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**VIA ELECTRONIC FILING AND  
OVERNIGHT DELIVERY**

May 16, 2017

Chairman David Jones  
c/o Ms. Sharla Dillon, Dockets and Records Manager  
Tennessee Public Utilities Commission  
502 Deaderick Street  
Nashville, Tennessee 37243  
sharla.dillon@tn.gov

**Re: In Re: Application of Budget Phone, Inc. for a Certificate of Convenience  
and Necessity to Provide Competing Local Exchange and Interexchange  
Telecommunications Services in Tennessee; Docket No. 02-00885**

**In Re: Application of Budget Phone, Inc. for Designation as an Eligible  
Telecommunications Carrier; Docket No. 05-00228**

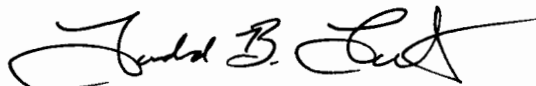
Dear Chairman Jones:

Enclosed for filing in the referenced dockets, please see the enclosed "Request of Budget PrePay, Inc f/k/a Budget Phone, Inc. for Authority To Discontinue Its Provision of Wireline Services, Cancel Its CCN, Cancel All Tariffs and Relinquish Its ETC Designation". This filing is being made electronically with the original and four copies being sent by overnight delivery, pursuant to Tenn. Comp. R. & Regs 1220-1-1-.03 and .04.

One additional copy is enclosed to be stamped "filed" and returned to me in the enclosed, self-addressed envelope.

Should you have any questions, please contact Todd B. Lantor, via e-mail, at [tlantor@fcclaw.com](mailto:tlantor@fcclaw.com), or via phone, at (703) 584-8671.

Respectfully submitted,



Todd B. Lantor  
Counsel to Budget PrePay, Inc.

Enclosure

**BEFORE THE TENNESSEE PUBLIC UTILITIES COMMISSION  
NASHVILLE, TENNESSEE**

**IN RE:**

**REQUEST OF BUDGET PREPAY, INC F/K/A  
BUDGET PHONE, INC. FOR AUTHORITY  
TO DISCONTINUE ITS PROVISION OF  
WIRELINE SERVICES, TO CANCEL ITS  
CCN, CANCEL ALL TARIFFS AND  
RELINQUISH ITS ETC DESIGNATION**

**DOCKET NOS.**

**02-00885**

**05-00228**

**ORIGINAL**

**REQUEST OF BUDGET PREPAY, INC F/K/A BUDGET PHONE, INC.  
FOR AUTHORITY TO DISCONTINUE ITS PROVISION OF WIRELINE SERVICES,  
CANCEL ITS CCN, CANCEL ALL TARIFFS AND RELINQUISH ITS  
ETC DESIGNATION**

Budget PrePay, Inc. f/k/a Budget Phone, Inc. ("Budget") (CLEC ID No. 128326), by counsel, hereby requests authority from the Tennessee Public Utilities Commission (the "Commission") to discontinue its provision of wireline local exchange, interexchange and switched access services throughout the state of Tennessee, effective June 30, 2017, and to cancel its Certificate of Public Convenience and Necessity ("CCN"). Budget also requests authority to cancel all tariffs on file with the Commission. The impact of the proposed discontinuance will be minimal because Budget currently has no subscribers in Tennessee. In addition, Budget requests authority to relinquish its Eligible Telecommunications Carrier ("ETC") designation in Tennessee. In support of this filing, Budget submits the following information.

**I. REQUEST BY BUDGET TO DISCONTINUE ITS PROVISION OF WIRELINE SERVICES AND TO CANCEL ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Budget was granted its CCN to provide competing local exchange and interexchange service in Tennessee, in Docket No. 02-00885, on October 25, 2002.<sup>1</sup> Budget respectfully requests that the Commission permit Budget to discontinue its provision of wireline services in Tennessee and to cancel its CCN, effective June 30, 2017. Budget will notify BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee (“BellSouth”) that it will not be providing services in Tennessee after June 30, 2017, and that no resold or facilities based services will be provided to Budget by BellSouth after June 30, 2017.

**II. REQUEST BY BUDGET TO RELINQUISH ITS ETC DESIGNATION IN TENNESSEE**

On April 10, 2006, the Tennessee Regulatory Authority designated Budget as an ETC in the exchange areas served by BellSouth in Docket No. 05-00228.<sup>2</sup> Pursuant to 47 U.S.C. §214(e)(4), Budget is entitled to relinquish its ETC designation in Tennessee which states, in pertinent part:

**A State commission ...shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.** An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission...of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission...shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and

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<sup>1</sup> See *In Re: Application of Budget Phone, Inc. for a Certificate of Public Convenience and Necessity to Provide Competing Facilities-Based Local Exchange Telecommunication Services*, Docket No. 02-00885, Initial Order Granting Certificate of Public Convenience and Necessity (Oct. 25, 2002).

<sup>2</sup> See *In Re: Petition of Budget Phone, Inc. for Designation as an Eligible Telecommunications Carrier, Order Designating Eligible Telecommunications Carrier*, Docket No. 05-00228 (Apr. 10, 2006).

shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.<sup>3</sup>

The relevant Federal Communications Commission (“FCC”) rule reiterates the requirements of § 214(e)(4) and states, in pertinent part, that a “state commission shall permit” an ETC to “relinquish its designation as such in any area served by more than one [ETC].”<sup>4</sup> The rule also requires that the ETC “shall give advance notice to the state commission of such relinquishment.”<sup>5</sup> Finally, it also requires state commissions to ensure that the relinquishing ETC's customers will be served by the remaining ETC(s) and ensure sufficient notice to permit the purchase and construction of facilities if necessary.<sup>6</sup>

As there is already at least one other ETC in all areas in which Budget is currently designated as an ETC, including TracFone Wireless d/b/a SafeLink Wireless, Sprint/Virgin Mobile d/b/a Assurance Wireless and i-wireless, the Commission is required by federal law to permit Budget to relinquish its ETC designation. To the best of Budget’s knowledge, no purchase or construction of facilities by other carriers will be necessary.<sup>7</sup> Accordingly, Budget hereby requests that it be permitted to relinquish its ETC designation in Tennessee.<sup>8</sup>

### **III. SUBSCRIBER NOTICE**

As noted earlier, no notice to customers is required of the requested relinquishment of Budget’s ETC status and discontinuance of service in Tennessee because Budget currently has no customers in Tennessee.

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<sup>3</sup> 47 U.S.C. §214(e)(4).

<sup>4</sup> 47 C.F.R. § 54.205(a) and (b).

<sup>5</sup> *Id.*

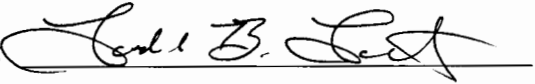
<sup>6</sup> *Id.*

<sup>7</sup> 47 U.S.C. §214(e)(4).

<sup>8</sup> USAC has assigned Budget Study Area Code (SAC) 299014 for its provision of wireline Lifeline-supported services in Tennessee. Upon approval of this Application, Budget will ask USAC to cancel its SAC for Tennessee.

#### IV. CONCLUSION

Budget respectfully requests that the Commission permit Budget to: (i) discontinue its provision of wireline services in Tennessee; (ii) cancel its CCN; (iii) cancel all Budget tariffs; and (iv) relinquish its ETC designation in Tennessee.

By: 

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Dated: May 16, 2017