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Mr. Thomas A. Day
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Kansas Corporation Commission
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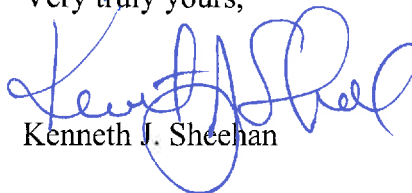
***Re: Application of Total Call Mobile, LLC For Approval of Relinquishment of
Eligible Telecommunications Carrier Designation
Docket No. 13-TCMZ-331-ETC***

Executive Secretary:

Enclosed for filing by Total Call Mobile, LLC is an Application for Approval of Relinquishment of Eligible Telecommunications Carrier Designation.

Please do not hesitate to call me if you have any questions regarding this matter or require additional information.

Very truly yours,


Kenneth J. Sheehan

STATE OF KANSAS
BEFORE THE KANSAS CORPORATION COMMISSION

Total Call Mobile, LLC)	Docket No. 13-TCMZ-331-ETC
)	
Application of Total Call Mobile, LLC)	
For Approval of Relinquishment of Eligible)	
Telecommunications Carrier Designation)	

**APPLICATION OF TOTAL CALL MOBILE, LLC FOR APPROVAL OF
RELINQUISHMENT OF ITS ELIGIBLE TELECOMMUNICATIONS
CARRIER DESIGNATION**

Total Call Mobile, LLC (“Total Call”), pursuant to 47 U.S.C. § 214(e), 47 C.F.R. § 54.205, Kansas Statutes Annotated (“K.S.A.”) 66-2006 and the Kansas Administrative Regulations (“K.A.R.”) 82-13-2, and Kansas Corporation Commission (the “Commission”) Order dated January 23, 2013, requests that the Commission approve this Application (the “Application”) to Relinquish its Eligible Telecommunications Carrier (“ETC”) Designation in the State of Kansas, effective December 31, 2016. Total Call also requests the Commission approve cancellation and withdrawal of any and all of Total Call’s Informational Tariffs for the service on the same date. Total Call proposes to relinquish its ETC designation due to changes in the wireless industry and proposed modifications to the Lifeline program. As detailed below, Total Call’s subscribers will be given ample notice of the discontinuance of Total Call’s operations, and there are many other ETCs able to serve Total Call’s current Lifeline subscribers.

In support of its Application, Total Call states as follows:

Background

1. Total Call is a Delaware limited liability company. Its principal place of business is 1411 190th Street, Suite 650, Gardena, CA 90248. Total Call provides wireless Lifeline

telecommunications services to consumers in Kansas through resale of Commercial Mobile Radio Services (“CMRS”) provided by Sprint PCS (“Sprint”) and AT&T Corp. (“AT&T”).

2. By Order dated January 23, 2013, the Commission granted Total Call’s request for designation as a Lifeline-only ETC in Kansas. In the Matter of the Application of Total Call Mobile, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Kansas, Docket No. 13-TCMZ-331-ETC, Order, (the “Order”), dated January 23, 2013.

3. Total Call offers eligible customers in Kansas five (5) Lifeline prepaid wireless service choices.¹ All Total Call Lifeline service plans include a free handset, call waiting, caller identification and voicemail at no additional charge. Calls to 911 emergency services are always free, regardless of availability of minutes. Total Call does not require deposits and does have service contracts with its Lifeline customers, and thus Lifeline customers incur no early termination fees.

4. Total Call seeks to relinquish its ETC designation and to discontinue service in Kansas due to changes in the wireless industry and proposed modifications to the Lifeline program. Total Call also intends to exit its wireless Lifeline business in every state and U.S territory in which it currently offers wireless Lifeline service. Total Call is not currently enrolling any new Lifeline subscribers in Kansas.

Federal and State ETC Relinquishment Requirements

5. 47 U.S.C. § 214(c)(4) states, in pertinent part:

A State Board [...] shall permit an eligible telecommunications carrier relinquish its designation as such a carrier in any area served by more than one eligible

¹ Lifeline Plan 1 offers 250 free anytime minutes with an option of using text, inbound or outbound, which consumes one (1) Plan minute per text. Lifeline Plan 2 offers a 1000 Minute Talk & 1000 Text retail plan for \$19.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$29.99). Lifeline Plan 3 offers a 30-day Unlimited Talk retail plan for \$19.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$29.99). Lifeline Plan 4 offers a 30-day Unlimited Talk & Text retail plan for \$29.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$39.99). Lifeline Plan 5 offers a 30-day Unlimited Talk, Text, & Data retail plan for \$39.99 (after application of the \$10.00 Lifeline discount to the regular retail price \$49.99).

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 Board [...] of the relinquishment. 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 Board [...] 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.

Id.; see also 47 C.F.R. § 54.205. As shown below, Total Call satisfies all relevant requirements.

6. K.A.S. 66-2006(d) notes:

(d) Telecommunications carriers and electing carriers may cease participation in the KLSP at any time upon provision of 90-days prior written notification to the commission.

Id.

7. Likewise, K.A.R. 82-13-2 notes:

(a) Each competitive local exchange carrier providing local service through a resale arrangement shall provide its customers with at least a 30-day notice before discontinuing service.

Id. As shown below, Total Call satisfies all relevant requirements.

Designated Service Area

8. Total Call seeks to withdraw its ETC designation throughout its entire designated service area in Kansas.

9. As set forth in 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, federal law requires the Commission to permit the withdrawal of an ETC designation in any area served by at least one other ETC.

10. Total Call provides wireless Lifeline service to customers in approximately two hundred sixty (260) wire centers across Kansas.² Each of these wire centers is served by an incumbent local exchange carrier (“ILEC”) that is designated as an ETC.

11. As a consequence, following relinquishment of Total Call’s ETC designation, Total Call’s service area will continue to be served by at least one ILEC ETC. In addition, according to USAC records, Total Call’s Lifeline subscribers will have access to at least twenty (20) other competitive wireless Lifeline providers that provide service in at least part of Total Call’s designated service area – including CenturyLink, Assurance Wireless, and SafeLink Wireless.³

12. Since at least one ILEC ETC already serves each of the wire centers that Total Call serves, those ETCs will not be required to purchase or construct additional facilities to ensure that Total Call’s Lifeline subscribers continue to receive service. In addition, to the best of Total Call’s knowledge, none of the competitive wireless Lifeline providers will be required to purchase or construct additional facilities to continue providing service within the wire centers comprising Total Call’s service area.

13. Because there is at least one additional ETC in each of Total Call’s designated service areas, there is no bar to prevent it from relinquishing its ETC designation in Kansas, and 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 have been met.

Customer Notice

14. Total Call currently has a total of 64 wireless Lifeline subscribers in Kansas.

15. Total Call has sent a customer notification via electronic means to each of its wireless Lifeline subscribers in Kansas. This notice told each subscriber that upon December 31, 2016, or upon re-certification, their ETC provider would be transferred to Boomerang Mobile.

² See Order, Exhibit A, Wire Center Exchanges.

³ See <http://www.lifelinesupport.org/lis/companies/CompanyListing.aspx?state=KS&stateName=Kansas>.

16. Upon Commission approval of this application, Total Call will send subscribers a text message reminding customers that Total Call will discontinue service effective December 31, 2016.

17. Total Mobile does not require deposits, so there is no need for a plan for return of customer deposits.

Request for Waiver of K.S.A. 66-2006(d)

18. Total Call requests a waiver of compliance with K.S.A. 66-2006(d), which requires 90 days' notice to the Commission prior to the effective date of the proposed discontinuance. A waiver should be granted for these provisions for several reasons.

19. As Total Call will be withdrawing from business, and has developed and implemented a clear and effective notification program, delaying the withdrawal beyond a requested 30 days would be prohibitively expensive for Total Call, which is a relatively small company exiting its wireless Lifeline business across the country on December 31, 2016.

20. In addition, affected subscribers have already been notified of the Application by text message and all subscribers who have re-certified have been transferred to a new provider.

21. Affected subscribers will be notified a second time by text upon approval of this Application.

23. In addition to the transfer to Boomerang, subscribers will have access to two ILEC ETCs and at least thirteen (13) competitive wireless ETCs, as stated in the notification to each subscriber.

24. The total subscriber universe is 64 customers. All of these customers have received at least 30 days' notice and have been transferred to another provide. Additionally, as shown above, significant competitors exist in the market.

25. For the foregoing reasons, the Commission should grant a waiver of compliance with K.S.A. 66-2006(d).

Cancellation and Withdrawal of Total Call's Informational Tariff

26. Given that Total Call should be permitted to relinquish its ETC designation in Kansas for the reasons stated above, the Commission should also permit Total Call to cancel and withdraw, as appropriate, any and all Informational Tariff or Tariffs.

CONCLUSION

For the foregoing reasons, Total Call respectfully requests that the Commission approve Total Call's application to relinquish its Eligible Telecommunications Carrier ("ETC") designation in the State of Kansas, effective December 31, 2016, and approve cancellation and withdrawal of any Informational Tariffs, effective the same date.

Respectfully submitted,

By: 

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Dated: December 1, 2016