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Sent: Wednesday, May 05, 2010 4:51 PM
To: Filings@psc.state.fl.us
Cc: Catherine Beard; Curtis Williams; Mitchell Brecher; Lee Eng Tan
Subject: Electronic Filing - Docket No. 090245-TP
Attachments: 2010-05-05 Response to AUA's Comments.pdf

Electronic Filing

- a. Person responsible for this electronic filing:

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- b. Docket No. 090245-TP – In re: Petition for limited designation as eligible telecommunications carrier (ETC) by Virgin Mobile USA, L.P.
- c. Document being filed on behalf of Virgin Mobile USA, L.P.
- d. There are 3 pages.
- e. The document attached for electronic filing is Virgin Mobile USA, L.P.'s Response to Advocates for Universal Access' Comments

(See attached file: 2010-05-05 Response to AUA's Comments)

Thank you for your assistance in this matter.

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DOCUMENT NUMBER-DATE

03760 MAY-5 2010

5/5/2010

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**Before the
FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition for limited designation as) DOCKET NO. 090245-TP
eligible telecommunications carrier (ETC))
by Virgin Mobile USA, L.P.) FILED: May 5, 2010
_____)

**VIRGIN MOBILE USA, L.P.'S RESPONSE TO
ADVOCATES FOR UNIVERSAL ACCESS' COMMENTS**

Virgin Mobile USA, L.P. ("Virgin Mobile") hereby responds to the unauthorized filing by a non-party group calling itself Advocates for Universal Access ("AUA").¹

AUA claims that it should be given "the traditional 30-day comment period" before staff should develop a recommendation for the proposed agency action to be taken by the Florida Public Service Commission ("Commission") at a duly noticed agenda conference. AUA's reliance on its view of tradition is misplaced here; AUA cites no statute or rule requiring any such comment period prior to staff recommendations or indeed prior to Commission decisions at agenda conferences. The only notice requirement related to any of these steps is that there must be published notice of the agenda conference seven days in advance. Rule 25-22.0021(1), Fla. Admin. Code. The only provision for participation by non-parties is the discretionary opportunity for affected persons to request informal participation at the agenda conference itself. Rule 25-22.0021(2), (8), Fla. Admin. Code.

Moreover, AUA raises nothing warranting consideration. AUA's allegations of "challenges" for 9-1-1 access by Virgin Mobile customers are completely baseless. When a Virgin Mobile customer calls 9-1-1, the call is received by Sprint Corporate Security, which

¹ AUA claims to be a "watchdog" as if it is a charitable, consumer-oriented organization. In fact, AUA was only recently formed as a for-profit, limited liability company in the state of Washington. AUA does not identify its ownership, nor state how its interests will be affected in this proceeding.

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maintains responsibility for routing to the appropriate Public Safety Answering Point (“PSAP”), just as with any other 9-1-1 call made on Sprint’s network. There is no handoff to any “exigent circumstances hotline for Virgin Mobile,” as fabricated by AUA. Thus, there is no useful purpose for a separate certification of 9-1-1 and E-9-1-1 compliance: the process is identical to that for 9-1-1 calls made by Sprint customers. Similarly, AUA’s allegations that Lifeline phones are antiquated are just not true. Every handset that Virgin Mobile will provide to Lifeline customers will be fully compliant with E-9-1-1 Phase 1 and Phase 2. AUA’s allegations regarding Virgin Mobile’s status as a facilities-based carrier were fully addressed in Virgin Mobile’s filing of May 3, 2010. Finally, Virgin Mobile would like to correct the misstatement that AUA makes about Boost Mobile, another Sprint prepaid brand. Boost Mobile is also a facilities-based carrier and is not a Mobile Virtual Network Operator.

Respectfully submitted,

s/ Susan F. Clark

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been furnished by U.S. Mail or electronically to the parties listed below this 5th day of May, 2010.

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