

3. VM is incorrect in claiming the “movants do not explain what they ultimately hope to accomplish by reopening this docket.” To the contrary, the Movants’ request for relief is clear and concise. That requested relief is for rescission only of that portion of the Commission’s Order of November 2, 2011 that redefines the Movants’ study areas without either prior or subsequent notice to the Movants.

4. VM's claim, that the issues of cream skimming and the public interest were resolved by the Commission in 2011, ignores the central fact that these determinations were made unlawfully, without the reasonable opportunity for the Movants to be heard thereon. It would require gross speculation and the presumption of an unfair, biased proceeding to conclude that the Commission delegates decisional authority to its Staff, or that same result necessarily would come out of a lawful proceeding in which the Movants had reasonable opportunity to present evidence on those questions.

5. VM fails to explain or identify any way in which "it would be extremely prejudicial... to reopen the study area redefinition after nearly 4 years of operating as an ETC" as it alleges at paragraph 3 of its response. The requested relief would have no effect on any VM study area or operations; it would affect only that of the Movants.

6. VM may be correct, as it asserts at paragraph 3 of its response, that "[i]t would be grossly unfair and prejudicial to Virgin Mobile to force Virgin Mobile to defend itself in a proceeding challenging its previously-approved study areas after already providing service to customers for nearly four years in reliance on the commissions approval of Virgin Mobile's ETC application." Fortunately for all concerned, the relief requested by the Movants requires nothing of the sort. The Federal Communications Commission, as noted in the Movants' Motion, has determined that redefinition of an incumbent study area is *not required* as a condition of or requirement for Lifeline-only ETC status.

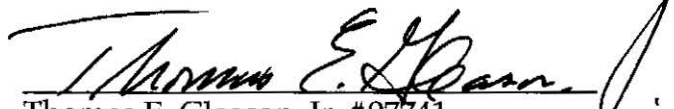
7. Even if it was believed that redefinition was necessary at the time of VM's application, it is now plainly not a requirement for VM's Lifeline-only ETCs status. Rescission of that specific ETC designation is neither requested nor required.

VM, as a wireless carrier, is not required to be certified by this Commission in order to continue provision of its service to Kansas consumers. Again, the relief requested by the Movants would have no effect whatever on the VM's ETC designation or its continuing ability to offer service in its present manner. VM has provided no legal or factual basis to assert otherwise.

8. VM's only arguable interest in the present Motion would be from an adverse effect on the Movants if the latter were to remain subject to unfair and biased competition resulting from redefinition of the Movants' respective study areas. Such a government-created bias against the Movants, weakening their ability to provide continuing high quality, reliable and affordable public utility service as carriers of last resort, could make VM's service more attractive by comparison. Such an indirect interest or purpose, so plainly contrary to the public interest, forms no basis for reasonable denial of the relief requested by the Movants.

WHEREFORE these Movants renew their request that the Commission reopen this Docket, grant the Movants' intervention, thereon review and rescind only so much of the Order of September 6, 2012 as redefines the respective study areas of the Movants, and thereupon forward to the Federal Communications Commission notice of such rescission with the request that the FCC concur therein by restoring the prior study area definition of each of the Movants.

Respectfully submitted,

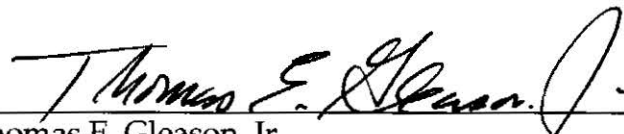
  
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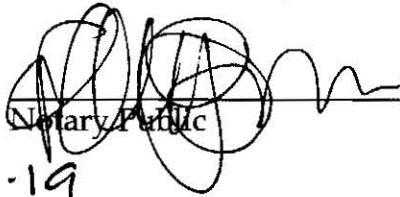
VERIFICATION

STATE OF KANSAS, DOUGLAS COUNTY, ss:

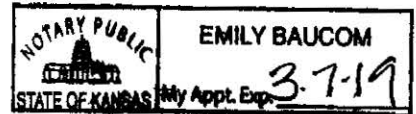
Thomas E. Gleason, Jr., of lawful age, being first duly sworn, on his oath states: he is the attorney for the Movants identified herein; that he has read the above and foregoing Reply; that the statements, allegations and matters contained therein are true and correct.

  
Thomas E. Gleason, Jr.

Subscribed and sworn to before me this 24<sup>th</sup> day of June, 2015.

  
Notary Public

My Appointment Expires: 3.7.19



CERTIFICATE OF SERVICE

Thomas E. Gleason, Jr. certifies that the above and foregoing Reply was served on the following by mailing a copy thereof to each on the 24<sup>th</sup> day of June, 2015:

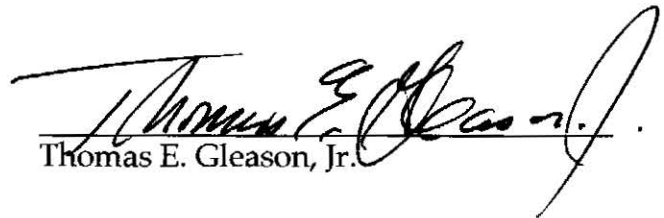
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