

**BEFORE THE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

_____)	
In the Matter of)	
)	
Virgin Mobile USA, L.P.)	Docket No. 10-VMBZ-657-ETC
)	
Petition for Limited Designation as an)	
Eligible Telecommunications Carrier)	
_____)	

VIRGIN MOBILE’S RESPONSE TO MOTION TO REOPEN DOCKET

Virgin Mobile USA, L.P. (“Virgin Mobile”), hereby files its response to the Motion to Reopen Docket, Petition for Leave to Intervene and Petition for Rescission of Orders Redefining Certain Rural Telephone Company Study Areas (“Motion”) filed by Totah Communications, Inc. and Wilson Telephone Company (“Movants”) and requests the Commission deny the Motion. In support of its Response, Virgin Mobile states as follows:

1. Virgin Mobile fully supports Staff’s Response to Motion to Reopen Docket filed on June 12, 2015 (“Staff Response”). Virgin Mobile will not reiterate herein all of Staff’s arguments in the Staff Response, but Virgin Mobile agrees with Staff’s analysis that the Commission’s Order granting redefinition of Virgin Mobile’s study area did not violate any notice or due process rights with respect to the Movants.
2. The Movants do not explain what they ultimately hope to accomplish by requesting the Commission to reopen this docket. In 2011, the Commission determined that the criteria enumerated by the Federal-State Joint Board in proceedings concerning the redefinition

of rural study areas were not issues of concern in Virgin Mobile's case.¹ Among other things, the Commission determined specifically that "the manner in which a Rural Local Exchange Carrier (RLEC) calculates its costs would not be affected [by redefining the service area], unless the carrier elects to make such change. Therefore, Staff is not concerned with the Joint Board's third issue."² The Commission also determined that "cream skimming" was not a concern in Virgin Mobile's case.³ Ultimately the Commission determined it was in the public interest to grant Virgin Mobile's Petition, including its request for redefinition of its study area, subject to FCC approval of the redefined study area.⁴

3. The Commission should deny the Motion because it would be extremely prejudicial to Virgin Mobile to re-open the study area redefinition after nearly four years of operating as an ETC. Virgin Mobile received its Lifeline-only ETC designation in 2011 and began offering Lifeline service in Kansas in reliance on the KCC's (and the FCC's) approval of the redefined study area. The Commission acknowledged in its Order Granting ETC Designation that "Virgin Mobile's FCC-licensed service area overlaps portions of, but not all of, the aforementioned rural local exchange carriers' study areas; thus, redefinition would be required."⁵ Thus, altering Virgin Mobile's redefined study areas in the Movants' territories could effectively preclude Virgin Mobile from offering service in those territories, if Virgin Mobile's FCC license does not fully overlap the Movants' territories. It would be grossly unfair and prejudicial to Virgin Mobile to force Virgin Mobile to defend itself in a proceeding

¹ Docket No. 10-VMBZ-657-ETC, *Order Granting Virgin Mobile USA L.P.'s Petition for Limited Designation as an Eligible Telecommunications Carrier and Motion for Waiver of the Lifeline Call Plan Rule* ("Order Granting ETC Designation"), pp. 10-11.

² *Id.* at 11.

³ *Id.*

⁴ *Id.* at 12-13.

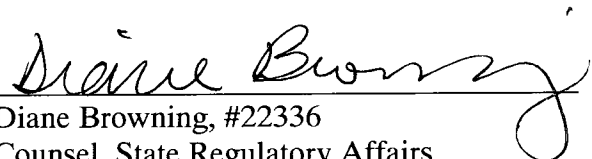
⁵ *Id.* at 10.

challenging its previously-approved study areas after already providing service to customers for nearly four years in reliance on the Commission's approval of Virgin Mobile's ETC application.

WHEREFORE, for all the foregoing reasons, Virgin Mobile requests the Commission to deny Movants' Motion.

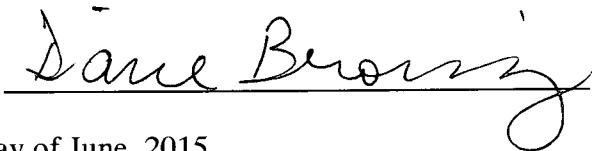
Respectfully submitted,

VIRGIN MOBILE USA, L.P.

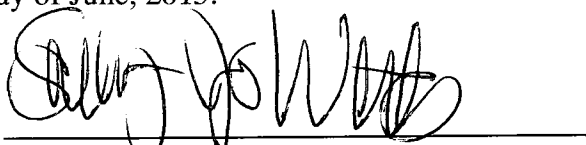

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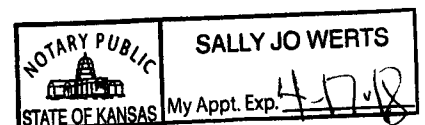
VERIFICATION

I, Diane Browning, being of lawful age duly sworn, state that I have read the above and foregoing Motion and verify the statements contained herein to be true and correct to the best of my knowledge and belief.



Subscribed and sworn to before me this 18 day of June, 2015.


Notary Public



CERTIFICATE OF SERVICE

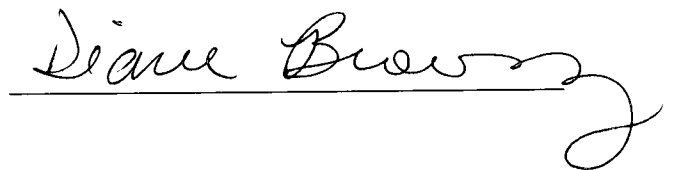
The undersigned hereby certifies that on this 18th day of June, 2015, a copy of the foregoing Response to Motion to Motion to Reopen Docket was served via electronic mail to each of the following:

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A handwritten signature in cursive script, reading "Elaine Divelbliss", written over a horizontal line.