



Bruce A. Ney
General Attorney

20140721160333
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State Corporation Commission
of Kansas
AT&T Kansas
220 SE Sixth Street
Room 515
Topeka, Kansas 66603-3596

T: 785.276.8413
F: 785.276.1948
bruce.ney@att.com

July 21, 2014

Thomas Day
Acting Executive Director
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027

Re: KCC Docket No. 13-CRCZ-712-KSF

Dear Mr. Day:

Attached you will find *Cricket Communications, Inc.'s Petition for Reconsideration of Order on KUSF Audit Report and Recommendations* for filing in the above referenced docket.

Sincerely,

Bruce A. Ney
General Attorney

Attachment

cc: Parties of Record, via email

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

In the Matter of the Audit of Cricket)	
Communications, Inc. by the Kansas)	
Universal Service Fund (KUSF))	
Administrator Pursuant to K.S.A. 2012)	Docket No. 13-CRCZ-712-KSF
Supp. 66-2010(b) for KUSF Operating Year)	
16, Fiscal Year March 2012-February 2013.)	

**CRICKET COMMUNICATIONS, INC.'S PETITION FOR RECONSIDERATION
OF ORDER ON KUSF AUDIT REPORT AND RECOMMENDATIONS**

COMES NOW Cricket Communications, Inc. ("Cricket"), pursuant to K.S.A. 66-118b and K.A.R. 82-1-235, and petitions the Kansas Corporation Commission ("Commission") for limited reconsideration of a portion of its *Order on KUSF Audit Report and Recommendations* ("Order") dated July 3, 2014 in the above captioned proceeding. In support of its petition, Cricket shows the Commission as follows:

BACKGROUND

1. On May 31, 2013, the Commission issued its *Order to Kansas Universal Service Fund Administrator to Commence Audit of Cricket Communications, Inc. and Order Setting Procedural Schedule* [hereinafter the "*Audit Order*"] in the above captioned proceeding directing the KUSF Administrator to include Cricket in the companies selected for KUSF Operating Year 16 carrier audits. The auditor was directed to file its audit report and recommendations no later than June 30, 2014, with Cricket to file its response, if any, no later than 13 days from the date on which the audit report is filed with the Commission. *Audit Order* at ¶ 8.

2. On April 17, 2014, the Kansas Universal Service Fund Audit Report on Cricket (hereinafter the "*Audit Report*") was filed with the Commission by the auditor. The Audit Report included one "other KUSF-related issue" for Commission consideration. Specifically, the *Audit Report* noted that Cricket identifies both the KUSF and FUSF surcharges on a customer's bill as "Universal Service Fund Surcharge" but does not clearly identify whether the charge is Kansas or the Federal jurisdiction. The audit report suggested that Cricket be made to clearly identify the KUSF surcharge to comply with the Federal Truth-in-Billing requirements. *Audit Report* at pp. 3-4.

3. On May 19, 2014, Cricket filed its Response to the *Audit Report* and set forth the basis on which it disagreed with the *Audit Report* suggestion that Cricket does not currently comply with the Federal Truth-in-Billing and CTIA Consumer Code requirements.

4. On May 29, 2014, the KUSF auditor filed its Reply to Cricket's response and addressed the issue concerning the identification of the KUSF surcharge and the Truth-in-Billing requirements. The auditor's reply noted that the issue was "not a direct Audit Finding" and that it "***was not a clear cut violation*** of the Truth-In-Billing requirements."¹

5. On July 3, 2014, the Commission issued its *Order On KUSF Audit Report and Recommendations* (hereafter the "*Audit Report Order*"), accepting and adopting the *Audit Report* and finding that Cricket must bring its billings into compliance with the FCC Truth-In-Billing requirements.

¹ GVNW's Reply to Cricket Communications, Inc.'s Response to Kansas Universal Service Fund Audit Report, Docket No. 13-CRCZ-712-KSF, filed May 29, 2014 at ¶6. (Emphasis added).

REQUEST FOR RECONSIDERATION

6. Cricket requests the Commission reconsider that portion of the *Audit Report Order* wherein it concludes that Cricket must “come into compliance in its billing with the FCC Truth-In-Billing requirements.” *Audit Report Order* ¶A.

7. The applicable section of the Truth-In-Billing requirements states:

(b) *Descriptions of billed charges.* Charges contained on telephone bills must be accompanied by a brief, clear, non-misleading, plain language description of the service or services rendered. The description must be sufficiently clear in presentation and specific enough in content so that customers can accurately assess that the services for which they are billed correspond to those that they have requested and received, and that the costs assessed for those services conform to their understanding of the price charged.²

Cricket believes its billing statement fully complies with this provision. Cricket’s consumer bills identify separate charges for state and federal universal service funds as:

Universal Service Fund Surcharge (WN)
Universal Service Fund Surcharge (WS)

The notation (WS) designates the state USF and (WN) designates the federal USF. Cricket believes these designations/descriptions are sufficiently clear and specific in both presentation and content to comply with both the Truth-In-Billing on a national basis, not just in Kansas.

8. As the Auditor’s response noted, the *Audit Report* was not a clear cut finding that Cricket’s billing of the KUSF surcharge violated the Truth-In-Billing requirements. Further, there is no evidentiary basis in the record of this proceeding that any consumers have complained about, been “misled” or do not otherwise understand,

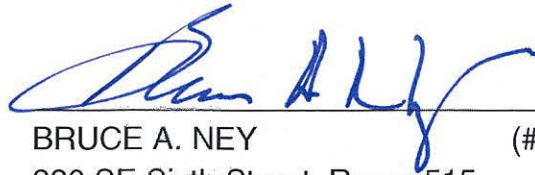
² 47 CFR §64.2401(b).

Cricket's billing of the KUSF surcharge on which the Commission can base its findings or conclusions regarding this matter. The Commission's conclusion that Cricket's billing is not in compliance with the FCC Truth-In-Billing requirements is based upon speculation and is otherwise arbitrary, capricious and not supported by the evidence. Accordingly, that portion of the Commission's Order must be reconsidered and the Commission should simply remind Cricket of its obligations as an ETC to comply with the Federal Truth-In-Billing requirements.

9. Cricket reminds the Commission that earlier this year, March 2014, AT&T Inc. completed its acquisition of Cricket. As a result, the Cricket billing system that was the subject of the *Audit Report* suggestion is being phased out over an 18-month period and customers migrated to a new billing system. Further, Cricket's records indicate that only 402 Kansas consumers currently receive billings identifying the state and federal USF surcharges in the manner discussed by the *Audit Report* and *Audit Report Order*. In order to minimize any customer confusion, Cricket requests the Commission allow it to provide a "plain language description" of the USF surcharge notations at issue to those 402 consumers via bill insert and text messages. Cricket would then make a compliance filing in this docket providing the Commission with details of the information given to the affected consumers and when it was provided.

WHEREFORE, Cricket respectfully requests an Order of the Commission reconsidering the *Audit Report Order* as discussed above. In the alternative, Cricket requests an Order allowing Cricket to provide affected Kansas consumers with information as described herein and to make a compliance filing with the Commission to resolve this matter.

Respectfully submitted,



BRUCE A. NEY (#15554)

220 SE Sixth Street, Room 515

Topeka, Kansas 66603-3596

(785) 276-8413

(785) 276-1948 (facsimile)

bruce.ney@att.com

Attorney for Cricket Communications, Inc.

VERIFICATION

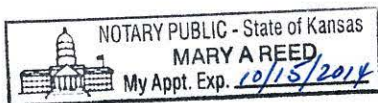
STATE OF KANSAS)
) SS:
COUNTY OF SHAWNEE)

I, Ann M. Hughes, of lawful age, and being first duly sworn, now state: I am Director – Regulatory, and have read Cricket Communication, Inc.’s Petition for Reconsideration of Order on KUSF Audit Report and Recommendations, and verify the statements contained herein to be true and correct to the best of my knowledge and belief.



Ann M. Hughes

Subscribed and sworn to before me this 21st day of July, 2014.





Notary Public

My Appointment Expires: October 15, 2014

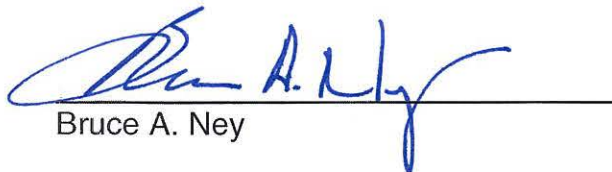
CERTIFICATE OF SERVICE

I hereby certify that a correct copy of Cricket Communication, Inc.'s Petition for Reconsideration of Order on KUSF Audit Report and Recommendations was sent via electronic mail on this 21st day of July, 2014 to:

Robert Fox
Senior Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
b.fox@kcc.ks.gov

Brian Fedotin
Advisory Staff
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
b.fedotin@kcc.ks.gov

Otto Newton
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-4027
o.newton@kcc.ks.gov



Bruce A. Ney