

Decision No. C20-0148-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 20V-0081T

IN THE MATTER OF THE PETITION OF VIRGIN MOBILE USA, L.P. FOR A VARIANCE FROM 4-CCR 723-1 SS 1208 AND REQUEST TO WAIVE OR SHORTEN THE COMMISSION NOTICE AND INTERVENTION PERIOD OF 4 CCR 723-1 SS 1206(d).

**INTERIM DECISION GRANTING REQUEST
FOR A SHORTENED NOTICE PERIOD**

Mailed Date: March 6, 2020

Adopted Date: March 4, 2020

TO THE PARTIES IN THIS MATTER AND ALL INTERESTED PERSONS, FIRMS, OR CORPORATIONS:

I. BY THE COMMISSION

A. Statement

1. On March 2, 2020, Virgin Mobile USA, L.P. (Virgin Mobile or the Company) filed a Petition for Variance from Rule 1208, 4 *Code of Colorado Regulations* (CCR) 723-1, and Request to Waive or Shorten the Commission's Notice and Intervention Period of Rule 1206(d), 4 CCR 723-1 (Petition).

2. By this Decision, we grant Virgin Mobile's request for a shortened notice and intervention period contained within the Petition. Notice and intervention, including for Commission Staff, shall extend concurrently for 14 days from the mailed date of this Decision; *i.e.*, through 5:00 p.m., March 20, 2020.

B. Findings and Conclusions

3. On March 2, 2020, Virgin Mobile filed its Petition requesting a variance from Rule 1208, 4 CCR 723-1 of the Commission's Rules of Practice and Procedure. Virgin Mobile

explains that through Decision No. R12-0246, issued March 6, 2012, in Proceeding No. 11A-657T, the Commission designated it as an Eligible Telecommunications Carrier (ETC) for the limited purpose of qualifying for federal Universal Service Fund subsidies for serving customers enrolled in the federal Lifeline program, and that it provides Lifeline services under the brand name “Assurance Wireless brought to you by Virgin Mobile.” The Company states that it is an indirect wholly owned subsidiary of Sprint Corporation (Sprint), and that Sprint’s license to use the “Virgin Mobile” brand name will expire in mid-2020. Therefore, the Company states that a corporate entity name change is necessary, and that Sprint must change its Colorado ETC designation name. Virgin Mobile represents that Sprint will require several weeks to update marketing and advertising materials to remove references to Virgin Mobile and accurately reflect the new name – “Assurance Wireless USA, L.P.”

4. The Commission’s Rule 1208, 4 CCR 723-1, imposes certain filing and notice requirements when a utility’s name changes. Virgin Mobile seeks an expedited variance from this rule, and requests that the Commission act on its Petition within 40 days of the filing of the Petition.

5. With its Petition, Virgin Mobile requests that the Commission waive or shorten the 30-day notice and intervention period set forth in Rule 1206(d), 4 CCR 723-1. The Company states that the name change will be transparent and seamless to customers, and that their Lifeline service will not be changed.

6. In these circumstances, we agree that shortened notice and intervention is appropriate, and we set a shortened notice and intervention period of 14 days through Friday, March 20, 2020, including for Commission Staff. This timing allows for the merits of the Petition to be considered within the timeframe requested by the Company, in the event no

interventions opposing the Petition are filed, while at the same time allowing appropriate time in these circumstances for interested persons including Commission Staff to consider the Petition and, potentially, make necessary filings.

7. The Petition is available for public inspection at the Commission office located at 1560 Broadway, Suite 250, Denver, Colorado 80202, between 8:00 a.m. and 5:00 p.m., excluding weekends and state holidays, or by accessing the Commission's E-Filing system under the above proceeding number at Colorado.gov/dora/puc. **This Decision is the notice that the Petition seeking a variance from Rule 1208, 4 CCR 723-1, related to the name change of Virgin Mobile has been filed.**

8. The Commission notice period for the Petition shall extend for 14 days from the mail date of this Decision and, therefore, shall extend through and including **5:00 p.m. on March 20, 2020**. The intervention period will run concurrent with the notice period. Interventions, including interventions filed by Commission Staff, shall be due by **5:00 p.m. on March 20, 2020**.

II. ORDER

A. It Is Ordered That:

1. The request by Virgin Mobile USA, L.P. filed on March 2, 2020, for a shortened Commission notice and intervention period for its Petition for Variance from Rule 1208, 4 *Code of Colorado Regulations* 723-1 (Petition), is granted, consistent with the discussion above.

2. The notice period for the Petition shall extend through and including **5:00 p.m. on March 20, 2020**.

3. Any person desiring to intervene or participate as a party in this proceeding, including Commission Staff, shall file a petition for leave to intervene, or under the

Commission's Rules of Practice and Procedure, file other appropriate pleadings to become a party by **5:00 p.m. on March 20, 2020**.

4. Alternatively, persons who do not wish to intervene or become a party, but desire to file comments, may send written comments addressed to the Public Utilities Commission, 1560 Broadway, Suite 250, Denver, Colorado 80202. All persons who file an objection, notice of intervention as of right, motion to permissively intervene, or any other appropriate pleading shall do so in accordance with the instructions set forth in the Commission's Rules of Practice and Procedure and this Decision.

5. If a party does not meet the requirements of this Decision, the Commission may dismiss or strike the application or intervention upon motion filed by any other party, or upon the Commission's own motion, unless good cause for failure to meet the requirements is shown.

6. This Decision is effective upon its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
March 4, 2020.**

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JEFFREY P. ACKERMANN

FRANCES A. KONCILJA

JOHN GAVAN

Commissioners