

**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**UM 1522**

In the Matter of )  
VIRGIN MOBILE USA, L.P. )  
Petition for Limited Designation as an )  
Eligible Telecommunications Carrier )

**JOINT TESTIMONY OF VIRGIN MOBILE, STAFF, CUB, AND OEM**

**IN SUPPORT OF STIPULATION**

1 I. INTRODUCTION

2  
3 **Q. Please state your names and positions.**

4 A. My name is James R. Burt. I am Director – Policy supporting Sprint Nextel  
5 Corporation’s various subsidiaries. I am testifying on behalf of Virgin Mobile USA, L.P.  
6 (“Virgin Mobile”). My witness qualifications statement is included as Exhibit Joint/101  
7 to this testimony.

8  
9 My name is Kay Marinos. I am the Program Manager of the Competitive Issues Section  
10 of the Telecommunications Division of the Public Utility Commission of Oregon (the  
11 “Commission”). My witness qualifications statement is included as Exhibit Joint/102 to  
12 this testimony.

13  
14 My name is Jon Cray. I am the Program Manager of the Residential Service Protection  
15 Fund (“RSPF”) of the Central Services Division of the Commission. My witness  
16 qualifications statement is included as Exhibit Joint/103 to this testimony.

17  
18 My name is Bob Jenks. I am Executive Director of the Citizens’ Utility Board of Oregon  
19 (“CUB”). My witness qualifications statement is included as Exhibit Joint/104 to this  
20 testimony.

21  
22 My name is Mark Tennyson. I am the Director of the Technology and Response Section  
23 of Oregon Emergency Management (“OEM”). My witness qualifications statement is

1 included as Exhibit Joint/105 to this testimony. OEM intervened in this matter for the  
2 limited purpose of raising issues that are directly related to filings in this matter that  
3 affect or impact 9-1-1 emergency reporting systems and PSAPs in Oregon.  
4 Consequently, OEM's participation in this joint testimony is similarly limited. OEM  
5 expresses no opinion – and is not qualified to testify – with regard to matters not directly  
6 pertinent to the 9-1-1 system issues addressed in this testimony.  
7

8 **Q. What is the purpose of your testimony?**

9 A. The purpose of our joint testimony is to describe and support the stipulation  
10 (“Stipulation”) among Virgin Mobile, Staff of the Commission (“Staff”), CUB, and  
11 OEM, filed on December , 2011, which supports Virgin Mobile's request for  
12 designation as an Eligible Telecommunications Carrier (“ETC”) and Eligible  
13 Telecommunications Provider (“ETP”) by the Commission. This Stipulation was filed  
14 with this joint testimony. On February 1, 2011 Virgin Mobile filed its Petition for  
15 Limited Designation as an ETC with the Commission. Virgin Mobile filed a First  
16 Amended Application (“Amended Application”) for Limited Designation as an ETC and  
17 as an ETP for participation in the Commission's Oregon Telephone Assistance Program  
18 (“OTAP”), and request for waiver of certain RSPF Oregon Administrative Rules  
19 (“OARs”) on October 25, 2011. Docket UM 1522 was opened to consider Virgin  
20 Mobile's foregoing applications.  
21

22 **Q. Does the Stipulation resolve all of the issues in this proceeding?**

1 A. Yes. Virgin Mobile, Staff, CUB, and OEM (the “Parties”) agree that Virgin Mobile’s  
2 Applications for ETC and ETP status, as modified by, and subject to, the terms and  
3 conditions set forth in the Stipulation will satisfy all applicable legal requirements and  
4 will be in the public interest, and that the Commission should issue an order approving  
5 the Amended Application subject to the terms and conditions contained in the  
6 Stipulation.

7  
8 **Q. Are all parties to the proceeding signatories to the Stipulation?**

9 A. Yes.

10 **II. GENERAL DESCRIPTION OF THE APPLICATION**

11  
12 **Q. Who is Virgin Mobile?**

13 A. Virgin Mobile USA, L.P. is a wholly-owned subsidiary of Sprint Nextel Corporation.  
14 Virgin Mobile offers prepaid wireless services using the Virgin Mobile brand and the  
15 Nationwide Sprint Network. The Federal Communications Commission (“FCC”) and  
16 several state commissions have granted Virgin Mobile ETC status in 32 states. Virgin  
17 Mobile’s non-Lifeline customers pre-pay for the voice, messaging, and data services they  
18 use and can add funds to their accounts at any time. If their funds run out, they cannot  
19 make or receive calls until they purchase additional minutes with the exception of calls to  
20 9-1-1 and customer care where calling is always allowed. Virgin Mobile offers a  
21 separate set of Lifeline plans under the brand name Assurance Wireless brought to you by  
22 Virgin Mobile. Only eligible Lifeline customers can receive these plans. The base plan  
23 is 250 free minutes and a free phone. The 250 free minutes are funded by the Lifeline

1 portion of the Federal Universal Service Fund (“FUSF”) and by an additional \$3.50 per  
2 customer per month of Virgin Mobile’s own funds. Virgin Mobile provides the free  
3 phone. Additional optional services including messaging, more voice minutes, and data  
4 services are available to Lifeline customers on a pre-paid basis if they wish to purchase  
5 them.

6  
7 **Q. What does Virgin Mobile propose to offer to Lifeline customers in Oregon?**

8 A. Virgin Mobile proposes to offer wireless telecommunications services to qualified  
9 Lifeline customers that are the same as those currently provided in other states. Virgin  
10 Mobile will provide, at its own expense, a fully E-9-1-1 compliant handset to customers  
11 free of charge. Upon certification, Virgin Mobile will offer customers a choice of three  
12 different Assurance Wireless Lifeline customer service plans:

- 13  
14 1) 250 free voice minutes each month, which do not carry over to the next month if  
15 unused, with messaging at the rate of \$.10 per message and additional voice  
16 minutes at \$.10 per minute.
- 17 2) 500 voice minutes (250 free plus 250 additional), for \$5.00 which do not carry  
18 over to the next month if unused, with messaging at the rate of \$.10 per message  
19 and additional voice minutes at \$.10 per minute.
- 20 3) 1,000 voice minutes (250 free plus 750 additional) and 1,000 messages for \$20.00  
21 which do not carry over to the next month if unused, with additional messaging at  
22 the rate of \$.10 per message and additional voice minutes at \$.10 per minute.

1 All voice minutes may be used to send or receive local calls and domestic long distance  
2 calls. International calling is available for an additional charge. Call waiting, voice mail,  
3 and caller ID are included. Data services are also available using the “basic rate” of  
4 \$1.50 per 1 megabyte (“MB”) of data with any unused balance expiring after 24 hours or  
5 through a subscription to a “Data Pack” at \$5.00 for 5 MB, \$10.00 for 20 MB, or \$20.00  
6 for 50 MB where the unused balance expires at the end of the monthly subscription  
7 period. Calls to Assurance Wireless customer service and 9-1-1 will not be deducted  
8 from the customer’s free minutes.

9  
10 **Q. What financial support will Virgin Mobile receive?**

11 A. Virgin Mobile will receive support only from the FUSF. Virgin Mobile does not request  
12 support from the Oregon RSPF at this time but reserves the right to seek RSPF support  
13 through a revised ETP application to the Commission if it chooses to seek such support.  
14 Instead, Virgin Mobile will provide customers with an additional \$3.50 in support from  
15 its own funds and will receive Tier III matching support (\$1.75 per month) from the  
16 FUSF, enabling a maximum total of \$13.50 of support per month. For this reason, the  
17 Parties agree that the Commission should waive OAR 860-033-0035(1)(c), which  
18 provides that the monthly OTAP benefit includes the State of Oregon support of \$3.50, if  
19 required.

20  
21 **Q. Why does Virgin Mobile seek “limited” designation as an ETC in Oregon?**

22 A. Virgin Mobile’s proposed designation is for the sole purpose of offering Lifeline service  
23 and receiving the corresponding Lifeline support from the FUSF. Virgin Mobile does not

1 seek to claim funds from the Link Up portion of the FUSF, nor does it seek to claim  
2 FUSF high-cost support.

3  
4 **Q. Will Virgin Mobile offer Lifeline service everywhere in Oregon?**

5 A. As explained in Section III.Q of the amended application, Virgin Mobile will only offer  
6 Lifeline service in areas where it has adequate coverage, and will exclude areas served by  
7 Citizens/Frontier Telephone Company and Pioneer Telephone Cooperative. Virgin  
8 Mobile will not offer Lifeline service on any Tribal Lands and it will not offer Tribal  
9 Lifeline service. However, Virgin Mobile will offer Lifeline services in a significant  
10 portion of the state as shown on the map, Exhibit F of its Amended Application. The  
11 wire centers included in the proposed designated service area are listed in Exhibit G of  
12 the Amended Application.

13  
14 **II. GENERAL DESCRIPTION OF THE STIPULATION**

15  
16 **Q. Please generally describe the Stipulation.**

17 A. In the Stipulation, the Parties agree that the Amended Application, modified by and  
18 subject to the terms and conditions set forth in the Stipulation, will satisfy the applicable  
19 legal requirements and that approval of the Amended Application, subject to the terms  
20 and conditions set forth in the Stipulation, is in the public interest. The Parties  
21 recommend that the Commission designate Virgin Mobile as an ETC and as an ETP for  
22 the limited purpose of offering Lifeline services in the wire centers listed in Exhibit F of  
23 the Amended Application, subject to the terms and conditions set forth in the Stipulation.

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**Q. Please describe the genesis of the Stipulation**

A. Virgin Mobile’s Amended Application explains why Virgin Mobile meets all of the applicable legal requirements for designation as an ETC and as an ETP and why approval of the Amended Application is in the public interest. During the course of this proceeding, the other Parties identified Oregon-specific requirements and issues that needed to be addressed before the Commission could approve Virgin Mobile’s Applications. The Parties explored these issues through discovery and in a number of settlement discussions. Although the Amended Application reflects the resolution of the issues, the Stipulation, filed with this Joint Testimony, formalizes a number of specific terms and conditions that the intervening parties and Staff believe are necessary to a finding that approval of Virgin Mobile’s Amended Application is in the public interest. The special conditions are intended to protect against waste, fraud and abuse and to address concerns related to the free nature of Virgin Mobile’s Lifeline services.

**III. PROCEDURAL HISTORY**

**Q. When did Virgin Mobile file its original and amended applications in this proceeding?**

A. On February 1, 2011 Virgin Mobile filed its initial Petition for Limited Designation as an ETC with the Commission. On March 11, 2011 a procedural schedule was established by Administrative Law Judge Allan J. Arlow. Virgin Mobile filed direct testimony and



1 exhibits on April 8, 2011. Judge Arlow suspended the schedule, on the motion of Staff,  
2 to allow the Parties to work to narrow and resolve outstanding issues.

3 The Parties held workshops/settlement conferences, open to all Parties in the docket, on  
4 April 14, June 15, and August 8, 2011 to address outstanding issues. The Parties filed  
5 status reports with Judge Arlow on September 15 and October 14, 2011. The Parties  
6 resolved all outstanding issues and Virgin Mobile then drafted and filed its Amended  
7 ETC and ETP Application on October 25, 2011. The Amended Application also  
8 included the ETP form for OTAP participation as required. However, confidential  
9 information required by the form was inadvertently omitted, but Virgin Mobile  
10 subsequently filed the information under confidential cover on November 22, 2011.

11  
12 **Q. What are the legal standards that apply to Virgin Mobile's Application?**

13 A. The federal requirements for ETC designation are set forth in 47 U.S.C. §214(e)(2) and  
14 rules of the FCC, 47 C.F.R. §§ 54.101(a) and 54.202(a). The Oregon requirements for  
15 ETC designation were established by the Commission in Order No. 06-292 ("ETC  
16 Order"). One of those requirements is to offer Lifeline and OTAP services. In order to  
17 offer Lifeline and OTAP services in Oregon, an ETC must receive designation as an ETP.  
18 ETP requirements are found in the Commission's RSPF OARs.

19  
20 **Q. What do the FCC's rules require for certification as an ETC?**

21 A. The FCC's rules require that ETCs offer a number of specific services and functionalities.  
22 The rules also require that ETCs commit to meeting several specific obligations. Virgin  
23 Mobile addressed each of these requirements and its ability to meet them in its Amended

1 Application and pre-filed testimony. The FCC requirements are very similar to the  
2 Commission's requirements and are addressed in the context of the Commission's  
3 requirements as detailed in the Amended Application.

4 **Q. What are the Commission requirements for ETC and ETP designation in Oregon?**

5 A. The Commission established requirements for ETC designation in Oregon in Order 06-  
6 292. While generally mirroring the FCC requirements, there are differences. Since the  
7 release of that Order, the Commission has required all carriers that wish to be designated  
8 in Oregon to meet those requirements.

9  
10 The ETC Order sets forth a number of requirements for both initial and ongoing  
11 certification as an ETC. Virgin Mobile addressed these requirements in its Amended  
12 ETC Application and pre-filed testimony. There was no dispute in this case about Virgin  
13 Mobile's ability to meet several of those requirements, which are not discussed further in  
14 this testimony.

15  
16 The requirements for ETP designation are found in RSPF OAR 860-033-0001 through  
17 860-033-0100.

18  
19 **IV. THE STIPULATION**

20  
21 **Q. Please describe the settlement discussions among the Parties.**

1 A. The Parties held workshops/settlement conferences on April 14, June 15, and August 8,  
2 2011 to address outstanding issues. These workshops/settlement conferences were open  
3 to all Parties to this docket.  
4

5 **Q. Please describe the major conditions agreed upon by the Parties.**

6 A. The Parties agree as follows:

- 7 • The Parties agree that Virgin Mobile meets all initial designation and annual  
8 recertification requirements as established in Commission Order 06-292 for ETC  
9 status except as specifically addressed herein.
- 10 • The Parties agree that Virgin Mobile ETC designation will be only for purposes  
11 of participation in the Lifeline program of the FUSF low-income fund and that  
12 Virgin Mobile will not be designated to receive support from the high-cost fund  
13 or from the Link Up portion of the federal fund.
- 14 • The Parties agree that Virgin Mobile meets all ETP requirements with the  
15 exception of those for which waivers were requested.
- 16 • The Parties agree that approval of Virgin Mobile's application is in the public  
17 interest subject to additional requirements addressed below.
- 18 • Virgin Mobile's ETC and ETP designated service area will be comprised of the  
19 wire centers listed in Exhibit G of its Amended Application. Virgin Mobile does  
20 not request designation as an ETC or ETP on Tribal lands in Oregon and any such  
21 lands are excluded from Virgin Mobile's designated service area.  
22

1 **Q. What are the Stipulation terms concerning specific ETC requirements that haven't**  
2 **already been addressed?**

3 A. Virgin Mobile will meet all requirements of Commission Order 06-292 except that Virgin  
4 Mobile cannot provide the trouble report required by Appendix A Recertification  
5 Requirement 6.2.1, which requires that the requested reports be broken down by wireless  
6 switch. The Nationwide Sprint Network, which contains four Oregon switches, has  
7 network information which is aggregated for all Sprint and Nextel customers and Virgin  
8 Mobile's Assurance Wireless data and trouble reports cannot be separated out by  
9 customer (e.g., Assurance Wireless vs. regular Sprint wireless) or by switch. The Parties  
10 have agreed in the Stipulation that Virgin Mobile can satisfy the trouble report  
11 requirement by providing this aggregate information. Virgin Mobile will provide to the  
12 Commission the Nationwide Sprint Network Oregon information concerning its annual  
13 outage report consistent with definitions and details in 47 C.F.R. § 54.209(a)(2) as  
14 required by Appendix A Recertification Requirement 5.2.1.

15  
16 **Q. Do the Parties agree with the delivery of aggregated switch outage information as**  
17 **meeting the ETC requirements?**

18 A. Yes, the Parties agree that this information will meet the needs of the Staff and the  
19 requirements.

20  
21 **Q. What are the Stipulation terms concerning specific ETP requirements that have not**  
22 **already been addressed?**

1 A. Virgin Mobile will meet all RSPF OARs related to ETP designation requirements with  
2 the exception of those for which the Parties have agreed to support waiver requests, as  
3 discussed below. Further, the Parties agree to these specific ETP terms embodied in the  
4 Stipulation:

5 **Virgin Mobile will do the following:**

- 6 • Offer its services under the brand name “Assurance Wireless.”
- 7 • Pass through to its Lifeline customers all funds received from the FUSF in  
8 addition to \$3.50 per customer per month that Virgin Mobile provides in the form  
9 for free service in its basic plan. Virgin Mobile will provide \$3.50 per Lifeline  
10 customer per month from its own funds to obtain Tier III matching support from  
11 the federal Universal Service low-income Fund.
- 12 • Remit the RSPF surcharge to the Commission for each Oregon customer but it  
13 reserves the right to cease making the RSPF surcharge remittance should the law  
14 change to no longer require such remittance.
- 15 • Require each applicant for Assurance Wireless Lifeline service to complete the  
16 OTAP application which will be submitted by the applicant to the Commission.
- 17 • Begin the customer service cycle when the customer programs the handset  
18 according to directions from Virgin Mobile and Virgin Mobile will request  
19 Lifeline support for the customer only after the time the customer’s service cycle  
20 begins.
- 21 • Implement its “60-Day Non-Usage Policy” as set forth in Exhibit H of the  
22 Amended Application.

- 1       •     Give RSPF Staff at least 60 calendar days advance notice before it begins offering  
2       Lifeline services in Oregon and give notice to Staff at least 21 days before  
3       beginning any Oregon marketing campaign and submit proposed marketing and  
4       advertising materials, which will reflect Oregon-specific eligibility requirements,  
5       for staff review on the same timeline.
- 6       •     Submit to Staff and to CUB all material revisions to the Virgin Mobile terms of  
7       service at least 30 calendar days before implementing revisions.
- 8       •     Pay the 9-1-1 tax on behalf of its customers but it reserves the right to discontinue  
9       such payment should the law change no longer requiring such payment.
- 10      •     Report to RSPF Staff on a weekly basis those customers who meet eligibility  
11      requirements, as reported by Staff, including names, addresses, assigned  
12      telephone numbers and Commission-assigned OTAP identification numbers in an  
13      electronic format accessible to the RSPF Staff. This report shall include any  
14      discrepancy, pursuant to OAR 860-033-0046(4) that prevents a customer from  
15      receiving Lifeline service. This requirement may be revisited after one year to  
16      determine if less frequent reporting is warranted.
- 17      •     Consolidate the Active OTAP Customer Report (OAR 860-033-0046(2)) and the  
18      Order Activity Report (OAR 860-033-0046(3)). Virgin Mobile will report all  
19      customers receiving Assurance Wireless Lifeline service in a month as well as  
20      report the customer name, address, phone number, and Commission-assigned  
21      OTAP identification number. In addition, Virgin Mobile will identify on the  
22      consolidated report customers whose Lifeline service has been deactivated or  
23      whose phone number and address has changed.

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**Staff will do the following:**

- Modify the current OTAP application so that it allows the applicant’s name to be on the phone account rather than the phone bill in cases where no bill is rendered and to allow applications where potential Lifeline subscribers do not currently have telephone service from the desired ETC at the time of application.
- Perform the Lifeline eligibility verification functions and report the results to Virgin Mobile in a reasonable period of time.

**Q. Are there any Special Reports that Staff and CUB are seeking?**

A. Yes. Virgin Mobile agrees to provide quarterly reports to Staff and to CUB identified in the Amended Application as Exhibit K. In addition, Virgin Mobile will submit a report to the RSPF Staff that is an Oregon-specific monthly Lifeline Worksheet (Form 497) that Virgin Mobile submits to the Universal Service Administrative Company (“USAC”) from which it claims or seeks low-income reimbursement or support. Virgin Mobile also will provide the Oregon Lifeline customer name, address, phone number and Commission-assigned OTAP identification number associated with customers appearing in the Form 497.

**Q. Do the Parties recognize that much of the material sought in the reports is sensitive and may be subject to confidential treatment?**

A. Yes. Information Virgin Mobile is required to submit to the Commission, Staff or CUB, as appropriate, may be subject to submission as confidential pursuant to OAR 860-001-

1 0070 and covered by the Protective Order entered in this docket on November 18, 2011.

2 This information, however, will be subject to sharing with the FCC or USAC, with  
3 appropriate protection.

4  
5 **Q. What specific rules do the Parties recommend be waived and what is the basis of the**  
6 **proposed waiver?**

7  
8 A. The specific rules or rule subsections the Parties agree the Commission should waive are  
9 those included as Attachment 1 to the Stipulation. This replaces Exhibit I of the  
10 Amended Application, which contained slight errors in referencing the appropriate  
11 sections or subsections of the OARs. The reasons supporting the request for waivers are  
12 set forth in the Amended Application and in this Joint Testimony. The Parties believe the  
13 Commission is authorized to grant the waivers requested herein, for good cause shown,  
14 per Order No. 11-346, entered September 8, 2011 in AR 554.

15 Virgin Mobile is seeking a waiver from five OAR sections:

- 16 • OAR 860-033-0006(3)(b) requires collection of RSPF surcharge from customers.
- 17 • OAR 860-033-0006(3)(c) requires identification of RSPF surcharge on customer's  
18 bill.
- 19 • OAR 860-033-0030(6) - OTAP Eligibility - requires that the name of the applicant  
20 appear on a billing statement.
- 21 • OAR 860-033-0035(1)(c) - OTAP Benefits - Provision of the monthly State of  
22 Oregon \$3.50 OTAP Benefit.



- 1       • OAR 860-033-0045(1) – OTAP Compensable Expenses – One-time benefit available  
2           to the ETP for the cost of enrolling new OTAP customers.
- 3       • OAR 860-033-0010 - OTAP Applicability - requirement to apply OTAP reduced  
4           rates or discounts with “all service offerings that include basic telephone service.”

5

6       The first rule for which a waiver is required is **OAR 860-033-0006(3)(b)**, which would  
7       require Virgin Mobile to collect the RSPF surcharge from its customers. Virgin Mobile  
8       cannot collect surcharges from its customers because it is a prepaid carrier that does not  
9       issue invoices and its Assurance Wireless plan requires no financial contribution from a  
10       customer to receive Lifeline service. Virgin Mobile instead proposes to remit the RSPF  
11       surcharge applicable to all its Oregon customers from Virgin Mobile funds, in lieu of  
12       collecting the surcharge from its customers, resulting in no financial impact upon the  
13       RSPF.

14       The second waiver is for **OAR 860-033-0006(3)(c)** which would require Virgin Mobile  
15       to identify the RSPF surcharge on each customer’s bill. Because Assurance Wireless is a  
16       free service offering, with additional options available on a pre-paid basis, Virgin Mobile  
17       issues no bills to its Lifeline customers, rendering compliance impossible as a practical  
18       matter. Good cause exists for waiver of this disclosure rule, particularly in conjunction  
19       with a waiver of **OAR 860-033-0006(3)(b)**, as a result of which Virgin Mobile, not the  
20       customer, would pay the RSPF surcharge.

21       The third waiver is for **OAR 860-033-0030(6)**, which requires the name of an OTAP  
22       applicant to appear on the billing statement. Virgin Mobile does not issue customer bills.  
23       The parties here, as in the TracFone docket, UM 1437, have stipulated that the

1 Commission would modify the application process to require only that the name of the  
2 applicant appear on the customer account.

3 The fourth waiver is for **OAR 860-033-0035(1)(c)**, which provides that the monthly  
4 OTAP benefit includes the State of Oregon support of \$3.50, if required. As previously  
5 stated, Virgin Mobile will not request OTAP support from the State of Oregon at this  
6 time, but will request support only from the FUSF. Virgin Mobile's customers will  
7 receive the same value as the OTAP support because Virgin Mobile will provide  
8 customers with an additional \$3.50 in support from its own fund and will receive Tier III  
9 support (\$1.75 per month) from the federal fund. Therefore, good cause exists to waive  
10 the technical requirements of **OAR 860-033-0035(1)(c)** because Oregon Lifeline  
11 customers will in effect "receive" the OTAP benefit and the actual RSPF fund will not be  
12 impacted.

13 The fifth rule for which waiver is sought is **OAR 860-033-0045(1)**, which makes  
14 available to the Lifeline provider one-time compensation, currently \$3.80, from the RSPF  
15 for enrolling new Lifeline customers. Virgin Mobile declines this compensation and  
16 requests a waiver of this rule if one is deemed to be necessary.

17 The sixth and final rule for which waiver is sought is **OAR 860-033-0010**, which would  
18 require Virgin Mobile to "offer OTAP reduced rates or discounts with all service  
19 offerings that include basic telephone service." The Parties have agreed that good cause  
20 exists to waive this obligation for Virgin Mobile, which explained in the Amended  
21 Application why it cannot offer Lifeline on other Virgin Mobile service offerings  
22 ("Beyond Talk" and "payLo" plans) for legal and technical reasons. Good cause exists  
23 because Lifeline customers would not be denied competitive choice by ineligibility for

1 other Virgin Mobile offerings. Assurance Wireless offers Lifeline customers the choice  
2 of three different service plans depending on anticipated usage level:

- 3
- 4 • 250 free anytime minutes each month.
  - 5 • 500 anytime minutes for \$5 (comprised of 250 free minutes plus 250 additional  
6 minutes).
  - 7 • 1000 anytime minutes and 1000 text messages for \$20 (comprised of 250 free  
8 minutes plus 750 additional minutes and 1000 text messages).

9 Assurance Wireless customers who select the \$5 or \$20 plans will receive 250 free voice  
10 minutes each month even if they cannot or do not pay the upgraded monthly plan charge,  
11 ensuring essential continuity of service for Lifeline customers. With each Assurance  
12 Wireless plan, additional voice minutes are available for 10 cents/minute and text  
13 messages are available for 10 cents/text, the best a la carte rates available to Virgin  
14 Mobile customers for these services. Customers would have the opportunity to purchase  
15 the same types of services included in the “Beyond Talk” and “payLo” plans, including  
16 messaging services (Messaging Packs) and data services (Data Packs), to supplement the  
17 Assurance Wireless offers at their option and as needed or desired. For instance, as  
18 illustrated on Exhibit J to the Amended Application, Lifeline customers have multiple  
19 options to purchase additional services within the Assurance Wireless plans.

20 Furthermore, other Virgin Mobile service offerings impose financial requirements on  
21 cash-constrained Lifeline customers that the Assurance Wireless offerings were designed  
22 to avoid. “Beyond Talk” and “payLo” customers must buy a phone at retail, whereas  
23 Assurance Wireless customers receive a free handset. In addition, “Beyond Talk” and  
24 “payLo” customers must maintain money in their account at the beginning of each  
25 service cycle or lose service. Only Assurance Wireless plans provide a guaranteed free  
26 250 minute per month of service regardless of the Assurance plan selected by the  
27 customer. For instance, if a customer elects the \$20 plan but in a cash-constrained

1 month, the customer cannot deposit \$20 into the Assurance account, the customer will  
2 receive 250 free minutes that month. Customers on other Virgin Mobile service plans  
3 must have the funds available in their account to purchase their selected plan, or else  
4 service is discontinued at the beginning of the service cycle pursuant to the terms of  
5 service. Thus the Assurance Wireless plans will help ensure necessary continuity of  
6 service to an economically disadvantaged population that cannot afford to be  
7 disconnected.

8 Finally, Virgin Mobile advises that the cost of significantly expanding and reconfiguring  
9 its Information Technology (“IT”) platform to support Beyond Talk and payLo plans for  
10 Oregon Lifeline customers would be prohibitive. In order to offer the currently  
11 advertised Beyond Talk and payLo plans to Lifeline customers, these offers would need  
12 to be replicated on the Assurance Wireless IT platform.<sup>1</sup> Virgin Mobile advises that the  
13 technical costs associated with replication would approach \$1 million. Personnel costs  
14 would likewise approach \$1 million. Virgin Mobile advises that these estimates  
15 represent the immediate costs associated with the replication of only the plans currently  
16 advertised on the Virgin Mobile website. Virgin Mobile changes, or refreshes, its offers  
17 at least once a year. In order to continue to offer Lifeline customers the choice of all  
18 plans available to Virgin Mobile non-Lifeline customers going forward, Assurance  
19 Wireless would continue to incur the basic IT costs set forth above on at least an annual  
20 basis, and perhaps more frequently, depending on how often Virgin Mobile plans were  
21 refreshed. Virgin Mobile therefore advises that as more offers are added to the platform,

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<sup>1</sup> It should be noted that Virgin Mobile *Beyond Talk* plans are not properly classified as “calling plans.” As indicated in response to Staff’s DR 13, the *Beyond Talk* plans are more like data plans, with unlimited data components for a flat fee. Two of the three *Beyond Talk* plans cap calling minutes, and all three exceed the monthly charge of the highest usage Assurance Wireless plan.

1 Assurance Wireless would incur additional ongoing technical and personnel costs to  
2 maintain the expanding platform.

3 In addition, Virgin Mobile advises that it has customers grandfathered in more than 50  
4 different “expired” plans that are no longer available to new customers. Virgin Mobile  
5 notes that the one-time technical cost of adding all grandfathered Virgin Mobile plans to  
6 the Assurance Wireless IT platform would be approximately \$7.5 million with another  
7 \$1.5 million in personnel costs. The ongoing costs of maintaining these plans would be  
8 substantial.

9 Virgin Mobile next advised that in addition to the IT costs associated with making  
10 available current, future and previously available Virgin Mobile plans to Lifeline  
11 customers, the business would incur a number of substantial related costs. Unlike the  
12 Virgin Mobile non-Lifeline business, Assurance Wireless is a highly regulated enterprise  
13 that is required to closely monitor each customer’s activity and support the Commission’s  
14 role in verifying customers’ ongoing Lifeline eligibility. Virgin Mobile has advised that  
15 Customer Base Management would incur substantial costs to track customer activity  
16 across a number of service plans to ensure that customers remained active and eligible for  
17 Lifeline service and were meeting the terms of the plans in which they were enrolled.  
18 And, Virgin Mobile states that Customer Care would be required to expand its training  
19 and educational efforts for representatives to manage the various plans, and to upgrade  
20 and maintain the Care IT platform on an ongoing basis to keep its personnel apprised of  
21 the available offers and their terms of service. Virgin Mobile further advises that at the  
22 same time, the entire Assurance Wireless IT budget would be consumed by offer updates  
23 and maintenance, effectively foreclosing the opportunity for non-essential IT upgrades to  
24 improve service, better track customer eligibility, and so on. Virtually every aspect of the  
25 business would incur additional costs in connection with a requirement to offer plans

1 beyond the three Assurance Wireless plans. Virgin Mobile finished by advising that  
2 these were but a few examples of additional areas in which the business would incur  
3 additional costs.

4 Without the requested waivers (if compliance with OAR 860-033-0010 were required) it  
5 is the Joint Parties understanding that, because Virgin Mobile's cost of offering  
6 Assurance Wireless in Oregon would exceed the potential benefit of serving Oregon  
7 Lifeline customers, that Virgin Mobile would be compelled to withdraw its ETC and ETP  
8 Applications from Oregon.

9 The Joint Parties agree that the benefits of adding a competitive, attractive Lifeline  
10 offering for Oregon low-income customers outweighs any cost to those customers from  
11 any restriction on their competitive choice and therefore, a waiver of OAR 860-033-0010  
12 should be granted. First, if the purpose of the "all-service" provision in OAR 860-033-  
13 0010 is to promote customer choice for Lifeline customers, it seems nonsensical to  
14 remove a customer choice by denying a waiver to Virgin Mobile, which then would  
15 decline to offer Assurance Wireless in Oregon. Second, Assurance Wireless customers  
16 would have an array of choices for no-cost or low-cost voice services and the purchase of  
17 additional services, such as messaging and data. Third, Virgin Mobile's experience with  
18 customer choice in other states has shown that voice service is the primary choice among  
19 Lifeline customers. Indeed, less than 10% of those customers opt for a plan other than  
20 the free basic plan, which is unsurprising given that Assurance Wireless customers have  
21 an average annual income of around \$11,000. Therefore, declining to provide a discount  
22 on Virgin Mobile's non-Lifeline offers will really have little, if any, impact on customer  
23 choice that could not be addressed through the available purchase options associated with

1 Assurance Wireless. In sum, good cause exists to waive OAR 860-033-0010 for Virgin  
2 Mobile to provide low income Oregon customers with of an attractive, cost-effective  
3 wireless service which enhances universal telecommunications service.

4  
5 **VII. CONCLUSION**

6  
7 **Q. What do the Parties recommend regarding the Stipulation?**

8 A. The Parties recommend that the Commission adopt the Stipulation as the basis for  
9 resolving all the contested issues in this proceeding, and that the Commission grant  
10 Virgin Mobile's designation as an ETC and ETP in Oregon subject to the terms and  
11 conditions of the Stipulation. The Parties further recommend that the Commission waive  
12 all of the rules identified in this testimony as to Virgin Mobile's compliance with those  
13 rules pursuant to the pending application.

14  
15 **Q. Please summarize the benefits of Virgin Mobile's designation.**

16 A. As explained in the Amended Application, Virgin Mobile's designation to offer Lifeline  
17 services in Oregon would provide valuable benefits to qualifying low-income consumers  
18 in the state. Virgin Mobile's basic Lifeline service offering of a free handset with 250  
19 monthly minutes of use with no cost to the consumer provides an attractive option for  
20 mobile Lifeline service. No other Lifeline provider in Oregon, or any other state, offers  
21 more free minutes. In addition, if the consumer needs additional minutes for calling or  
22 texting at any time, or desires data services, such options are available for purchase.  
23 Virgin Mobile is an established wireless provider with its own network that provides

1 quality mobile services. The company already pays RSPF and 9-1-1 surcharges  
2 associated with its existing customers, and agrees to continue to do so for its future  
3 Lifeline customers. Virgin Mobile will not take any funding from the RSPF, but will  
4 instead contribute support from its own funds. For all of the above reasons, Virgin  
5 Mobile, Staff, CUB, and OEM (the “Parties”) agree that Virgin Mobile’s Applications for  
6 ETC and ETP status, as modified by, and subject to, the terms and conditions set forth in  
7 the Stipulation – all of which Virgin Mobile has agreed to abide by - will satisfy all  
8 applicable legal requirements and will be in the public interest, and that the Commission  
9 should issue an order approving the Amended Application subject to the terms and  
10 conditions contained in the Stipulation.

11  
12 In short, Virgin Mobile’s designation should greatly benefit Lifeline-eligible consumers  
13 in Oregon and should do so without inordinately burdening the other Oregon consumers  
14 who pay to support the RSPF and E911 programs.

15  
16 **Q. Does this conclude your joint testimony?**

17 **A. Yes.**



## WITNESS QUALIFICATION STATEMENT

**NAME:** James R. Burt  
**EMPLOYER:** Sprint Nextel Corporation  
**TITLE:** Director Policy  
**ADDRESS:** 6450 Sprint Parkway  
Overland Park, KS 66251  
**EDUCATION:** MBA in Finance  
Rockhurst College, 1989

BS in Electronics Engineering Technology  
University of South Dakota – Springfield, 1980

### PROFESSIONAL EXPERIENCE:

#### **Director Policy, Sprint Nextel Corporation, 2001 – Present**

Responsible for the development of state and federal regulatory and legislative policy, including the coordination of policy position development across Sprint business units and advocacy of policies before regulatory and legislative bodies. Responsibilities include the interpretation of various orders, rules or laws for implementation by Sprint.

#### **Director Local Market Planning, Sprint, 1997 – 2001**

Responsible for policy and regulatory position development and advocacy for Sprint CLEC. Supported Section 251/252 interconnection agreement negotiations and developed a regulatory requirements database.

#### **Local Market Director, Sprint, 1996 – 1997**

Responsible for Sprint's CLEC interconnection agreement negotiations and served as witness in arbitration proceedings.

#### **Director – Carrier Markets, Sprint Local Telecom Division – Midwest Group, 1994 – 1996**

Directed operations of Interexchange Carrier Service Center and interexchange carrier account management.

#### **General Manager of United Telephone Long Distance, Sprint Local Telecom Division – Midwest Group, 1991 – 1994**

Profit and loss, marketing and operations responsibility for long distance subsidiary of the former Sprint/United Telephone Company.

#### **Network Sales Manager, Sprint Local Telecom Division – Midwest Group, 1989 – 1991**

Responsible for sale of data and networking solutions to business customers.

#### **Product Manager, Sprint Local Telecom Division – Midwest Group, 1988 – 1989**

Product management responsibility for data and network services.

#### **Engineering & Marketing, Ericsson, Inc., 1980-1988**

Had various engineering and marketing responsibilities.

## WITNESS QUALIFICATION STATEMENT

NAME: Kay Marinos  
EMPLOYER: Public Utility Commission of Oregon  
TITLE: Program Manager, Competitive Issues  
ADDRESS: 550 Capitol St NE Suite 215  
Salem, Oregon 97301-2551  
EDUCATION: PhD/ABD and MA in Economics  
University of Hawaii, 1981  
BA in Economics  
Hofstra University, 1975

### PROFESSIONAL EXPERIENCE:

Program Manager, Competitive Issues, Public Utility Commission of Oregon, 2007  
– Present

Manage group responsible for telecommunications competitive issues, competitive provider certifications, carrier agreements, wholesale service quality, Eligible Telecommunications Carrier (ETC) designations, federal universal service programs and ILEC service territory allocations. Staff member of Federal-State Joint Board on Universal Service.

Senior Telecommunications Analyst, Public Utility Commission of Oregon, 2004 - 2007

Responsible for federal ETC designations, annual ETC recertifications, and universal service issues. Developed ETC requirements adopted by the Commission and served as expert witness in Docket UM 1217.

Senior Consultant, Verizon Communications, 2000 -2003

Managed special project teams to ensure compliance with regulatory and legal requirements in various aspects of national telecommunications business, including new product development, interconnection, proprietary information and billing.

Senior Specialist, Bell Atlantic & NYNEX, 1988 - 2000

As subject matter expert, performed wide range of analytic functions to develop and support company's objectives in federal regulatory proceedings. Major issues included Telecom Act implementation, competitive markets, interconnection, pricing flexibility, price caps, rate restructuring, cost recovery, and cost allocation.

Manager, National Exchange Carrier Association, 1984 -1988

Managed development of telecom industry forecasts of interstate usage and dedicated access services used to determine nationwide carrier pool rates.

Business Research Analyst, GTE Hawaiian Telephone, 1982 - 1983

Developed revenue and demand forecasts for budgeting and network planning.

Economist & Planner, State of Hawaii, 1978 – 1982

Managed energy conservation and emergency planning projects, lectured in economics at the University of Hawaii, and supervised economic and demographic studies for urban redevelopment in industrial area of Honolulu.

## WITNESS QUALIFICATION STATEMENT

NAME: Jon Cray

EMPLOYER: Public Utility Commission of Oregon

TITLE: Residential Service Protection Fund Program Manager, Central Services Division

ADDRESS: 550 Capitol Street NE, Suite 215  
Salem, OR 97301-2115

EDUCATION: MS in Communication Sciences and Disorders  
East Carolina University, 2002

BS in Communication Sciences and Disorders  
East Carolina University, 2000

### PROFESSIONAL EXPERIENCE:

Program Manager, Residential Service Protection Fund, Public Utility Commission of Oregon, 2006 – Present

Manage the Oregon Telephone Assistance Program, Telecommunication Devices Access Program and Oregon Telecommunications Relay Service

Contact Center Manager, Communication Service for the Deaf, 2005 – 2006

Managed the California Telephone Access Program call center for the California Public Utilities Commission

Contact Center Supervisor, Communication Service for the Deaf, 2003 – 2006

Managed a team of California Telephone Access Program customer service representatives for the California Public Utilities Commission

## WITNESS QUALIFICATION STATEMENT

**NAME:** Bob Jenks

**EMPLOYER:** Citizens' Utility Board of Oregon

**TITLE:** Executive Director

**ADDRESS:** 610 SW Broadway, Suite 400  
Portland, OR 97205

**EDUCATION:** Bachelor of Science, Economics  
Willamette University, Salem, OR

**EXPERIENCE:** Provided testimony or comments in a variety of OPUC dockets, including LC 48, LC 52, UE 88, UE 92, UM 903, UM 918, UE 102, UP 168, UT 125, UT 141, UE 115, UE 116, UE 137, UE 139, UE 161, UE 165, UE 167, UE 170, UE 172, UE 173, UE 207, UE 208, UE 210, UE 227, UE 228, UE 233, UG 152, UM 995, UM 1050, UM 1071, UM 1147, UM 1121, UM 1206, UM 1209, UM 1355, UM 1437, and UM 1520.

Participated in the development of a variety of Least Cost Plans and PUC Settlement Conferences.

Provided testimony to Oregon Legislative Committees on consumer issues relating to energy and telecommunications.

Lobbied the Oregon Congressional delegation on behalf of CUB and the National Association of State Utility Consumer Advocates.

Between 1982 and 1991, worked for the Oregon State Public Interest Research Group, the Massachusetts Public Interest Research Group, and the Fund for Public Interest Research on a variety of public policy issues.

**MEMBERSHIP:** National Association of State Utility Consumer Advocates  
Board of Directors, OSPIRG Citizen Lobby  
Telecommunications Policy Committee, Consumer Federation of America  
Electricity Policy Committee, Consumer Federation of America

**WITNESS QUALIFICATION STATEMENT**

**NAME:** Mark Tennyson

**EMPLOYER:** Office of Emergency Management  
Oregon Military Department

**TITLE:** Director, Technology and Response Section / State 9-1-1 Program

**ADDRESS:** Anderson Readiness Center  
3225 State Street  
Salem, OR 97301

## CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2011, I served Joint Testimony of Virgin Mobile, Staff, CUB and OEM in Support of Stipulation upon the parties in this proceeding by electronic mail as follows:

|          |   |   |
|----------|---|---|
| <b>W</b> | <b>CITIZENS' UTILITY BOARD OF OREGON</b>              |   |
|          | GORDON FEIGHNER (C)<br>ENERGY ANALYST                 | 610 SW BROADWAY, STE 400<br>PORTLAND OR 97205<br>gordon@oregoncub.org                             |
|          | G. CATRIONA MCCRACKEN (C)<br>LEGAL COUNSEL/STAFF ATTY | 610 SW BROADWAY, STE 400<br>PORTLAND OR 97205<br>catriona@oregoncub.org                           |
|          | JOHN C STURM (C)<br>STAFF ATTORNEY                    | 610 SW BROADWAY, STE 400<br>PORTLAND OR 97205<br>john@oregoncub.org                               |
| <b>W</b> | <b>GRAHAM &amp; DUNN PC</b>                           |   |
|          | JUDITH ENDEJAN  | 2801 ALASKIAN WAY<br>SUITE 300<br>SEATTLE WA 98121<br>jendejan@grahamdunn.com                     |
| <b>W</b> | <b>OREGON DEPARTMENT OF JUSTICE</b>                   |   |
|          | STEVEN A WOLF<br>ASSISTANT ATTORNEY GENERAL           | 1162 COURT STREET NE<br>SALEM OR 97301-4096<br>steven.wolf@doj.state.or.us                        |
| <b>W</b> | <b>OREGON OFFICE OF EMERGENCY MANAGEMENT</b>          |   |
|          | MARK TENNYSON<br>DIRECTOR, TECHNOLOGY & RESPONSE      | PO BOX 14370<br>SALEM OR 97306-5062<br>mark.tennyson@state.or.us                                  |
| <b>W</b> | <b>PUBLIC UTILITY COMMISSION OF OREGON</b>            |   |
|          | JON CRAY (C)<br>RSPF PROGRAM MANAGER                  | 550 CAPITOL ST NE, SUITE 215<br>SALEM OR 97301<br>jon.cray@state.or.us                            |
|          | KAY MARINOS (C)                                       | PO BOX 2148<br>SALEM OR 97308-2148<br>kay.marinos@state.or.us                                     |
| <b>W</b> | <b>PUC STAFF--DEPARTMENT OF JUSTICE</b>               |   |
|          | PAUL GRAHAM (C)<br>ASSISTANT ATTORNEY GENERAL         | BUSINESS ACTIVITIES SECTION<br>1162 COURT ST NE<br>SALEM OR 97301-4096<br>paul.graham@state.or.us |

**W**

**SPRINT NEXTEL**

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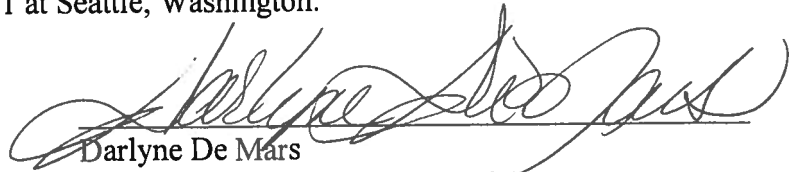
**W**

**VIRGIN MOBILE USA LLC**

ELAINE DIVELBLISS

10 INDEPENDENCE BLVD  
WARREN NJ 07059  
elaine.divelbliss@virginmobileusa.com

Executed on December 14, 2011 at Seattle, Washington.



Darlyne De Mars  
Legal Assistant to Judith A. Endejan  
Counsel for Virgin Mobile USA, L.P.



**BEFORE THE PUBLIC UTILITY COMMISSION**

**OF OREGON**

**UM 1522**

In the Matter of

VIRGIN MOBILE USA, L.P.,

Petition for Limited Designation as an  
Eligible Telecommunications Carrier

**AFFIDAVIT OF JAMES R. BURT  
REGARDING JOINT TESTIMONY  
AND ADOPTING APRIL 8, 2011  
TESTIMONY OF ELAINE  
DIVELBLISS**

I, James R. Burt, being duly sworn on oath, depose and say:

1. I am the Director – Policy for Sprint Nextel Corporation’s various subsidiaries. I am appearing in this proceeding as a witness for the petitioner, Virgin Mobile USA, L.P. (“Virgin Mobile”). My business address is 6450 Sprint Parkway, Overland Park, Kansas 66251.

2. I am one of the sponsors of the “Joint Testimony of Virgin Mobile, Staff, CUB and OEM in Support of Stipulation” including all exhibits attached thereto (“Joint Testimony”).

3. My testimony and the exhibits in the Joint Testimony filed are true and accurate. My testimony would be the same if given orally today as that reflected in the “Joint Testimony of Virgin Mobile, Staff, CUB and OEM in Support of Stipulation.”

4. I have reviewed the Direct Testimony of Elaine Divelbliss, Virgin Mobile USA, L.P. and exhibits filed by Virgin Mobile in the docket on April 8, 2011 (“Divelbliss Testimony”) designated as Virgin Mobile/1 through Virgin Mobile/4.

5. With the exception of the statement of Ms. Divelbliss’ credentials on page 2, lines 3-10 of the Divelbliss Testimony, I adopt the remainder of this testimony as if it were my own. I hereby sponsor it and would give the same testimony orally.

6. The Divelbliss Testimony is true and accurate as of the date it was filed.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF KANSAS THAT THE FOREGOING IS TRUE AND CORRECT BASED ON MY INFORMATION AND BELIEF.

Signed this 14<sup>th</sup> day of December 2011.

Jim Burt  
James R. Burt

Subscribed and sworn to before me this 14<sup>th</sup> day of December, 2011.



Signed: Rhame Glade

Printed: Rhame Glade

My Commission Expires: 9-12-2012

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UM 1522

In the Matter of

VIRGIN MOBILE USA, L.P.

Petition for Limited Designation as an  
Eligible Telecommunications Carrier

AFFIDAVIT OF KAY MARINOS

STATE OF OREGON )

County of Marion )

I, Kay Marinos, being duly sworn on oath depose and say:

1. My name is Kay Marinos. I am employed by the Public Utility Commission of Oregon as a Program Manager in the Telecommunications Division.

2. I co-sponsored Joint Testimony, Joint/100, in this matter.

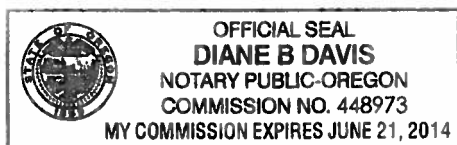
3. To the best of my knowledge, the testimony in Joint Exhibit 100 is true and accurate.

Dated this 8<sup>th</sup> day of December, 2011.

Kay Marinos  
Kay Marinos

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of December, 2011.

Diane B Davis  
Notary Public, State of Oregon  
County of Marion  
My Commission Expires: June 21, 2014



AFFIDAVIT OF KAY MARINOS

BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON

UM 1522

In the Matter of

VIRGIN MOBILE USA, L.P.

Petition for Limited Designation as an  
Eligible Telecommunications Carrier

AFFIDAVIT OF JON CRAY

STATE OF OREGON )

County of Marion )

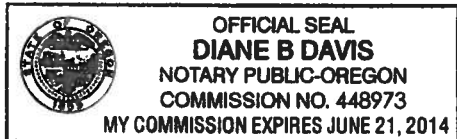
I, Jon Cray, being duly sworn on oath depose and say:

1. My name is Jon Cray. I am employed by the Public Utility Commission of Oregon as the Program Manager of the Residential Service Protection Fund.
2. I co-sponsored Joint Testimony, Joint/100, in this matter.
3. To the best of my knowledge, the testimony in Joint Exhibit 100 is true and accurate.

Dated this 8<sup>th</sup> day of December, 2011.

Jon Cray  
Jon Cray

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of December, 2011.



Diane B Davis  
Notary Public, State of Oregon  
County of Marion  
My Commission Expires: June 21, 2014

AFFIDAVIT OF JON CRAY

BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

UM 1522

In the Matter of,

VIRGIN MOBILE USA, L.P.

Application for Limited Designation as an  
Eligible Telecommunications Carrier.

AFFIDAVIT OF MARK TENNYSON IN  
SUPPORT OF JOINT TESTIMONY

STATE OF OREGON            )  
  ) ss.  
County of Marion            )

I, Mark Tennyson, being first duly sworn, depose and say:

1. I am the Director of the Technology and Response Section of Oregon Emergency Management, and have been with the State 9-1-1 Program in Oregon for four years.

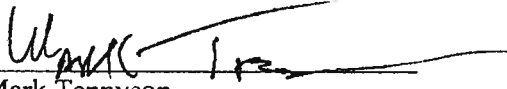
2. I make this affidavit on personal knowledge and in association with the submission of the parties' joint testimony supporting the stipulation agreed on in this matter.

3. The State 9-1-1 Program is responsible for the administration of the legislative mandate for statewide Enhanced 9-1-1 telephone services that allow uniform, prompt, and efficient access to public and private safety services for the citizens of, and visitors to the State of Oregon. OEM intervened in this matter for the limited purpose of raising issues that are directly related to the filings in this matter that affect or impact 9-1-1 emergency reporting systems and PSAPs in Oregon.

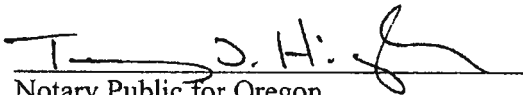
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4. The testimony in the joint testimony pertaining to 9-1-1 and E9-1-1 matters is true and correct, and accurately sets forth the parties' agreed statement on those matters.

  
Mark Tennyson  
Director, Technology and Response Section  
Oregon Office of Emergency Management

SUBSCRIBED AND SWORN to before me this 14 day of December 2011.

  
Notary Public for Oregon  
My Commission Expires: 9.27.2013



**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

**UM 1522**

|  |   |                        |
|--|---|------------------------|
| In the Matter of                           | ) | AFFIDAVIT OF BOB JENKS |
|  | ) |                        |
| VIRGIN MOBILE USA, L.P.,                   | ) |                        |
|  | ) |                        |
| Application for Designation as an Eligible | ) |                        |
| Telecommunications Carrier                 | ) |                        |
| <hr/>                                      |   |                        |

I, Bob Jenks, being duly sworn on oath, depose and say:

1. My name is Bob Jenks. I am the Executive Director of the Citizens' Utility Board of Oregon (CUB). I am appearing in this proceeding as a witness for CUB. My business address is 610 SW Broadway, Suite 400, Portland, Oregon, 97205.
2. I am one of the sponsors of the "Joint Testimony of Virgin Mobile, Staff, CUB and OEM in Support of Stipulation" including all Exhibits attached thereto.
3. The portion of the testimony that is my testimony and also my exhibit (Exhibit 104), that were previously filed, are true and accurate. My testimony would be the same if given orally today as that reflected in the pre-filed joint testimony.

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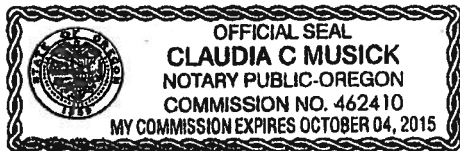
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I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF OREGON THAT THE FOREGOING IS TRUE AND CORRECT BASED ON MY INFORMATION AND BELIEF.

Signed this 8<sup>th</sup> day of December, 2011.

Bob Jenks  
Bob Jenks

Subscribed and sworn to before me this 8<sup>th</sup> day of December, 2011



Signed: Claudia Musick

Printed: Claudia Musick

My Commission expires: October 4<sup>th</sup>, 2015



## CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2011, I served Affidavit of James R. Burt, Affidavit of Kay Marinos, Affidavit of Jon Cray, Affidavit of Mark Tennyson, Affidavit of Bob Jenks in Support of Joint Testimony upon the parties in this proceeding by electronic mail as follows:

|          |  |   |
|----------|--|---|
| <b>W</b> | <b>CITIZENS' UTILITY BOARD OF OREGON</b><br>GORDON FEIGNER (C)<br>ENERGY ANALYST                 | 610 SW BROADWAY, STE 400<br>PORTLAND OR 97205<br>gordon@oregoncub.org         |
|          | G. CATRIONA MCCRACKEN (C)<br>LEGAL COUNSEL/STAFF ATTY  | 610 SW BROADWAY, STE 400<br>PORTLAND OR 97205<br>catriona@oregoncub.org       |
|          | JOHN C STURM (C)<br>STAFF ATTORNEY   | 610 SW BROADWAY, STE 400<br>PORTLAND OR 97205<br>john@oregoncub.org           |
| <b>W</b> | <b>GRAHAM &amp; DUNN PC</b><br>JUDITH ENDEJAN  | 2801 ALASKIAN WAY<br>SUITE 300<br>SEATTLE WA 98121<br>jendejan@grahamdunn.com |
| <b>W</b> | <b>OREGON DEPARTMENT OF JUSTICE</b><br>STEVEN A WOLF<br>ASSISTANT ATTORNEY GENERAL               | 1162 COURT STREET NE<br>SALEM OR 97301-4096<br>steven.wolf@doj.state.or.us    |
| <b>W</b> | <b>OREGON OFFICE OF EMERGENCY MANAGEMENT</b><br>MARK TENNYSON<br>DIRECTOR, TECHNOLOGY & RESPONSE | PO BOX 14370<br>SALEM OR 97306-5062<br>mark.tennyson@state.or.us              |
| <b>W</b> | <b>PUBLIC UTILITY COMMISSION OF OREGON</b><br>JON CRAY (C)<br>RSPF PROGRAM MANAGER               | 550 CAPITOL ST NE, SUITE 215<br>SALEM OR 97301<br>jon.cray@state.or.us        |
|          | KAY MARINOS (C)  | PO BOX 2148<br>SALEM OR 97308-2148<br>kay.marinos@state.or.us                 |
| <b>W</b> | <b>PUC STAFF--DEPARTMENT OF JUSTICE</b><br>PAUL GRAHAM (C)<br>ASSISTANT ATTORNEY GENERAL         | BUSINESS ACTIVITIES SECTION<br>1162 COURT ST NE                               |

SALEM OR 97301-4096  
paul.graham@state.or.us

**W**

**SPRINT NEXTEL**

KRISTIN L JACOBSON

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kristin.l.jacobson@sprint.com

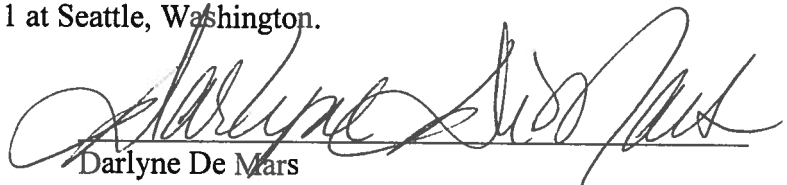
**W**

**VIRGIN MOBILE USA LLC**

ELAINE DIVELBLISS

10 INDEPENDENCE BLVD  
WARREN NJ 07059  
elaine.divelbliss@virginmobileusa.com

Executed on December 14, 2011 at Seattle, Washington.



Darlyne De Mars  
Legal Assistant to Judith A. Endejan  
Counsel for Virgin Mobile USA, L.P.