

1999 Commission order in Docket No. 94-GIMT-478-GIT. GVNW also cites to an order in Docket No. 14-105. However that order is dated January 23, 2014 and therefore, it does not apply to the March 2012-February 2013 audit period at issue here.

3. On May 19, 2014, Cricket filed its Response to the GVNW audit finding. While Cricket admits that it does not report gross revenues, prior to any service discounts, it contends that the August 13, 1999 order cited by GVNW as a basis for its position, requires no such reporting. Cricket points out that the 1999 order contains no findings, conclusions, rationale, or Commission comments on the issues of reporting gross revenues prior to the application of discounts.

4. The Commission has reviewed its August 13, 1999 Order in Docket No. 94-GIMT-478-GIT. The Order is entitled, "Order On Issue Of Uncollectible Revenue And Additional KUSF Revenue Reporting Issues". In the Findings and Conclusions section of that Order, the Commission "concludes that all companies shall deduct their own company-specific amount for uncollectibles before reporting intrastate revenues to the KUSF administrator". In the ordering paragraph the Commission reiterates its findings. The order does not have any findings or orders regarding the issue of reporting gross revenues prior to the application of discounts for KUSF purposes.

5. The Commission does not accept that the order in Docket No. 94-GIMT-478-GIT establishes a basis for GVNW's finding and therefore cannot accept GVNW finding No. 1.

6. GVNW identified an issue wherein even though Cricket identifies both the KUSF and USF surcharges on a customer's bill as "Universal Service Fund Surcharge", it does not clearly identify whether the charge is for Kansas or Federal jurisdiction as required by the FCC's Truth-In-Billing requirements.

7. Cricket responded to this issue in its May 19, 2014 filing, by arguing that Cricket was recertified by the CTIA during the audit period and was deemed to be “compliant with the principles, disclosures, and practices set forth” in the CTIA Consumer Code and it identifies the surcharges separately on its billings by noting Kansas by code WS and federal as WN. Cricket argues these codes are sufficiently clear.

8. GVNW responded to this argument in its May 29, 2014 Reply filing with the Commission. GVNW argues that the codes “WS” and “WN” are not defined on the customer’s bills and it is likely the customers will not understand the billings. The FCC Truth-In-Billing requirements are intended to help ensure customers understand the service charges, taxes, and fees included in their phone bills.

9. The Commission finds that Cricket’s argument that they are in compliance with CTIA’s requirements unpersuasive. The FCC rules for Truth-In-Billing state that charges must “be accompanied by a brief, clear non-misleading, plain language description” such that consumers can “accurately assess the service for which they are billed”. CTIA has no such requirement. The Commission required all ETCs, such as Cricket, in Docket No. 06-GIMT-187-GIT, to comply with the FCC Truth-In-Billing standards.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Commission accepts and adopts GVNW Consulting, Inc.’s Audit Report for Cricket Communications, Inc., filed in this docket on April 17, 2014, with the exception of the alleged violation finding language and penalty language contained therein. The Commission does not accept or adopt that language for the reasons stated above but does accept the FCC Truth-In-Billing issue language and requires Cricket to come into compliance in its billings with the FCC Truth-In-Billing requirements.

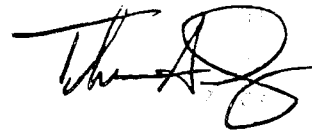
B. Pursuant to K.S.A. 66-118b, the parties have fifteen days, plus three days if service of this order is by mail, from the date of this order in which to petition the Commission for reconsideration of any matter decided herein.

C. The Commission retains jurisdiction over the parties and the subject matter of this docket for the purpose of issuing such additional orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Com.; Apple, Com.

Dated: JUL 03 2014



ORDER MAILED JUL 03 2014

Thomas A. Day
Acting Executive Director

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PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET
TO THE FOLLOWING:

NAME AND ADDRESS	NO. CERT. COPIES	NO. PLAIN COPIES
PATRICK SHIPLEY, DIR OF GOVERNMENT AFFAIRS / REGULATORY LEGAL CONTACT CRICKET COMMUNICATIONS, INC. 5887 COPLEY DR SAN DIEGO, CA 92111-7906		
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ORDER MAILED **JUL 03 2014**

The Docket Room hereby certified that on this _____ day of _____, 20_____, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.