

[Service Date August 10, 2010]

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RE: In the Matter of the Petition of TracFone Wireless, Inc. For Exemption From WAC 480-123-030(1)(d), (f) and (g); and Designation as an Eligible Telecommunications Carrier For the Purpose of Receiving Lifeline Support From the Federal Universal Service Fund, Docket UT-093012

TO ALL PARTIES:

The Washington Utilities and Transportation (Commission) entered its Order 03, Final Order Adopting Settlement Agreement; Granting, on Condition, Designation as an Eligible Telecommunications Carrier and Exemption from Provisions of WAC 480-123-030; Granting WITA's Petition to Withdraw Intervention in Docket UT-093012 on June 24, 2010. The Order, among other things, approved and adopted subject to condition a settlement agreement between TracFone Wireless, Inc. (TracFone), and Commission Staff, and allowing designation for the company for a one year interim period. Order 06 authorized the Commission's Executive Director and Secretary to approve the required compliance filings, by letter, if they complied with the terms of the Order.

On July 26, 2010, TracFone submitted a compliance filing pursuant to the conditions in Section 2 of Attachment 2 to the settlement, adopted in Order 03, providing a copy of TracFone's Lifeline rate plans, terms and conditions, proposed language to be used in Lifeline advertisements, and TracFone's Lifeline Customer Application Form. After Commission Staff reviewed these documents and discussed them with TracFone representatives, the company submitted revisions to the compliance filing on August 3, and August 5, 2010. On August 9, 2010, Commission Staff submitted a letter recommending the Commission approve the compliance filing.

TracFone also filed a letter on July 30, 2010, informing the Commission that it will not be filing a quarterly report for the quarter ending on June 30, 2010, as required by Order 03, which adopted the condition in Section 8 of Attachment 2 to the settlement.

TracFone states that it has not yet started offering Lifeline service in Washington and has no data to report at this time. In its August 9 letter, Staff recommends that TracFone start filing the quarterly report after the company begins offering its SafeLink program.

The Commission has examined TracFone's compliance filing, subsequent revisions, and the company's July 30, 2010, letter concerning quarterly reporting. TracFone's compliance filing meets the conditions in Section 2 of Attachment 2 to the settlement agreement and Order 03 required prior to initiating service. While TracFone has not complied with the condition set forth in Section 8 of Attachment 2 to the settlement, adopted by Order 03, given that Order 03 was not entered until June 24, 2010, and the company is not authorized to initiate service until Commission approval of its compliance filing, the Commission finds acceptable TracFone's proposal that it begin filing quarterly reports in compliance with Section 8 of Attachment 2 after it begins offering service.

Sincerely,

DAVID W. DANNER
Executive Director and Secretary