

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF VIRGIN MOBILE USA, L.P. FOR )  
LIMITED DESIGNATION AS AN ELIGIBLE ) CASE NO. 2010-00524  
TELECOMMUNICATIONS CARRIER )

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION  
TO VIRGIN MOBILE USA, L.P.

Virgin Mobile USA, L.P. ("Virgin Mobile"), pursuant to 807 KAR 5:001, is to file with the Commission the original and five copies of the following information, with a copy to all parties of record. The information requested herein is due on or before May 1, 2011. Responses to requests for information shall be appropriately bound, tabbed, and indexed. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

Virgin Mobile shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though

correct when made, is now incorrect in any material respect. For any request to which Virgin Mobile fails or refuses to furnish all or part of the requested information, Virgin Mobile shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention should be given to copied material to ensure that it is legible. If the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations.

1. Kentucky currently requires that all Eligible Telecommunications Carriers (“ETC”) perform an audit of all customers receiving Lifeline benefits. Each customer must provide proof of eligibility. Does Virgin Mobile agree to audit all Lifeline customers each year rather than conduct a yearly audit of only a sample of customers?

2. Explain the process which Virgin Mobile will employ to audit each Lifeline customer on an annual basis.

3. Explain the process by which Virgin Mobile will verify the initial eligibility of Lifeline customers. Provide details about how and where Lifeline subscribers will be able to initiate service.

4. Does Virgin Mobile understand that Kentucky does not allow consumers to qualify for Lifeline under the income guidelines?

5. The Kentucky Universal Service Fund for Lifeline support is maintained by a fee of eight cents per access line per month from every wireline and wireless

subscriber, which is collected by carriers. Does Virgin Mobile collect this surcharge from any of its customers?

6. The Kentucky Telecommunications Relay Service and the Kentucky Telecommunications Access Program are supported by a surcharge, which is collected by carriers. Each fund is supported by a fee of two cents per access line per month from every wireline and wireless subscriber, which is collected by the carriers. Does Virgin Mobile collect this surcharge from any of its customers?

7. Do Virgin Mobile's customers pay the statewide wireless 911 fee?

8. If Virgin Mobile receives ETC designation in Kentucky, approximately how long will it take for Virgin Mobile to offer Lifeline service in the area in which it receives the ETC designation? Elaborate on any extenuating or special circumstances.

9. Does Virgin Mobile understand that there may be an audit by the Commission of the use of universal service funds and that the eligible telecommunications service designation may be reviewed annually?

10. Has Virgin Mobile been audited by other state utility commission regarding its use of universal service funds? If so, list the state and the result of the audit.

11. Does Virgin Mobile have any outstanding complaints at any state commission or at the Federal Communications Commission ("FCC")? Provide detailed documentation of any complaint filed with a state commission or at the FCC in the past three years.

12. Affirm that Virgin Mobile will not seek toll limitation service reimbursement from Universal Service Administrative Company (“USAC”) if granted ETC status?

13. Affirm that Virgin Mobile will not seek Link-Up reimbursement from USAC if granted ETC status?

14. Virgin Mobile will seek Lifeline reimbursement from USAC if granted ETC status. What amount per customer will Virgin Mobile seek?

15. Will Virgin Mobile seek Lifeline reimbursement from the Kentucky Universal Service Fund if granted ETC status? If so, list the amount per customer Virgin Mobile would be claiming.

16. Provide the number of requests for service from potential customers in Kentucky that were unfulfilled by Virgin Mobile in the previous calendar year.

17. Does Virgin Mobile use agents or other retailers to market and sell its service? If so, provide a list.

18. Will Virgin Mobile be willing to advertise Lifeline and Link-Up availability in languages other than English? If so, list the other languages.

19. Provide the corporate chart of Sprint Nextel Corporation including Virgin Mobile’s relationship to other Sprint Nextel entities.

20. What is Virgin Mobile’s relationship with NPCR, Inc.?

21. NPCR, Inc. has been designated as an ETC in Kentucky in Case No. 2003-00143.<sup>1</sup> Explain how Virgin Mobile's Lifeline offering will differ from NPCR, Inc.'s offering.

22. Has Virgin Mobile been designated as an ETC in any state in which another Sprint Nextel entity was already designated an ETC?

23. Virgin Mobile states, in its application at footnote 16, that unused minutes and text messages do not carry forward from month to month. Also attached to the application is an order of the West Virginia Public Service Commission. The Order required that additional purchased minutes at the rate of \$0.10 per minute and text messages would not expire and would remain available until used or until the customer account is terminated. Will Virgin Mobile be willing to make that same provision available to Kentucky subscribers?

24. Does Virgin Mobile charge against the customer account for all calls and text messages both sent and received including calls to customer service, 911, and company-initiated text messages?

25. Would Virgin Mobile be willing to file its non-usage report with the Commission as detailed on pages 10 and 11 of the application?

26. Provide a proposed customer agreement for Lifeline service detailing all service conditions and charges.

---

<sup>1</sup> Case No. 2003-00143, Petition of NPCR, Inc. d/b/a Nextel Partners for Designation as an Eligible Telecommunications Carrier in the State of Kentucky (Ky. PSC Dec. 16, 2004).



---

Jeff Derouen  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

DATED APR 05 2011

cc: Parties of Record

Elaine Divelbliss  
Virgin Mobile USA, LLC  
10 Independence Blvd  
Warren, NEW JERSEY 07059

Timothy J Eifler  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828