

Docket No.: A.18-07-011 and A.18-07-012  
Exhibit No.: Sprint-  
Hearing Date: \_\_\_\_\_  
Witness: Peter N. Sywenki  
ALJ: Karl Bemederfer  
Commissioner: Clifford Rechtschaffen

**REBUTTAL TESTIMONY OF PETER N. SYWENKI**

**DIRECTOR – GOVERNMENT AFFAIRS**

**SPRINT CORPORATION**

**ON BEHALF OF**

**SPRINT COMMUNICATIONS COMPANY L.P. (U5112C),**

**SPRINT SPECTRUM L.P. (U3062C), AND**

**VIRGIN MOBILE USA, L.P. (U4327C)**

**January 29, 2019**

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**ATTACHMENTS**

**Attachment A: Virgin Mobile USA, L.P., U-4327-C, Advice Letter 30.....A-1**

1 **I. WITNESS IDENTIFICATION**

2 **Q1: Please state your name and business address.**

3 **A1:** My name is Peter N. Sywenki. My business address is 6450 Sprint Parkway, Overland  
4 Park, Kansas 66251.

5 **Q2: On whose behalf are you testifying?**

6 **A2:** I am testifying in this proceeding on behalf of Sprint Communications Company L.P.  
7 (U5112C), Sprint Spectrum L.P. (U3062C), and Virgin Mobile USA, L.P. (U4327C).

8 **Q3: Who is your employer?**

9 **A3:** I am employed by Sprint United Management Company (“Sprint United”), a wholly-  
10 owned subsidiary of Sprint Corporation (“Sprint”).

11 **Q4: What is your current position with Sprint?**

12 **A4:** I currently serve as Director – Government Affairs, a position I have held since October of  
13 2002. I am responsible for development and support of Sprint’s public policy positions in state  
14 and federal regulatory and legislative matters affecting the communications industry.

15 **Q5: Please summarize your educational and professional background.**

16 **A5:** I have over 30 years of regulatory experience in the telecommunications industry.

1 I received a Bachelor of Science degree in Business Administration from  
2 Elizabethtown College, majoring in Finance and Marketing, in 1987. In addition, I  
3 received certificates from the Wharton School at the University of Pennsylvania for  
4 coursework completed under its executive Critical Thinking program and from the  
5 University of Chicago for coursework completed under its Strategic Decision Making  
6 program.

7 Prior to my current position at Sprint, I was Director – Federal Regulatory  
8 Relations from 1997 to 2002, responsible for representing Sprint’s policy positions in  
9 matters before the FCC, Congress, and the Executive Branch, as well as administering  
10 federal tariff filings and complying with federal regulatory reporting requirements.

11 From 1996 to 1997, I was Manager – Regulatory Policy for Sprint, responsible  
12 for developing and supporting Sprint’s regulatory policies in federal and state  
13 regulatory proceedings on behalf of Sprint’s interexchange carrier and competitive  
14 local exchange carrier operations (“CLEC”). In this role, I provided economic and  
15 policy analysis in support of Sprint’s regulatory pleadings and testified in numerous  
16 state proceedings, including Section 271 evaluations, local interconnection arbitrations,  
17 CLEC certification, access reform, and universal service proceedings.

18 From 1994 to 1996, I was Manager – Access Planning for Sprint, responsible  
19 for analytical and economic support for Sprint positions in regulatory proceedings  
20 regarding access policy, price regulation, universal service, and local competition. In  
21 this role I made numerous presentations to FCC staff regarding Sprint’s regulatory  
22 policy positions.

23 From 1993 to 1994, I was Manager – Earnings and Budget Analysis for Sprint,  
24 responsible for administering earnings and budget analysis systems for what was then  
25 Sprint’s United Telephone local division. I supported the development of revenue  
26 forecasts, analysis of earnings performance, and regulatory reporting processes in  
27 compliance with FCC regulations.

1           Before joining Sprint, I held a variety of positions for United Telephone Eastern  
2 group from 1987 to 1993, including Manager – Cost Allocation and Reporting, Senior  
3 Analyst, Settlements Analyst, and Management Trainee. I was responsible for  
4 exchange access rate development, demand forecasting, regulatory cost studies,  
5 industry settlements, and analytical support for state and federal regulatory  
6 proceedings.

7   **Q6:   Have you testified before this or other regulatory commissions?**

8   **A6:**   Yes. I have testified in New York, Pennsylvania, Kansas, Wyoming, Texas, Missouri,  
9 Nevada, and Florida on a variety of regulatory matters including interconnection, universal service,  
10 access charges, CLEC certification, rural exemptions, and Bell Operating Companies’ Section 271  
11 obligations. In addition, I have assisted in developing testimony for other state regulatory  
12 proceedings and for state and federal legislative hearings.

13   **Q7:   Are you generally familiar with these proceedings at the Commission?**

14   **A7:**   Yes. I understand that T-Mobile and Sprint have submitted two filings with the  
15 Commission. One filing seeks approval of the transfer of Sprint Communications, a wireline  
16 provider in the state, to T-Mobile. The other filing provides the Commission with information  
17 about the wireless merger. My understanding is that the Commission has set these hearings to  
18 consider various issues related to those filings.

1 **II. PURPOSE OF TESTIMONY**

2 **Q8: What is the purpose and scope of your testimony?**

3 **A8:** My testimony will respond to specific portions of various intervenor witnesses’ testimony  
4 that suggest that the merger will negatively impact the availability of wireless Lifeline service. In  
5 addition, my testimony discusses the effect of the merger on Sprint’s provision of wireline services  
6 and on the special access market, issues which were not addressed in intervenor testimony but  
7 were identified as areas to be addressed in the Amended Assigned Commissioner’s Scoping Memo  
8 and Ruling (“Scoping Memo”).

9 In summary, because T-Mobile does not currently provide Lifeline service in  
10 California, and because, as stated in the Wireless Notification and as reiterated by Mr.  
11 Sievert and Ms. Sylla Dixon, New T-Mobile plans to continue the combined federal  
12 Lifeline/state LifeLine services (“Lifeline service” or “Lifeline”) currently provided by  
13 Virgin Mobile USA, L.P. (“Virgin Mobile”)<sup>1</sup> and, as discussed in Ms. Sylla Dixon’s  
14 testimony, to expand the availability of these services to a larger geographic area,<sup>2</sup> the  
15 merger would improve the provision of Lifeline service in California. Regarding  
16 wireline enterprise services, which was not the subject of any intervenor’s testimony,  
17 the transfer of Sprint Communications to T-Mobile USA, Inc. will have no adverse  
18 impact on California consumers or the telecommunications market. T-Mobile does not  
19 currently offer wireline services in the State, and Sprint’s existing wireline customers,  
20 all of which are enterprise or carrier customers, will see no changes to their service.  
21 Further, Sprint’s wireline business will benefit from the combined scale and managerial  
22 experience of New T-Mobile. Special access, which was also not the subject of any

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<sup>1</sup> Application (A.)18-07-012, Joint Application for Review of Wireless Transfer Notification Per Commission Decision 95-10-032 at 25 (Jul. 13, 2018) [hereinafter “Wireless Notification”]; Sievert Rebuttal Testimony at 30:11-30:14; Sylla Dixon Rebuttal Testimony at 3:6-3:11.

<sup>2</sup> Sylla Dixon Rebuttal Testimony at 3:16-3:28.

1 intervenor's testimony but was listed as an issue in the Scoping Memo, is not  
2 implicated in this transaction, since neither Sprint nor T-Mobile currently offer special  
3 access services in California.

1 **III. LIFELINE**

2 **Q9: Please briefly describe Sprint’s participation in the Lifeline market.**

3 **A9:** Sprint participates in the federal Lifeline universal service program through its Virgin  
4 Mobile subsidiary by providing discounted wireless services to qualifying low-income individuals  
5 in 41 states, including California, and Washington D.C. Sprint’s Lifeline service is provided under  
6 the brand name “Assurance Wireless brought to you by Virgin Mobile.” Sprint also participates  
7 in the California LifeLine program (“California LifeLine”) through Virgin Mobile, an Eligible  
8 Telecommunications Carrier (“ETC”) operating in accordance with California’s LifeLine  
9 regulations.

10 **Q10: Please describe the current Assurance Wireless Lifeline service offerings in California.**

11 **A10:** Assurance Wireless currently offers two service plans as part of its California LifeLine  
12 service. The California FREEdom® Plan without Free Data provides unlimited domestic voice  
13 minutes and unlimited domestic text messages at no charge. The California FREEdom® Plan with  
14 Free Data also includes unlimited voice and text messages and adds 3GB of data per month at no  
15 charge. Both of these plans also provide an eligible Lifeline customer with a free mobile telephone  
16 handset, which is capable of accessing information (data) on the Internet. Both plans apply fees  
17 for additional data, international messaging, and calls to 411, directory assistance, and operator  
18 services.

19 Virgin Mobile also offers “transitional service” exclusively to customers  
20 previously enrolled in the California LifeLine program.

21 California Public Advocates Office (“Cal PA”) witness Odell discusses the  
22 Virgin Mobile offerings and refers to Advice Letter (“AL”) 27. (Odell Testimony at  
23 24:7-24:9 and fn. 85). Attachment A to this testimony provides the most recent Virgin  
24 Mobile Advice Letter, AL 30 that makes certain revisions to the California LifeLine  
25 discount and otherwise sets forth the schedule of rates for the California FREEdom®



1 Plan without Free Data, the California FREEdom® Plan with Free Data, and Assurance  
2 Wireless California Transitional Service.

3 **Q11: How many providers currently offer Lifeline services in California?**

4 **A11:** According to the most recent customer counts provided on the CPUC website, there are 51  
5 Lifeline carriers (39 wireline and 12 wireless) providing service in the State of California and  
6 actively serving an estimated base of approximately 1.8 million Lifeline service subscribers.<sup>3</sup>

7 **Q12: Cal PA and CETF have raised concerns regarding risks that the merger may pose to the**  
8 **California LifeLine program (Odell Testimony at 23:3-27:15; Wright Peak Testimony at 8:11-**  
9 **8:22). What effect will the merger have on the provision of Lifeline services in California?**

10 **A12:** As Ms. Odell acknowledged in her testimony (Odell Testimony at 23:14-23:18), the only  
11 Sprint entity currently providing LifeLine in California is Virgin Mobile, and T-Mobile does not  
12 and has never provided Lifeline services in California. As stated in the Wireless Notification and  
13 testimony by Mr. Sievert, New T-Mobile intends to continue offering the Lifeline services  
14 currently provided by Virgin Mobile in California.<sup>4</sup> This commitment is discussed and expanded  
15 upon in the testimony of Ms. Sylla Dixon.<sup>5</sup> Given this commitment, the merger will improve the  
16 provision of Lifeline service in California.

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<sup>3</sup> CPUC Website, “Total Approved LifeLine Subscribers in California by Carrier, as Reported by Conduent State and Local Solutions, Inc. 2018,” available at <http://www.cpuc.ca.gov/general.aspx?id=1100> (links to annual customer count files found at the bottom of the page). Figures noted are average 2018 figures, as of Nov. 15, 2018.

<sup>4</sup> Wireless Notification at 25; Sievert Rebuttal Testimony at 30:11-30:14.

<sup>5</sup> Sylla Dixon Rebuttal Testimony at 3:16-3:28.

1 **Q13: Cal PA witness Odell points out that Sprint excludes Lifeline subscribers of Mobile**  
2 **Virtual Network Operators (“MVNOs”) from the 13.5 million retail customers served by its**  
3 **MVNO partners as reported in its most recent 10-K, citing “regulatory changes.” (Odell**  
4 **Testimony at 20:12-20:15). Will the merger adversely impact the Lifeline services provided by**  
5 **MVNOs, who rely on facilities-based networks to deliver service?**

6 **A13:** The merger will not adversely impact the Lifeline services provided by MVNOs reselling  
7 Sprint’s wireless services. Mr. Sievert and Mr. Keys more fully discuss the benefits New T-Mobile  
8 will offer to MVNO partners post-transaction, and Ms. Sylla Dixon’s testimony specifically  
9 describes the benefits to Lifeline offerings of New T-Mobile’s MVNO partners.

10 Sprint excludes both direct Lifeline subscribers and those of MVNOs reselling  
11 its services from its financial disclosures as an accounting best practice, because the  
12 number of Lifeline subscribers can fluctuate significantly due to regulatory changes  
13 and, consequently, the inclusion of those subscribers within reported totals could be  
14 misleading.

1 IV. WIRELINE

2 **Q14: Please briefly identify the enterprise wireline services currently provided by Sprint**  
3 **Communications in California.**

4 **A14:** As described in the parties' Wireline Approval Application, they are requesting that the  
5 Commission approve the transfer of control of Sprint Communications, a CPUC-certificated  
6 CLEC and non-dominant interexchange carrier ("NDIEC") providing wireline  
7 telecommunications services exclusively to enterprise and carrier customers in California, to T-  
8 Mobile USA.<sup>6</sup> Sprint does not provide wireline service to residential end-user consumers in  
9 California or any other state.<sup>7</sup> Sprint Communications currently provides a wide array of voice  
10 and other services, including but not limited to, VoIP, managed IP/MPLS, SD-WAN, managed  
11 security solutions, and unified communications solutions to small, medium, and large businesses  
12 and government customers. The heart of these services is Sprint's global Internet protocol ("IP")  
13 network.

14 **Q15: Will existing Sprint Communications customers experience changes to their wireline**  
15 **services?**

16 **A15:** The transfer of control of Sprint Communications will not have any adverse effect on  
17 Sprint's wireline customers, all of whom are either enterprise or wholesale interexchange

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<sup>6</sup> A.18-07-011, Joint Application for Approval of Transfer of Control of Sprint Communications Company L.P. Pursuant to Public Utilities Code Section 854(a) at 2 (Jul. 13, 2018 ).

<sup>7</sup> *Id.* at 8.

1 customers. And, as described in the Wireline Approval Application, the transaction will be  
2 seamless, with no changes in day-to-day operations or service.<sup>8</sup>

3 **Q16: Will the merger affect Sprint Communications' operations?**

4 **A16:** Importantly, as I noted above, the day-to-day operations of Sprint Communications will  
5 not change. Sprint Communications, currently a wholly-owned indirect subsidiary of Sprint, will  
6 become a wholly-owned indirect subsidiary of T-Mobile USA but will otherwise continue to exist  
7 as a separate certificated carrier with no change in services or operational structure.<sup>9</sup>

8 **Q17: Please describe the competitive state of the enterprise wireline market.**

9 **A17:** The enterprise wireline market is dominated by incumbent local exchange carriers and  
10 cable companies. As evidence of this fact, Vertical Systems Group currently lists the following as  
11 the leading national providers of enterprise wireline services as measured by retail customer  
12 Ethernet ports: CenturyLink, AT&T, Verizon, Spectrum Enterprise, Comcast, Windstream, and  
13 Cox.<sup>10</sup> T-Mobile does not currently offer enterprise wireline service in California.

14 **Q18: What effect will the Sprint Communications merger with T-Mobile have on competition  
15 in the enterprise wireline market?**

16 **A18:** The merger will improve competition by creating a stronger wireline and wireless  
17 enterprise services market competitor. Mr. Sievert's testimony describes New T-Mobile's  
18 improved wireless enterprise offerings. These offerings will be available to Sprint's current

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<sup>8</sup> *Id.* at 4.

<sup>9</sup> *Id.* at 9.

<sup>10</sup> Vertical Systems Group, Mid-Year 2018 U.S. Carrier Ethernet LEADERBOARD, *available*  
at <https://www.verticalsystems.com/2018/08/22/mid-2018-us-ethernet-leaderboard/> (last  
visited January 21, 2019). Ethernet is the primary technology used to connect enterprise  
locations to service providers.

1 wireline enterprise customers and new customers that wish to purchase both wireline and wireless  
2 services from a single provider.

3 In addition, Sprint Communications will continue to be operated by highly  
4 experienced, well-qualified management and operational and technical personnel. Post-  
5 closing, Sprint Communications will have access to the operational and managerial  
6 resources of T-Mobile, and will become part of a much larger scale entity with  
7 substantial financial resources. Moreover, post-Transaction management will be able to  
8 share best practices and draw upon the substantial combined experience of their  
9 respective management teams.

10 **Q19: Will there be any harm to enterprise wireline competition in California?**

11 **A19:** No. Neither T-Mobile USA nor its parent, affiliates, or subsidiaries provide wireline  
12 services in California or are certificated for those services by this Commission. As a result, the  
13 merger will have no impact on the number of providers in the wireline enterprise market. As  
14 indicated earlier, the merger will enhance competition by strengthening an existing competitor in  
15 the enterprise market for both wireline and wireless enterprise services.

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**V. SPECIAL ACCESS**

**Q20: Special Access is included in the Scoping Memo as items 7 and 8. What is “special access”?**

**A20:** Sometimes referred to as “business data services,” special access involves the provision of dedicated, non-switched transmission links between customer-designated points. Special access is provided primarily by incumbent local exchange carriers to interexchange carriers (“IXCs”) to transport communications between their customers’ premises and their network and to wireless carriers for transport between their networks and cell sites.

**Q21: Does Sprint provide special access service to other IXCs or wireless carriers?**

**A21:** No. As an IXC competing in the wireline enterprise business market and as a wireless carrier competing in the mobile market, Sprint obtains special access service from local carriers, principally incumbent local exchange carriers. Neither Sprint nor T-Mobile provides special access service to other wireless carriers or IXCs.

**Q22: The Office of Ratepayer Advocates (now Cal PA) suggested that because the Commission reviewed special access in the context of the proposed AT&T/T-Mobile merger, the topic “would likely be relevant here.” (Protest of the Office of Ratepayer Advocates at p. 6). Is the special access issue relevant to the Sprint/T-Mobile merger?**

**A22:** No. Special access was raised in the proposed AT&T/T-Mobile merger because AT&T in its capacity as an incumbent local exchange carrier was one of the largest providers of special access to IXCs and wireless carriers. AT&T also competed with its customers in its capacity as an IXC and wireless carrier. In the context of that merger, the question was raised whether the acquisition would have eliminated a potential major customer of competitive backhaul services in areas within AT&T’s local exchange footprint, making it more difficult for alternative providers to generate sufficient business to justify investment in competing facilities and, thus, enhancing

1 AT&T's market position in the provision of special access.<sup>11</sup> The proposed transaction in this  
2 proceeding does not raise any of the competitive concerns relating to special access raised in the  
3 context of the proposed AT&T/T-Mobile merger because, as noted above, neither T-Mobile nor  
4 Sprint provides special access service.

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<sup>11</sup> Reply Comments of the Division of Ratepayer Advocates, Investigation 11-06-009, at 5-6, available at: [http://www.publicadvocates.cpuc.ca.gov/uploadedFiles/Content/Hot\\_Topics/I1106009DRARReplyComments.pdf](http://www.publicadvocates.cpuc.ca.gov/uploadedFiles/Content/Hot_Topics/I1106009DRARReplyComments.pdf) (Jun. 9, 2011).

1 **VI. CONCLUSION**

2 **Q23: How should the Commission rule on the issue of Lifeline service?**

3 **A23:** Because T-Mobile does not currently offer Lifeline services in California and, as stated in  
4 the parties' Wireless Notification and T-Mobile witnesses' testimony, New T-Mobile plans to  
5 continue the Lifeline services currently provided by Virgin Mobile and expand the availability to  
6 a larger geographic area as further described by Ms. Sylla Dixon, the Commission can  
7 affirmatively conclude that the merger will improve the provision of Lifeline service in the  
8 California LifeLine service market.

9 **Q24: What should the CPUC do to enable T-Mobile to be an effective competitor in the**  
10 **California enterprise wireline market?**

11 **A24:** In light of the clear benefits in the enterprise market I discussed above and given the lack  
12 of opposition to the transfer of Sprint Communications to T-Mobile, the CPUC should approve  
13 the Wireline Approval Application as soon as practicable in order to bring significant benefits of  
14 the proposed merger to enterprise customers in California.

15 **Q25: What conclusion should the Commission make regarding the issue of special access?**

16 **A25:** Because Sprint and T-Mobile do not currently offer special access, the Commission can  
17 affirmatively conclude that the merger presents no harm to the special access market.

18 **Q26: Does this conclude your testimony?**

19 **A26:** Yes, it does.



## ATTACHMENT A

Rebuttal Testimony of Peter N. Sywenki Submitted on Behalf of Sprint Communications  
Company L.P., Sprint Spectrum L.P., and Virgin Mobile USA, L.P.  
January 29, 2019

**VIRGIN MOBILE USA, L.P.**

900 7<sup>th</sup> Street, N.W., Suite 700  
Washington, D.C. 20001

BY COURIER AND ELECTRONIC MAIL

November 21, 2018

U-4327-C  
Virgin Mobile USA, L.P.  
Advice Letter No. 30 - Tier 2

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LifeLine Team  
Communications Division  
California Public Utilities Commission  
505 Van Ness Avenue, 3<sup>rd</sup> Floor  
San Francisco, CA 94102

RE: California LifeLine Service of Assurance Wireless - Advice Letter 30

Dear Ms. Carlin, Ms. Pangilinan and Ms. Tan-Walsh:

Pursuant to General Rule 7.3.4 and Telecommunications Industry Rule 7.2 of General Order No. ("GO") 96-B, Virgin Mobile USA, L.P. (U-4327-C) ("Virgin Mobile USA" or "VMU"), an Eligible Telecommunications Carrier ("ETC") doing business under the fictitious business name of "Assurance Wireless Brought to You by Virgin Mobile" ("Assurance Wireless" or "AW"), respectfully submits this Advice Letter to revise the attached:

- (a) Schedule of Rates for its "California FREEdom<sup>®</sup> Plan without Free Data" and "California FREEdom<sup>®</sup> Plan with Free Data" (AW's "California LifeLine Plans") (Attachment 1)

Effective January 1, 2019, this Advice Letter modifies AW's Schedule of Rates to reflect the California Public Utilities Commission's announcement that the Specific Support Amount ("SSA") for the California LifeLine discount will increase from \$14.30 to \$14.85, which increase commences on January 1, 2019.

Together with this Advice Letter and the attachment, AW submits for filing a CD containing this Advice Letter (and its attachment), the PAL Summary Sheet and a content text (content.txt) file. A certificate of service is provided after the attachment to this advice letter.

Pursuant to GO 96-B, General Rule 7.2, this Tier 2 Advice letter will be effective 30 days after the filing date, unless expedited or suspended by staff. AW respectfully requests that this Advice Letter be approved and allowed to go into effect on January 1, 2019.

Attachment 1 to this Advice Letter (AW's Schedule of Rates) entirely replaces Attachment 1 to AW's Advice Letter 27 (filed October 18, 2018).

No other changes are made through this Advice Letter.

This filing will not cause withdrawal of service or conflict with any other schedules or rules. Anyone may protest this advice letter to the California Public Utilities Commission. The protest must set forth the specific grounds on which it is based, including such items as financial and service impact. A protest must be made in writing and received within 20 days of the date of this Advice Letter. The address for mailing or delivering a protest to the Commission is:

Communications Division  
Advice Letter Coordinator  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

A copy of the protest must be mailed to the Company's counsel (Stephen H. Kukta, Esq. at the address above) on the same day it is mailed or delivered to the Commission. If this advice letter was served via email, the protest must be served on [Stephen.H.Kukta@Sprint.com](mailto:Stephen.H.Kukta@Sprint.com) by email. To obtain information about the Commission's procedures for advice letters and protests, visit [www.cpuc.ca.gov](http://www.cpuc.ca.gov) and links to Commission General Order No. 96-B.

Pursuant to GO 96-B, this Advice Letter is being served on the parties included in the service lists contained in the Certificate of Service below.

Respectfully submitted:

/S/ \_\_\_\_\_  
Stephen H. Kukta

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Attorneys for Assurance Wireless

SHK:ENS:klj

Attachments:

Attachment 1: Assurance Wireless California LifeLine Plan Schedule of Rates

# ATTACHMENT 1

**ASSURANCE WIRELESS I CALIFORNIA LIFELINE PLAN  
SCHEDULE OF RATES**

**Applicable Terms and Conditions of Service are set forth in Assurance  
Wireless Important Service/Product Specific Terms and Assurance Wireless  
General Terms and Conditions of Service**

|  | California FREEdom®<br>Plan Without Free Data  | California FREEdom®<br>Plan with Free Data   | AW CA Transitional<br>Service <sup>1</sup><br>(for former LifeLine<br>customers)  |
|--|--|--|---|
| <b>Regular Rate</b>  | \$25.00 <sup>2</sup>   | \$32.50 <sup>3</sup>   | 10 cents per minute   |
| <b>Federal Lifeline<br/>Discount</b>   | \$9.25   | \$9.25   | N/A   |
| <b>California LifeLine<br/>Discount</b>                                      | \$14.85  | \$14.85  | N/A   |
| <b>Monthly Company<br/>Discount (funded<br/>by AW)</b>                       | \$0.90   | \$8.40   | N/A   |
| <b>Monthly<br/>Discounted Rate</b>   | \$0.00   | \$0.00   | N/A   |
| <b>Number of Minutes</b>   | Unlimited  | Unlimited  | N/A   |
| <b>Domestic Messages</b>   | Unlimited  | Unlimited  | See rates below   |
| <b>Data</b>  | 0  | 3GB <sup>4</sup>   | See rates below   |
| <b>Applicable Taxes,<br/>Fees, and<br/>Surcharges</b>                        | None   | None   | As required by law for<br>prepaid non-LifeLine<br>service   |
| <b>California LifeLine<br/>Taxes, Fees, and<br/>Surcharges<br/>Exemption</b> | None (LifeLine Exempt)   | None (LifeLine Exempt)   | N/A<br>(Exemption does not<br>apply to<br>non-LifeLine customers)   |
| <b>Per<br/>Minute/Message<br/>Fee for Additional<br/>Minutes/Messages</b>    | Voice: Unlimited<br>domestic (U.S.) voice<br>minutes included with<br>offer<br><br>Message (Text):<br>Unlimited domestic<br>(U.S.) messages (texts)<br>included with offer | Voice: Unlimited<br>domestic (U.S.) voice<br>minutes included with<br>offer<br><br>Message (Text):<br>Unlimited domestic<br>(U.S.) messages (texts)<br>included with offer | Add'l minutes /<br>messages: 10¢ /msg sent<br>or received<br><br>Domestic Messaging<br>Packs:<br><ul style="list-style-type: none"> <li>• \$1.99 for 50<br/>messages</li> <li>• \$4.99 for 200<br/>messages</li> <li>• \$9.99 for 1,000<br/>messages</li> </ul> |

<sup>1</sup> Available only to former California LifeLine customers no longer participating in California LifeLine service.

<sup>2</sup> The regular rate reflects the pricing of the offer. However, this offer is available only to approved California LifeLine customers for as long as they are eligible. It is not available to non-Lifeline customers at the regular rate.

<sup>3</sup> The regular rate reflects the pricing of the offer. However, this offer is available only to approved California LifeLine customers for as long as they are eligible. It is not available to non-Lifeline customers at the regular rate.

<sup>4</sup> As of 11/20/18, new customers will receive 3GB of data and existing customers will be upgraded to 3GB upon request. Unless your device is connected to Wi-Fi, your phone's software installations will deduct from your monthly data amount.

|  |  |  |  |
|--|--|--|--|
|  | International text is not included in the monthly allocation of messages.  | International text is not included in the monthly allocation of messages.  | <ul style="list-style-type: none"> <li>\$19.99 for unlimited messages</li> </ul>   |
| <b>Fee for Additional Data</b>                     | Add'l or Pay as You Go Data Rates: <ul style="list-style-type: none"> <li>Int'l: 20¢ /msg. sent &amp; 10¢ /msg to receive</li> <li>email &amp; IMs 10¢/msg (sent or received)</li> </ul> Data Packs:* <ul style="list-style-type: none"> <li>\$1.00 for 100MB</li> <li>\$3.00 for 500MB</li> <li>\$5.00 for 1GB</li> <li>\$10.00 for 2GB</li> <li>\$20.00 for 4GB</li> <li>\$30.00 for 5GB</li> </ul> * Data Packs expire after 30 calendar days | Add'l or Pay as You Go Data Rates: <ul style="list-style-type: none"> <li>Int'l: 20¢ /msg. sent &amp; 10¢ /msg to receive</li> <li>email &amp; IMs 10¢/msg (sent or received)</li> </ul> Data Packs:* <ul style="list-style-type: none"> <li>\$1.00 for 100MB</li> <li>\$3.00 for 500MB</li> <li>\$5.00 for 1GB</li> <li>\$10.00 for 2GB</li> <li>\$20.00 for 4GB</li> <li>\$30.00 for 5GB</li> </ul> * Data Packs expire after 30 calendar days | Add'l or Pay as You Go Messaging Rates: <ul style="list-style-type: none"> <li>Picture msg: 25¢ /msg sent or received</li> <li>Int'l: 20¢ /msg. sent &amp; 10¢ /msg to receive</li> <li>email &amp; IMs 10¢/msg (sent or received)</li> </ul> Data Packs: * <ul style="list-style-type: none"> <li>\$1.00 for 100MB</li> <li>\$3.00 for 500MB</li> <li>\$5.00 for 1GB</li> <li>\$10.00 for 2GB</li> <li>\$20.00 for 4GB</li> <li>\$30.00 for 5GB</li> </ul> * Data Packs expire after 30 calendar days |
| <b>Fee for Calling N11 Special Service Numbers</b> | \$0.00 (211, 311, 511, 611, 711, 811 & 911)  | \$0.00 (211, 311, 511, 611, 711, 811 & 911)  | 10 cents per minute (with the exception of 911 which is \$0.00)  |
| <b>Fee for Calling 411</b>                         | \$1.75 per call + standard airtime charges   | \$1.75 per call + standard airtime charges   | \$1.75 per call + standard airtime charges   |
| <b>Fee for Calling Directory Assistance</b>        | \$1.75 per call + standard airtime charges   | \$1.75 per call + standard airtime charges   | \$1.75 per call + standard airtime charges   |
| <b>Fee for Calling Operator Services</b>           | \$1.75 per call + standard airtime charges   | \$1.75 per call + standard airtime charges   | \$1.75 per call + standard airtime charges   |
| <b>Regular Activation Fee</b>                      | \$39.00 <sup>5</sup>   | \$39.00 <sup>6</sup>   | \$0.00   |
| <b>Discounted Activation Fee****</b>               | \$0.00 (discount funded by AW)   | \$0.00 (discount funded by AW)   | \$0.00   |

<sup>5</sup> Activation fee assessed upon service activation for Lifeline is discounted for CA LifeLine eligible customers. As used herein, "Activation" means "initiation or reestablishment" of California LifeLine Service. See note \*\*\*\* below.

<sup>6</sup> Activation fee assessed upon service activation for Lifeline is discounted for CA LifeLine-eligible customers. See note \*\*\*\* below.

|  |  |  |  |
|--|--|--|--|
| <b>Activation Fee for Service Conversion</b>   | \$39.00 <sup>7</sup>   | \$39.00 <sup>8</sup>   | N/A  |
| <b>Discounted Activation Fee for Service Conversion</b><br>****                                  | \$0.00<br>(discount funded by AW)  | \$0.00<br>(discount funded by AW)  | N/A  |
| <b>Cell Phone Fee - initial activations</b>  | \$0.00 (provision of initial handset)  | \$0.00 (provision of initial handset)  | \$0.00   |
| <b>Cell Phone Fee - lost/stolen replacement device provided<sup>9</sup></b>                      | From \$0.00 up to a price not to exceed the retail price, depending on device type | From \$0.00 up to a price not to exceed the retail price, depending on device type | From \$0.00 up to a price not to exceed the retail price, depending on device type |
| <b>Cell Phone Fee - broken phone within warranty period<sup>9</sup></b>                          | \$0.00   | \$0.00   | \$0.00   |
| <b>Cell Phone Fee - broken phone out of warranty<sup>9</sup></b>                                 | From \$0.00 up to a price not to exceed the retail price, depending on device type | From \$0.00 up to a price not to exceed the retail price, depending on device type | From \$0.00 up to a price not to exceed the retail price, depending on device type |
| <b>Cell Phone Fee - Upgrade of Wireless Device (current feature phone customers)<sup>9</sup></b> | From \$0.00 up to a price not to exceed the retail price, depending on device type | From \$0.00 up to a price not to exceed the retail price, depending on device type | From \$0.00 up to a price not to exceed the retail price, depending on device type |
| <b>Restocking Fee</b>  | \$0.00   | \$0.00   | \$0.00   |
| <b>Deposit</b>   | \$0.00   | \$0.00   | \$0.00   |
| <b>Early Termination Fee</b>   | \$0.00   | \$0.00   | \$0.00   |
| <b>Nationwide Domestic (U.S.) Long Distance</b>  | \$0.00 (Included in the unlimited base plan)                                       | \$0.00 (Included in the unlimited base plan)                                       | 10 cents per minute  |
| <b>Picture Message*****</b>  | \$0.00   | \$0.00   | 25 cents per message sent or received  |
| <b>Caller ID</b>   | \$0.00   | \$0.00   | \$0.00   |
| <b>Call Waiting*****</b>   | \$0.00   | \$0.00   | 1 <sup>st</sup> leg is billed at 10 cents per minute and 2 <sup>nd</sup>           |

<sup>7</sup> The Activation Fee for Service Conversion is assessed upon conversion from another California LifeLine Service provider to AW's California FREEdom<sup>®</sup> plan. However, the Activation Fee is discounted to \$0.00 through an AW-funded discount which is provided by AW for customers who choose to migrate to AW's California FREEdom<sup>®</sup> plan, regardless of whether the customer is eligible for an activation/connection reimbursement pursuant to Commission Decision 17-01-032 in R.11-03-013. As used herein, service "conversion" means a change from another California LifeLine Service provider to AW for California LifeLine Service ("carrier change"). See note \*\*\*\* below.

<sup>8</sup> The Activation Fee assessed upon service conversion to AW's California FREEdom<sup>®</sup> plan with Free Data is discounted to \$0.00 through an AW-funded discount which is provided by AW for customers who choose to migrate to AW's California FREEdom<sup>®</sup> plan with Free Data, regardless of whether the customer is eligible for an activation/connection reimbursement pursuant to Commission Decision 17-01-032 in R.11-03-013. See n. 7 *supra* and note \*\*\*\* below.

<sup>9</sup> See information below concerning AW's California LifeLine Service Handset Policies



|   |        |        |  |
|---|--------|--------|--|
|   |        |        | Call Waiting leg billed at 10 cents per minute   |
| <b>Call Forwarding*****</b>                 | \$0.00 | \$0.00 | 10 cents per minute for the minutes consumed during the forwarded call                                     |
| <b>Voicemail</b>                            | \$0.00 | \$0.00 | \$0.00   |
| <b>3-way Calling*****</b>                   | \$0.00 | \$0.00 | 1 <sup>st</sup> leg is billed at 10 cents per minute and 2 <sup>nd</sup> leg billed at 10 cents per minute |
| <b>Toll Domestic Blocking</b>               | N/A    | N/A    | N/A  |
| <b>Mobile Hotspot*****</b>                  | N/A    | N/A    | N/A  |
| <b>International Long Distance Blocking</b> | \$0.00 | \$0.00 | \$0.00   |
| <b>900 / 976 Blocking</b>                   | \$0.00 | \$0.00 | \$0.00   |
| <b>Rollover Unused Minutes/Text Option</b>  | N/A    | N/A    | No   |
| <b>Contract Needed</b>                      | No     | No     | No   |
| <b>Credit Check Needed</b>                  | No     | No     | No   |

(\*\*\*\*AW is responsible for funding the Activation Fee discount when LifeLine Service is established for a LifeLine Service-eligible customer, either for a new California LifeLine Service customer or for an existing California LifeLine Service customer who is "converting" from another LifeLine provider to AW. AW will subsequently seek reimbursement from the California LifeLine Fund for each LifeLine Service Activation that it believes is eligible for such reimbursement. However, AW will not seek or otherwise ask a LifeLine Service customer, whether a new LifeLine service customer or an existing LifeLine service customer who is "converting" from another LifeLine provider to AW, to pay an Activation Fee, even if AW subsequently learns that the Activation is not eligible for reimbursement from the LifeLine Fund.

California Public Utilities Commission Decision 14-01-036 provides, in Ordering Paragraph 18: "All LifeLine telephone service plans, including bundled, promotional, and family plans, which meet or exceed the minimum service elements and are consistent with California LifeLine rules, shall be eligible for the California LifeLine discounts."

Assurance Wireless will comply with Ordering Paragraph 1 of Decision 17-01-032, which provides: "The reimbursement rate capped at \$39.00 for service connection/activation charges for California LifeLine wireless telephone services, with a limit of not more than two discounts per California LifeLine participant per year, shall continue until the California Public Utilities Commission addresses the issue in a subsequent decision or resolution. The two types of reimbursable activities for reimbursements of service connection/activation charges for California LifeLine wireless telephone services are i) when the California LifeLine participant establishes California LifeLine wireless telephone service for the first time; and ii) when switching from one California LifeLine telephone service provider, whether wireline or wireless, to a California LifeLine wireless telephone service provider."

AW will also comply with Conclusion of Law 27 of Decision 17-01-032, which provides: "California LifeLine participants who change to a different service plan offered by their current California LifeLine service provider, to a different service address, or to a different phone number should not be eligible for discounts for service activation/connection charges."

Please see AW's California Product Guide for all applicable Terms and Conditions.

(\*\*\*\*\*feature availability based on handset capabilities)

**Plan Summary:**

| <b>Plan Name</b>                   | <b>Plan Includes</b>  | <b>Plan Charges</b> | <b>Additional Charges</b>   | <b>California LifeLine Eligible</b>         |
|------------------------------------|---|---------------------|---|---|
| CA FREEdom® Plan Without Free Data | Unlimited domestic (U.S.) voice minutes and unlimited domestic (U.S.) text messages | \$0.00              | International text is not included in the monthly allocation of messages.<br><br>Add'l or Pay as You Go Data Rates:<br><ul style="list-style-type: none"> <li>• Int'l: 20¢ /msg. sent &amp; 10¢ /msg to receive</li> <li>• email &amp; IMs 10¢/msg (sent or received)</li> </ul><br>Data Packs:*<br><ul style="list-style-type: none"> <li>• \$1.00 for 100MB</li> <li>• \$3.00 for 500MB</li> <li>• \$5.00 for 1GB</li> <li>• \$10.00 for 2GB</li> <li>• \$20.00 for 4GB</li> <li>• \$30.00 for 5GB</li> </ul><br>* Data Packs expire after 30 calendar days | Yes (plan provides over 1000 voice minutes) |
| CA FREEdom® Plan with Free Data    | Unlimited domestic voice minutes, unlimited domestic text messages and 3GB of data  | \$0.00              | International text is not included in the monthly allocation of messages.<br><br>Add'l or Pay as You Go Data Rates:<br><ul style="list-style-type: none"> <li>• Int'l: 20¢ /msg. sent &amp; 10¢ /msg to receive</li> <li>• email &amp; IMs 10¢/msg (sent or received)</li> </ul><br>Data Packs:*<br><ul style="list-style-type: none"> <li>• \$1.00 for 100MB</li> <li>• \$3.00 for 500MB</li> <li>• \$5.00 for 1GB</li> <li>• \$10.00 for 2GB</li> <li>• \$20.00 for 4GB</li> </ul>  | Yes (plan provides over 1000 voice minutes) |

|  |  |  |   |  |
|--|--|--|---|--|
|  |  |  | <ul style="list-style-type: none"><li>• \$30.00 for 5GB</li></ul> <p>* Data Packs expire after 30 calendar days</p> |  |
|--|--|--|---|--|

# **CERTIFICATE OF SERVICE**

Rebuttal Testimony of Peter N. Sywenki Submitted on Behalf of Sprint Communications  
Company L.P., Sprint Spectrum L.P., and Virgin Mobile USA, L.P.

January 29, 2019

A-1

Certificate of Service

I, Kristin L. Jacobson, hereby certify that I have today served, by electronic mail, a copy of the foregoing Advice Letter 30 and the attachments thereto on the email addresses for the parties shown on the Commission Service List for R.11-03-013 as shown below, as well as the service list for "Changes in rates, terms and conditions of service, or initiation of new service" found at <https://ia.cpuc.ca.gov/alsl/getlist.aspx>.

Dated: November 21, 2018, at Benicia, CA.

/S/ \_\_\_\_\_  
Kristin L. Jacobson

**Electronic Mail Addresses for Parties Shown on the Service List for R.11-03-013 as of November 21, 2018:**

cmailloux@turn.org; Leon Bloomfield <lmb@wblaw.net>; stephaniec@greenlining.org; tom@wid.org; pucservice@dralegal.org; JDOLGONAS@CENIC.ORG; lgolinker@aol.com; maheen.cook@nalalifeline.org; Bill.Wallace@VerizonWireless.com; DanielleFrappier@dwt.com; JGuyan@KelleyDrye.com; JGuyan@KelleyDrye.com; saugustino@kelleydrye.com; OWein@nclc.org; BRECHERM@gtlaw.com; Paul.McAleese@iwirelesshome.com; MDover@KelleyDrye.com; MDover@KelleyDrye.com; hmorris@lakecap.com; chabran@cctpg.org; CHVaquerano@SALEF.org; jesus.g.roman@verizon.com; Michael.Bagley1@VerizonWireless.com; RobertGnaizda@gmail.com; kjl@cpuc.ca.gov; shelby@brightlinedefense.org; servicelist.cpuc@perkinscoie.com; Kristin Jacobson <kristin@kljlegal.com>; stephen.h.kukta@sprint.com; Marg@Tobiaslo.com; peter.hayes@att.com; JArmstrong@goodinmacbride.com; jclark@goodinmacbride.com; JClark@GoodinMacBride.com; MSchreiber@cwclaw.com; MSchreiber@cwLaw.com; PRosvall@cwLaw.com; mmattes@nossaman.com; SelbyTelecom@gmail.com; selbytelecom@gmail.com; Susan.Walters@CETfund.org; sbergum@ccaf.us; service@cforat.org; rl@comrl.com; Charlie.Born@ftr.com; hcv@cpuc.ca.gov; mlizarraga@lacooperativa.org; lesla@calcable.org; Serita Cox (serita@ifoster.org); AdamShoemaker@dwt.com; alangalloway@dwt.com; betty.sanders@chartercom.com; fkuo@c-s-d.org; JimTomlinson@dwt.com; michael.minkus@cpuc.ca.gov; RyanAppel@dwt.com; slawsonconsulting@gmail.com; LifelineNotices@TruConnect.com; dwtcpucdockets@dwt.com; judypau@dwt.com; charak@nclc.org; khaith@solixinc.com; Ross.Buntrock@agg.com; JHoltz@KelleyDrye.com; bpeebles@telecomcounsel.com; HKirby@TelecomCounsel.com; susan.berlin@telrite.com; JHawley@fh2.com; KWoods@fh2.com; John.Willis@iwirelesshome.com; hkelly@kelleydrye.com; Mark.DiNunzio@cox.com; Linda.C.Stinar@centurylink.com; JLSalazar@SempraUtilities.com; info@lalcc.org; RYap@TruConnect.com; Chuck.Carrathers@ftr.com; Felicia.L.Hudson@ftr.com; hope.christman@ftr.com; esther.northrup@cox.com; marcie.evans@cox.com; CentralFiles@SempraUtilities.com;

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**Electronic Mail Addresses for "Changes in rates, terms and conditions of service, or initiation of new service" found at <https://ia.cpuc.ca.gov/alsl/getlist.aspx> as of November 21, 2018:**

att-regulatory-ca@att.com; hope.christman@verizon.com; sfetzer@4cct.com; regulatoryaffairs@sagetelecom.net; John\_Gutierrez@cable.comcast.com; kpool@4cct.com; jriley@telecompliance.net; arasura@tcastcom.com; PJOSEPHSON@STERLINGBUSINESSLAW.COM; TRUCKEE25@AOL.COM; info@tobiaslo.com; michelle.salisbury@crowncastle.com; ysmythe@caltel.com; joe@speedypin.com; f.jasinski@surewest.com; ayo@cpuc.ca.gov; daguirre@telscape.net; CAservicelist@tminc.com; mwhall2@verizon.net; laurie.brown@kernrivergas.com; davinahunter29@gmail.com; wbrantl@kelleydrye.com; katherine.hoagland@paetec.com; jim.deloss@consolidated.com; araselig@lacuracao.com; enriqueg@greenlining.org; suzannetoller@dwt.com; dwtcpucdockets@dwt.com; deanvic@yahoo.com; janewhang@dwt.com; melissalawson@dwt.com; deyoung@caltel.org; Charlie.Born@ftr.com; william.c.prentice@gmail.com; ajanssen@telecomcounsel.com; mike.mulkey@ringcentral.com; rhh@cpuc.ca.gov; nb2@cpuc.ca.gov; mairac@datavo.com; mkramek@edisonmission.com; nlubamersky@telepacific.com; jlb@brunnerlaw.com; steve@tsihomophone.com; steve@tsihomophone.com; nb2@cpuc.ca.gov; lyndall.nipps@twtelecom.com; trafati@semprautilities.com; sarah.friedman@sierraclub.org; cmailloux@turn.org; jclark@goodinmacbride.com; jclark@goodinmacbride.com; sedwards@bluecasa.com; cmailloux@turn.org; gwallach@kleinlawpllc.com; bill.peters@argusmedia.com; andrew.perez@verizon.com; cwa9509@gmail.com; kdisaacs@integratelecom.com; kristie.ince@twtelecom.com; kris@lokt.net; eh2726@att.com; pmcelligott@wiltshiregrannis.com; jfalter@telogical.com; hkirby@telecomcounsel.com; william.yeager@stellarenergy.com; paula@crockerlawfirm.com; scottekellogg@me.com; mnelson@ol.com; cpuclists@gmail.com; mary.k.joshi@sprint.com; tgalbreath@wiltshiregrannis.com; Greg.Diamond@twtelecom.com;

Rebuttal Testimony of Peter N. Sywenki Submitted on Behalf of Sprint Communications Company L.P., Sprint Spectrum L.P., and Virgin Mobile USA, L.P.

January 29, 2019

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