
STAFF MEMORANDUM

TO: COMMISSIONERS AND ADVISORS
FROM: ERIC PAULSON AND KRISTEN EDWARDS
RE: DOCKET TC14-019 - IN THE MATTER OF PETITION OF BLUE JAY WIRELESS, LLC. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER
DATE: May 31, 2017

Commission Staff (Staff) submits this Memorandum regarding its recommendations for the above captioned matter.

BACKGROUND

On May 23, 2014, Blue Jay Wireless, LLC (Blue Jay) filed a Petition for Designation as an Eligible Telecommunications Carrier for the Purpose of Offering Lifeline Service on a Wireless Basis (Petition). Upon receipt of the Petition, Staff engaged in discovery and processing of the docket. No activity has taken place in the docket since 2015.

On May 20, 2015, Staff submitted a memorandum regarding its recommendations for this docket. Since that time, the Federal Communications Commission has changed the requirements of ETCs. Staff requested many of the companies with pending applications submit an update or an amended application detailing how the applicant intends to comply with the new requirements for lifeline plans, specifically with regard to the plans the applicant intends to offer. March 1, 2017, Staff received a response that stated that Blue Jay would review the application make updates if they thought anything needed to be updated. As of the filing date of this memorandum, no updates or contact has been received from Blue Jay. On May 1, 9, and 30, Staff sent emails to Blue Jay but has not received any responses back from the company. This raises two concerns. First, if the Applicant does not intend to update its offered plans to comply with new requirements, the plans are no longer sufficient to comply with new FCC requirements and, therefore, the application should be denied. Second, the lack of communication can be interpreted demonstrative of the communication one might receive, or fail to receive, should the application be granted and future customers have issues.

At this point, because the Petition is over three years old and we have not received responses from the company, Staff believes that the information in the Petition is stale to the extent that it is fatal to Staff's ability to accurately determine whether Blue Jay should be granted ETC designation. Staff has communicated this position to the company.

RECOMMENDATION

For the above reasons, Staff recommends the application be dismissed without prejudice.