's ETC designation; or (2) clarify that a renewal is not required.

Respectfully Submitted,

*Renardo L. Hicks*

FOR: Virgin Mobile USA, L.P.

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Dated: July 15, 2013

## CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of the foregoing document upon the persons listed below in the manner indicted in accordance with the requirements of 52 Pa. Code Section 1.54 and 1.55.

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