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April 25, 2017

VIA OVERNIGHT DELIVERY

Darrell Nitschke, Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Department 408
Bismarck, North Dakota 58505-0480



Re: Application of Budget PrePay, Inc. d/b/a Budget Mobile for Relinquishment of Lifeline-Only Eligible Telecommunications Carrier Designation and Discontinuance of Wireless Services – Case No. _____

Dear Sir or Madam,

Enclosed please find an original and seven (7) copies of Budget PrePay, Inc.'s Application for Relinquishment of Lifeline-Only Eligible Telecommunications Carrier Designation and Discontinuance of Wireless Services. Additionally, I have enclosed one extra copy of the Notice to be date-stamped and returned to us in the enclosed self-addressed, stamped envelope.

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Todd B. Lantor".

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Counsel to Budget PrePay, Inc.

cc: Patrick J. Fahn (via email, pfahn@nd.gov)

**BEFORE THE NORTH DAKOTA
PUBLIC SERVICE COMMISSION**

In the Matter of

Application of Budget PrePay, Inc. d/b/a
Budget Mobile for Relinquishment of
Lifeline-only Eligible Telecommunications
Carrier Designation

Case No. _____

ORIGINAL

**APPLICATION OF BUDGET PREPAY, INC. D/B/A
BUDGET MOBILE FOR RELINQUISHMENT OF LIFELINE-ONLY
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION AND
DISCONTINUANCE OF WIRELESS SERVICES**

Pursuant to § 214(e)(4) of the Communications Act of 1934 (“Act”), 47 U.S.C. § 214(e)(4), and § 54.205 of the Rules and Regulations (“Rules”) of the Federal Communications Commission (“FCC”), 47 C.F.R. § 54.205, Budget PrePay, Inc. d/b/a Budget Mobile (“Budget”) hereby requests that the Commission permit it to relinquish its designation as a Lifeline-only Eligible Telecommunications Carrier (“ETC”) in the State of North Dakota, effective June 5, 2017 and to discontinue the provision of wireless services. In support thereof, the following is respectfully submitted:

I. BACKGROUND

1. On December 12, 2012, the Commission designated Budget as an ETC for the limited purpose of providing the services supported by the Universal Service Fund (“USF”) under the FCC’s Lifeline Program (“Lifeline”) for low-income consumers.

2. Budget seeks to relinquish its Lifeline-only ETC designation and to discontinue the provision of wireless services in North Dakota because of changes in the wireless industry and proposed modifications to the Lifeline program.

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

II. RELINQUISHMENT REQUIREMENTS

4. 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.¹

5. 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 its designation as such in any area served by more than one [ETC]."² The FCC rule also requires that the ETC "shall give advance notice to the state commission of such relinquishment."³ 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.⁴

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

² 47 C.F.R. § 54.205(a).

³ *Id.*

⁴ See *id.* § 54.205(b).

6. The 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 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 DESIGNATED SERVICE AREA

7. The wire centers impacted by this request along with the incumbent local exchange carriers ("ILECs") currently serving those wire centers are identified in Exhibit A, attached hereto. To the best of Budget's knowledge, each of the wire centers identified in Exhibit A is currently served by the ILEC which is an ETC. In addition, the Commission has designated other wireless ETCs to provide Lifeline service within Budget's current ETC designated service area. Wireless ETCs providing service in at least part of Budget's ETC designated service area, include Telrite d/b/a Life Wireless and Boomerang Wireless.⁵ 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 federal law to permit Budget to relinquish its Lifeline-only ETC designation.

8. 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.

9. Because there is at least one additional ETC throughout Budget's ETC designated service area, there is no bar to prevent this Commission from allowing Budget to relinquish its

⁵ See <http://www.usac.org/ls/companies/CompanyListing.aspx?state=ND&statename=North%20Dakota> (contains a list of Lifeline carriers in North Dakota).

ETC designation in North Dakota, and the requirements set forth in § 214(e)(4) of the Act and § 54.205 of the FCC's Rules have been met.

IV. CUSTOMER NOTICE

10. Budget requests the Commission issue an order approving the relinquishment of Budget's ETC designation as soon as possible, but no later than June 5, 2017. Budget has less than 40 Lifeline customers in North Dakota and intends to notify these Lifeline customers on or before April 30, 2017 of Budget's planned discontinuance of service, effective June 5, 2017. Such action will permit Budget to provide ample notice – more than 30 days prior notice -- to its Lifeline customers of their upcoming discontinuance of Lifeline service from Budget and to ensure that these customers have adequate opportunity to transition to another Lifeline carrier if that's their preference. As noted earlier, as of the date of this filing, Budget has less than 40 Lifeline customers in North Dakota.

11. 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.

12. 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 they will be the most effective method of ensuring Budget's customers receive this important information.

13. Budget will send each Lifeline customer at least one text message no later than April 30, 2017, which is more than 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 North

Dakota and information about alternative Lifeline providers in North Dakota 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 6-5-2017.

To continue service, you will need to contact another Lifeline provider authorized by the North Dakota PSC.

**A list of Lifeline providers in ND is available at
<http://www.lifelinesupport.org/lis/companies/companies.aspx>**

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

14. Budget will continue to provide its existing Lifeline customers with the Lifeline discount and claim reimbursement for the Lifeline discount until Budget discontinues its wireless operations in North Dakota. Budget expects to stop seeking reimbursement for the Lifeline discount on or about June 5, 2017 or upon grant of this Application by the Commission.

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 and right to receive federal universal service funding in North Dakota, effective June 5, 2017.

Respectfully submitted,



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(703) 584-8678
tlantor@fcclaw.com


Counsel for Budget PrePay, Inc. d/b/a Budget Mobile

CERTIFICATE OF SERVICE

I hereby certify that I have this day served, in accordance with Sections 69-02-01-03 and 69-02-02-04(2) of North Dakota Administrative Code, the original and seven (7) copies of the foregoing Application upon the North Dakota Public Service Commission, at the following address:

Executive Secretary
North Dakota Public Service Commission
600 East Boulevard Avenue, Department 408
Bismarck, North Dakota 58505-0480

By:



Joe Mirshak
Legal Assistant
Lukas, LaFuria, Gutierrez & Sachs, LLP

Dated: April 25, 2017

EXHIBIT A

**LIST OF WIRE CENTERS WITHIN BUDGET'S
LIFELINE-ONLY ETC DESIGNATED SERVICE AREA
IN NORTH DAKOTA**

EXHIBIT A

LIST OF WIRE CENTERS WITHIN BUDGET'S
LIFELINE-ONLY ETC DESIGNATED SERVICE AREA
IN NORTH DAKOTA

Non-Rural Wire Centers

<u>Company</u>	<u>Wire Center</u>
QWEST CORPORATION	BLFDNDBC
QWEST CORPORATION	BSMRNDBC
QWEST CORPORATION	CMSTMNCO
QWEST CORPORATION	CSLTNDBC
QWEST CORPORATION	DCSNNDDBC
QWEST CORPORATION	FARGNDBC
QWEST CORPORATION	FRVWMTMA
QWEST CORPORATION	GDFRNDBC
QWEST CORPORATION	GFABNDBC
QWEST CORPORATION	GFTNNDBA
QWEST CORPORATION	GRNRNDBC
QWEST CORPORATION	HLBONDBC
QWEST CORPORATION	HTTNNDDBC
QWEST CORPORATION	JMTWNDBC
QWEST CORPORATION	KNDRNDBC
QWEST CORPORATION	LNRDNMWA
QWEST CORPORATION	LRMRNDBA
QWEST CORPORATION	MANVNDBC
QWEST CORPORATION	MCINSDCO
QWEST CORPORATION	MINTNDBA
QWEST CORPORATION	MNDNNDDBA
QWEST CORPORATION	MRTWSDCO
QWEST CORPORATION	MYVLNDBC
QWEST CORPORATION	NWODNDBC
QWEST CORPORATION	RYNLNDBC
QWEST CORPORATION	SDNYMTMA
QWEST CORPORATION	THSNNDDBC
QWEST CORPORATION	VLCYNDBC
QWEST CORPORATION	WFRGNDBC
QWEST CORPORATION	WHTNNDBC

Rural Wire Centers

<u>Company</u>	<u>Wire Center</u>
SRT COMMUNICATIONS, INC.	ANTLNDXA
SRT COMMUNICATIONS, INC.	BRTHNDXA
SRT COMMUNICATIONS, INC.	BUTTNDXA
SRT COMMUNICATIONS, INC.	CRPONDXA
SRT COMMUNICATIONS, INC.	DELCNDXA
SRT COMMUNICATIONS, INC.	DNYBNDXA
SRT COMMUNICATIONS, INC.	DRNGNDXA
SRT COMMUNICATIONS, INC.	GLBNNDXA
SRT COMMUNICATIONS, INC.	KRLSNDXA
SRT COMMUNICATIONS, INC.	LNDANDXA
SRT COMMUNICATIONS, INC.	LNFRNDXA
SRT COMMUNICATIONS, INC.	MARTNDXA
SRT COMMUNICATIONS, INC.	MHLLNDXA
SRT COMMUNICATIONS, INC.	MNABNDXA
SRT COMMUNICATIONS, INC.	MNOTNDXA
SRT COMMUNICATIONS, INC.	MTGSNDXA
SRT COMMUNICATIONS, INC.	MXBSNDXA
SRT COMMUNICATIONS, INC.	NWBGNDXA
SRT COMMUNICATIONS, INC.	SHWDNDXA
SRT COMMUNICATIONS, INC.	SPRRNDXA
SRT COMMUNICATIONS, INC.	SWYRNDXA
SRT COMMUNICATIONS, INC.	TOLYNDXA
SRT COMMUNICATIONS, INC.	TWNRNDXA
SRT COMMUNICATIONS, INC.	UPHMNDXA
SRT COMMUNICATIONS, INC.	VLVANDXA
SRT COMMUNICATIONS, INC.	WHOPNDXA

EXHIBIT B

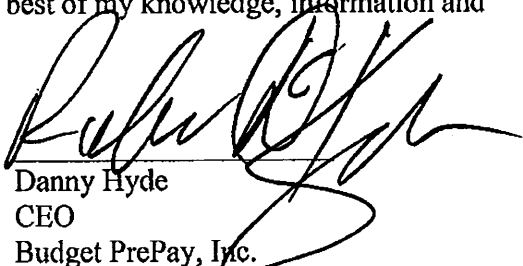
AFFIDAVIT OF DANNY HYDE

STATE OF LOUISIANA)
)
PARISH OF BOSSIER)

I, the undersigned, Danny Hyde, do hereby certify as follows:

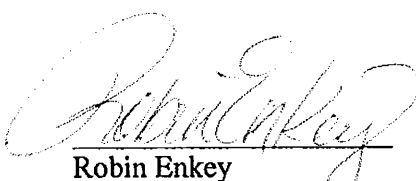
1. I serve as Chief Executive Officer of Budget PrePay, Inc. ("Budget"), a Louisiana corporation with its headquarters at 1325 Barksdale Blvd., Bossier City, Louisiana 71111
2. This Affidavit is submitted in support of the Application of Budget PrePay, Inc. for Relinquishment of Eligible Telecommunications Carrier Designation ("Application")
3. I have reviewed the Application and the facts stated therein are true and correct to the best of my knowledge.

I certify that the foregoing is true and correct to the best of my knowledge, information and belief.



Danny Hyde
CEO
Budget PrePay, Inc.

SWORN TO AND SUBSCRIBED before me at Bossier City, Louisiana on this 20th day of April, 2017.



Robin Enkey
Notary Public
My Commission Expires:

ROBIN M ENKEY
Notary Public #78084
Bossier Parish
State of Louisiana
Commission Is For Life