

*DRAFT***PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Communications Division  
Prog. Mgmt and Implementation Branch**

**RESOLUTION T-17150  
June 12, 2008**

**R E S O L U T I O N**

**Resolution T-17150. Sprint Spectrum L.P. d/b/a Sprint PCS  
("Sprint PCS") requests to rescind Eligible Telecommunications  
Carrier ("ETC") designation in the State of California.**

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**Summary**

This Resolution grants the request of Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS") to rescind Eligible Telecommunications Carrier ("ETC") designation in California.

**Background**

In Resolution T-16105, adopted on December 16, 1997, the CPUC granted ETC designation to Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS") and 21 other carriers. The federal universal service administrator, Universal Service Administrative Company ("USAC") considers Sprint PCS as a designated ETC in California based on the California Public Utilities Commission ("CPUC") Resolution.

On February 12, 2008, Sprint PCS filed an Advice Letter requesting the CPUC to rescind their Eligible Telecommunications Carrier ("ETC") status because they have never acted as an ETC in California and did not file annual self certifications. Moreover, Sprint PCS has never requested or received Universal Service Funds ("USF") support.

Since February 10, 2005, Sprint PCS has had ongoing correspondence with USAC requesting that USAC correct their records to reflect that Sprint PCS is not operating as an ETC in California. As recently as November 28, 2007, USAC sent an email to Sprint PCS reiterating their prior position that USAC considers Sprint PCS to be an ETC based on the CPUC's 1997 designation order, and as long as Sprint PCS technically remains an ETC in California that the carrier will be included among the carriers considered for audit and reported as not complying with certification requirements. USAC suggested that Sprint PCS contact the CPUC about relinquishing its ETC designation pursuant to

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47 C.F.R § 54.205 which address the relinquishment of ETC designation and require that:

*(a) A state commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the state commission of such relinquishment.*

*(b) Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the state commission shall require the remaining eligible telecommunications carrier or carriers 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 section, within which such purchase or construction shall be completed.*

The FCC has granted the CPUC the authority to rescind ETC designation. FCC 05-46 § 72 states that “...state commissions possess the authority to rescind ETC designations for failure of an ETC to comply with the requirements of section 214(e) of the Act or any other conditions imposed by the state.”

Sprint PCS requests the CPUC’s assistance to rescind their ETC designation so that it can be removed from USAC’s records having ETC status in California.

**Discussion**

Sprint PCS has complied with 47 C.F.R. § 54.205 (a) by providing advance notice to the CPUC through this Advice Letter # 1, explaining that there will be no customers affected if Sprint PCS rescinds their ETC designation since Sprint PCS has never acted as an ETC in California. The Commission does not need to act on 47 C.F.R § 54.205 (b), as described above, because Sprint PCS has never acted as an ETC in California, and there are other ETCs in California operating in the area Sprint PCS was granted ETC authority.

Sprint PCS has demonstrated that they have tried unsuccessfully on a number of occasions to have its ETC designation rescinded at the federal level and that rescinding its status as a designated ETC does not impose any detrimental impact to California telecommunications customers. Termination of Sprint PCS’s ETC status in

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California will not cause any area of California to be denied access to services provided by an ETC designated carrier. After confirming the above facts with our Communications Division, we believe that Sprint PCS's request to have their ETC status rescinded will result in no harm to the Public Interest. Sprint PCS has satisfied the conditions to relinquish their status as a designated ETC pursuant to 47 C.F.R § 54.205 that addresses the relinquishment of ETC designation. Hence, Sprint PCS's request should be granted.

**Comments**

In compliance with PU Code § 311 (g), a notice letters was e-mailed on May 13, 2008 to all telecommunications carriers, the California High Cost Fund A - Administrative Committee, and the parties of record in R.01-08-002 and A.99-09-044 informing these parties that this draft Resolution is available at the Commission's website <http://www.cpuc.ca.gov/PUC/documents/1> and is available for public comments. In addition, the Communications Division (CD) informed these parties of the availability of the conformed resolution at the same website.

**Findings**

1. Sprint PCS was granted ETC status effective date of January 1, 1998 by Resolution T-16105.
2. Sprint PCS has not acted on the ETC designation granted to it in Resolution T-16105 and did not file the annual self certifications as required by the Commission.
3. Sprint PCS has not requested or received any USF support since being granted ETC designation.
4. The CPUC has the authority to rescind ETC designations pursuant to FCC 05-46 § 72.
5. Sprint PCS's request to have their ETC status rescinded will result in no harm to the Public Interest.
6. Sprint PCS has satisfied the conditions to relinquish their status as a designated ETC pursuant to 47 C.F.R § 54.205 that addresses the relinquishment of ETC designation.

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<sup>1</sup> To review the Resolution, click on "Proposed Decision and Resolution" link, Type T17150 in the document Title box, and then click Search.

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7. In compliance with PU Code § 311 (g), a notice letters was e-mailed on May 13, 2008 to all telecommunications carriers, the California High Cost Fund A - Administrative Committee, and the parties of record in R.01-08-002 and A.99-09-044 informing these parties that this draft Resolution is available at the Commission's website <http://www.cpuc.ca.gov/PUC/documents/> and is available for public comments. In addition, the Communications Division (CD) informed these parties of the availability of the conformed resolution at the same website.
8. Sprint PCS's request should be granted.

**THEREFORE, IT IS ORDERED that:**

1. The request of Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS") to have their ETC designation in California rescinded is granted.
2. The Communications Division is directed to prepare and send a letter, under the Commission's Executive Director's signature, and addressed to the FCC and USAC informing them that Sprint PCS's ETC designation in California has been rescinded.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on June 12, 2008. The following Commissioners approved it.

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PAUL CLANON  
Executive Director