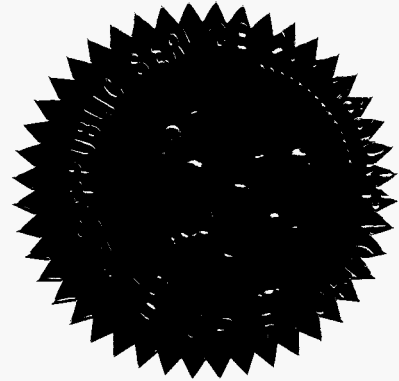


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 090245-TP

PETITION FOR LIMITED
DESIGNATION AS ELIGIBLE
TELECOMMUNICATIONS CARRIER
(ETC) BY VIRGIN MOBILE,
USA, L.P.



PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 2

COMMISSIONERS

PARTICIPATING: CHAIRMAN NANCY ARGENZIANO
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER NATHAN A. SKOP
COMMISSIONER DAVID E. KLEMENT
COMMISSIONER BEN A. "STEVE" STEVENS III

DATE: Tuesday, May 18, 2010

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: Lisa Babcock, Court Reporter
850.222.5491

DOCUMENT NUMBER: 04344 MAY 24 2010

FPSC-COMMISSIONER CLP/ML

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CHAIRMAN ARGENZIANO: Let's move on to Item 2.

Ms. Beard?

MS. BEARD: Good morning, Commissioners.

Catherine Beard on behalf of Staff.

Item Number 2 addresses Virgin Mobile's request for designation as an eligible telecommunications carrier in Florida. Virgin Mobile's Lifeline offering includes a free E911 compliant handset and 200 minutes of free air time each month.

Staff would like to make two minor factual corrections to the recommendation. The first one is located in the last sentence on Page 6. The words "resale services" should be changed to "its own facilities."

CHAIRMAN ARGENZIANO: I'm sorry. Would you repeat the change?

MS. BEARD: Sure. The words "resale services" --

CHAIRMAN ARGENZIANO: Uh-huh.

MS. BEARD: -- should be changed to "its own facilities."

CHAIRMAN ARGENZIANO: Okay.

MS. BEARD: And the second correction is located in the last bullet on the bottom of Page 11.

1 The cost of additional minutes should be changed from 20
2 cents to 10 cents, and the cost of text messages should
3 be changed from 10 cents to 15 cents. In addition to
4 those modifications, TracFone withdrew its comments in
5 opposition on May 14th.

6 With us this morning to discuss this item, we
7 have Susan Clark representing Virgin Mobile and Earl
8 Poucher representing the Office of Public Counsel.
9 Staff is prepared to answer any questions Commissioners
10 may have.

11 CHAIRMAN ARGENZIANO: Thank you. Commissioner
12 Skop, do you have a question?

13 COMMISSIONER SKOP: I'll just reserve the
14 question.

15 CHAIRMAN ARGENZIANO: Okay. Ms. Clark?

16 MS. CLARK: Thank you, Madam Chairman and
17 Commissioners.

18 As Staff has indicated, I am Susan Clark. I
19 am with the law firm of Radey, Thomas, Yon & Clark, and
20 I am here today on behalf of Virgin Mobile USA, whose
21 petition for limited designation as an ETC carrier is
22 before you as proposed agency action.

23 I would also like to introduce Mr. Peter
24 Lurie, who is Senior Vice President for Sprint; and next
25 to him is Mr. Doug Nelson, who is a regulatory attorney

1 with Sprint.

2 We support Staff's revised recommendation to
3 grant Virgin Mobile's petition and allow it to make
4 prepaid wireless services available in Florida. We
5 appreciate the Staff's hard work and agree with their
6 analysis, and we respectfully request that you adopt the
7 recommendation.

8 We are happy to answer any questions you may
9 have.

10 CHAIRMAN ARGENZIANO: Thank you.
11 Commissioners? Commissioner Skop.

12 COMMISSIONER SKOP: Thank you, Madam Chair.
13 This is a question to Staff.

14 On Page 13 of Staff recommendation in the
15 Conclusions section, second paragraph, it states, "If
16 Virgin Mobile should decide in the future to seek
17 high-cost universal service fines, it should be required
18 to file a petition to make a showing that it would be in
19 the public interest to grant such a request."

20 If you look further down on the page, it says,
21 "Granting the ETC designation should be contingent on
22 Virgin Mobile providing the following". I don't see any
23 express language that addresses Staff concerns within
24 those bullets.

25 So is it proper within the order to expressly

1 state that if they seek high-cost universal service
2 fines in the future that they would be required,
3 commiserate with the order, to come back in?

4 MR. CASEY: We can certainly do that to
5 clarify it.

6 COMMISSIONER SKOP: Okay. Because that's,
7 like I say, it's a notation made by Staff, but it's not
8 reflected in the bulleted list of the requirements.

9 And just one final question, with respect to
10 the comparison, I guess it looks like TracFone has
11 withdrawn its comments. But under the existing Virgin
12 Mobile offering for Lifeline, it seems that customers
13 will be -- or will receive 200 anytime minutes per month
14 at no charge and those minutes will not roll over;
15 that's correct?

16 MS. BEARD: Correct.

17 COMMISSIONER SKOP: Okay. And under the
18 existing TracFone program, I think they get 68 minutes
19 but those minutes do roll over?

20 MS. BEARD: Correct.

21 COMMISSIONER SKOP: All right, thank you.

22 CHAIRMAN ARGENZIANO: Mr. Poucher?

23 MR. POUCHER: Earl Poucher; Office of Public
24 Counsel.

25 We're here to support Staff; good

1 recommendation. We're anxious to see Virgin Mobile come
2 to Florida. And there are some folks in Sopchoppy who
3 will take advantage.

4 CHAIRMAN ARGENZIANO: Commissioners, any
5 comments? Do we have a motion?

6 COMMISSIONER SKOP: Thank you, Madam Chair.
7 With respect to the disposition of Item 2, I'd move to
8 approve the Staff recommendation on Issues 1 and 2,
9 noting that TracFone has withdrawn its comments.

10 CHAIRMAN ARGENZIANO: Do I have a second?

11 COMMISSIONER KLEMENT: Second.

12 CHAIRMAN ARGENZIANO: All those in favor, say
13 Aye.

14 (Vote Taken.)

15 MS. BEARD: Thank you, Commissioners.

16 CHAIRMAN ARGENZIANO: Thank you very much.

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CERTIFICATE OF REPORTER

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I, LISA A. BABCOCK, do hereby certify that I was authorized to and did report the foregoing proceedings, and that the transcript, pages 1 through 6, is a true and correct record of my stenographic notes.

Dated this 21st day of May, 2010 at Tallahassee, Leon County, Florida.

Lisa Babcock

LISA A. BABCOCK
Court Reporter