

**BEFORE THE WASHINGTON STATE
UTILITIES AND TRANSPORTATION COMMISSION**

In the Matter of the Petition of)	DOCKET UT-093012
)	
TRACFONE WIRELESS, INC.)	
)	
For Exemption From WAC 480-123-)	NOTICE OF PREHEARING
030(1)(d), (f) and (g); and Designation)	CONFERENCE
as an Eligible Telecommunications)	(Set for Monday, April 12, 2010,
Carrier For the Purpose of Receiving)	at 1:00 p.m.)
Lifeline Support From the Federal)	
Universal Service Fund)	
.....)	

1 TracFone Wireless, Inc. (TracFone), on March 13, 2009, filed with the Washington Utilities and Transportation Commission (Commission) a petition requesting designation as an eligible telecommunications carrier (ETC) pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended, and WAC 480-123-030. TracFone seeks ETC designation in Washington for the purpose of receiving low income support from the federal Universal Service Fund, including Lifeline support and Link Up support. TracFone does not seek to participate in the state Lifeline program or Washington Telephone Assistance Program (WTAP) (RCW 80.36.410-.470). TracFone seeks ETC designation for all of Washington state. In the Company’s original petition, TracFone states that it intends to resell wireless mobile phone service from AT&T Mobility, Inland Cellular, T-Mobile, U.S. Cellular and Verizon Wireless.

2 On July 10, 2009, TracFone filed an amendment to its petition, withdrawing its request for Link Up support. It only sought federal Lifeline support (Tiers 1-3). TracFone also sought an exemption from WAC 480-123-030(1)(d), (f) and (g), which require it to provide a substantive investment plan, a service area map, and emergency back-up power supplies, respectively.

- 3 On October 26, 2009, TracFone filed a second amendment to correct its previous statement about its Lifeline service area. TracFone clarified that it only offers Lifeline service in areas served by AT&T Mobility and T-Mobile; it will expand its Lifeline service area to include areas served by Verizon Wireless beginning April 1, 2010.
- 4 On November 5, 2009, TracFone filed a third amendment to clarify the options a SafeLink customer has for purchasing additional minutes. The low-value calling cards (\$3, \$5 and \$10 value) will not be offered to the TracFone's Lifeline customers, as originally proposed.
- 5 On December 29, 2009, TracFone filed a fourth amendment to its petition, revising its Lifeline offers. TracFone proposed to reduce the rate for additional minutes for SafeLink customers and provide discounts to two prepaid monthly plans under the "Straight Talk" trademark.
- 6 TracFone's petition was first brought before the Commission at its open meeting on November 25, 2009. The amended petition of December 29, 2009, was brought before the Commission at its February 25, 2010, open meeting, and was continued to the Commission's March 11, 2010, open meeting.
- 7 On March 11, 2010, the Commission heard comments from representatives for the Company, Staff, and Community Voice Mail. Following the comments, the Commission set the matter for hearing.¹
- 8 **STATUTORY AUTHORITY:** The Commission has jurisdiction over eligible telecommunications carriers in Washington and this matter under 47 U.S. C. § 214(e)(2), 47 C.F.R. §§ 54.201(b)-(c) and WAC 480-123-040. The Commission also has jurisdiction over this matter under RCW Title 80, and has legal authority to regulate the rates, services, and practices of telecommunications companies providing service within the State of Washington. The statutes that apply to this matter include RCW 80.01, RCW 80.04, and RCW 80.36, including but not limited to RCW 80.01.040, RCW 80.04.020, RCW 80.36.600 and RCW 80.36.610. The rules that apply to this matter include those within WAC 480-120 and WAC 480-123.

¹ See Order 01.

- 9 The Commission will hear this matter under the Administrative Procedure Act (APA), particularly Part IV of RCW 34.05 relating to adjudications. The provisions of the APA that relate to this proceeding include, but are not limited to RCW 34.05.413, RCW 34.05.422, RCW 34.05.431, RCW 34.05.440, RCW 34.05.449, and RCW 34.05.452. The Commission will also follow its procedural rules in WAC 480-07 in this proceeding.
- 10 **THE COMMISSION GIVES NOTICE That it will hold a prehearing conference in this matter at 1:00 p.m., on Monday, April 12, 2010, in the Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.** If you are unable to attend the prehearing conference in person, you may attend via the Commission's teleconference bridge line at (360) 664-3846. Please appear on the teleconference bridge no more than five minutes before the conference is scheduled to begin.
- 11 The purpose of the prehearing conference is to consider requests for intervention, resolve scheduling matters including establishing dates for distributing evidence and workpapers, to identify the issues in the proceeding and determine other matters to assist the Commission in resolving the matter, as listed in WAC 480-07-430.
- 12 **INTERVENTION:** Persons seeking to intervene in the proceeding must file written petitions to intervene at least three business days before the date of the prehearing conference. *See WAC 480-07-355(a)*. In addition, party representatives must file notices of appearance with the Commission, as required by WAC 480-07-345(2), no later than the day before the conference. If any party or witness needs an interpreter or other assistance, they should fill out the form attached to this notice and return it to the Commission. The Commission will set the time and place for the evidentiary hearings at the prehearing conference or by later written notice.
- 13 **THE COMMISSION GIVES NOTICE that any party who fails to attend or participate in the prehearing conference set by this Notice, or any other stage of this proceeding, may be held in default under RCW 34.05.440 and WAC 480-07-450.**
- 14 The names and mailing addresses of all known parties and their known representatives are as follows:

Petitioner: TracFone Wireless, Inc.
9700 NW 112th Avenue
Miami, FL 33178

Representatives: Mitchell F. Brecher
Debra McGuire Mercer
Greenberg Traurig, LLP
2101 "L" Street NW
Suite 1000
Washington, D.C. 20037
(202) 331-3100
brecherm@gtlaw.com
mercercdm@gtlaw.com

Commission: Washington Utilities and Transportation
Commission
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250

Representatives: Gregory J. Trautman
Michael A. Fassio
Assistant Attorneys General
1400 S. Evergreen Park Drive S.W.
P.O. Box 40128
Olympia, WA 98504-0128
(360) 664-1187
(360) 664-1192
gtrautma@utc.wa.gov
mfassio@utc.wa.gov

15 The Commissioners of the Washington Utilities and Transportation Commission and Administrative Law Judge Ann E. Rendahl, from the Commission's Administrative Law Division, will preside during this proceeding.

16 The Commission will give parties notice of any other procedural phase of the proceeding in writing or on the record, as appropriate during this proceeding.

DATED at Olympia, Washington, and effective March 19, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

DAVID W. DANNER
Executive Director and Secretary

Inquiries may be addressed to:

Executive Director and Secretary
Washington State Utilities and
Transportation Commission
Richard Hemstad Building
1300 S. Evergreen Park Drive S.W.
P.O. Box 47250
Olympia, WA 98504-7250
(360) 664-1160

NOTICE

Hearing facilities are accessible to persons with disabilities. Smoking is prohibited. If limited English-speaking, hearing-impaired parties or witnesses are involved in a hearing and need an interpreter, a qualified interpreter will be appointed at no cost to the party or witness.

If you need an interpreter, or have other special needs, please fill out this form and return it to Washington State Utilities and Transportation Commission, Attention: David W. Danner, 1300 S. Evergreen Park Drive SW, P. O. Box 47250, Olympia, WA 98504-7250. (PLEASE SUPPLY ALL REQUESTED INFORMATION)

Docket : _____

Case Name: _____

Hearing Date: _____ Hearing Location: _____

Primary
Language: _____

Hearing Impaired (Yes) _____ (No) _____

Do you need a certified sign language interpreter:

Visual _____ Tactile _____

Other type of assistance needed: _____

English-speaking person who can be contacted if there are questions:

Name: _____

Address: _____

Phone No.: (____) _____