

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

In the Matter of the Petition of)	
)	DOCKET UT-093012
)	
TRACFONE WIRELESS, INC.)	ORDER 02
)	
For exemption from WAC 480-123-)	
030(1)(d), (f) and (g); and designation)	PREHEARING CONFERENCE
as an eligible telecommunications)	ORDER;
carrier for the purpose of receiving)	
Lifeline support from the federal)	NOTICE OF HEARING
Universal Service Fund.)	
)	
.....)	

1 **NATURE OF PROCEEDING.** Docket UT-093012 involves a petition by TracFone Wireless, Inc. (TracFone or Company), seeking designation as a eligible telecommunications carrier, or ETC, pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the Act), and Washington Administrative Code (WAC) 480-123-030.

2 TracFone’s petition was first brought before the Washington Utilities and Transportation Commission (Commission) at its open meeting on November 25, 2009. An amended petition was brought before the Commission at its February 25, 2010, open meeting, and continued to the Commission’s March 11, 2010, meeting. At that meeting the Commission set the petition for hearing.

3 **CONFERENCE.** The Commission convened a prehearing conference in this docket at Olympia, Washington on April 12, 2010, before Administrative Law Judge Ann E. Rendahl.

4 **APPEARANCES.** Mitchell F. Brecher and Debra McGuire Mercer, Greenberg Traurig, LLP, Washington, D.C., represent TracFone. Gregory J. Trautman and Michael A. Fassio, Assistant Attorneys General, Olympia, Washington, represent the

Commission's regulatory staff (Commission Staff or Staff).¹ Richard A Finnigan, attorney, Olympia, Washington, represents the Washington Independent Telephone Association (WITA). Contact information provided at the conference for the parties' representatives is attached as Appendix A to this Order.

5 **PETITIONS FOR INTERVENTION.** WITA petitioned in writing and appeared at the conference to intervene in the docket. No party objected to the petition for intervention, which was granted.

6 **DISCOVERY.** It does not appear that discovery will be required in this proceeding. If parties see a need for discovery, any party may move that the Commission invoke the Commission's discovery rules, WAC 480-07-400 – 425.

7 **SETTLEMENT DISCUSSIONS.** Prior to the prehearing conference, counsel for Commission Staff notified the presiding officer that Staff and the Company had reached an agreement on the issues in dispute, and planned to file a settlement agreement. The settlement was the focus of scheduling discussions at the conference.

8 **PROCEDURAL SCHEDULE.** The parties agreed on a procedural schedule during the conference. The Commission adopts this procedural schedule, which is also attached to this Order as Appendix B.

Deadline for filing settlement agreement:	Friday, April 23, 2010
Deadline for filing settlement narrative And supporting documents	Wednesday, April 28, 2010
Tentative Settlement Hearing	Wednesday, May 12, 2010, beginning at 9:30 a.m.

9 **NOTICE OF HEARING.** The Commission has tentatively scheduled a settlement hearing in this matter to begin at **9:30 a.m., on Wednesday, May 12, 2010**, in the

¹ In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455.*

Commission's Hearing Room, Second Floor, Richard Hemstad Building, 1300 S. Evergreen Park Drive S.W., Olympia, Washington.

- 10 **DOCUMENT PREPARATION AND FILING REQUIREMENTS.** Parties must file an original plus **ten (10)** copies of all pleadings, motions, briefs, and other prefiled materials. These materials must conform to the format and publication guidelines in WAC 480-07-395 and WAC 480-07-460. The Commission prefers that materials be three-hole punched with *oversized* holes to allow easy handling. The Commission may require a party to refile any document that fails to conform to these standards.
- 11 All filings must be mailed or delivered to the Executive Director and Secretary, Washington Utilities and Transportation Commission, P.O. Box 47250, 1300 S. Evergreen Park Drive, S.W. Olympia, Washington 98504-7250. Both the post office box and street address are required to expedite deliveries by the U.S. Postal Service.
- 12 An electronic copy of all filings must be provided through the Commission's Web Portal (www.utc.wa.gov/e-filing) or by e-mail delivery to [<records@utc.wa.gov>](mailto:records@utc.wa.gov). Alternatively, parties may furnish an electronic copy by delivering with each filing a 3.5-inch IBM-formatted high-density diskette or CD including the filed document(s). Parties must furnish electronic copies in MS Word 6.0 (or later) supplemented by a separate file in .pdf (Adobe Acrobat) format. Parties must follow WAC 480-07-140(5) in organizing and identifying electronic files.
- 13 **ELECTRONIC SUBMISSION OF DOCUMENTS.** Parties may submit documents electronically to the Commission on the filing deadline to expedite the filing process, but must file an original, plus **ten (10)** paper copies, of the documents with the Commission by 12:00 noon on the first business day following the filing deadline established in the procedural schedule. WAC 480-07-145(6). Parties may submit documents electronically through the Commission's Web Portal (www.utc.wa.gov/efiling) or by e-mail to records@utc.wa.gov. Finally, to perfect filing, parties must simultaneously provide e-mail courtesy copies of filings to the presiding administrative law judge and advisory staff identified on Appendix A to this Order as well as to the parties to the proceeding.

- 14 **ALTERNATE DISPUTE RESOLUTION.** The Commission supports the informal settlement of matters before it. Parties are encouraged to consider means of resolving disputes informally. The Commission does have limited ability to provide dispute resolution services; if you wish to explore those services, please call the Director, Administrative Law Division, at 360-664-1144.
- 15 **NOTICE TO PARTIES: A party who objects to any portion of this Order must file a written objection within ten (10) calendar days after the service date of this Order, pursuant to WAC 480-07-430 and WAC 480-07-810. The service date appears on the first page of the order in the upper right-hand corner. Absent such objection, this Order will control further proceedings in this matter, subject to Commission review.**

Dated at Olympia, Washington, and effective April 13, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ANN E. RENDAHL
Director, Administrative Law Division

APPENDIX A

**PARTIES' REPRESENTATIVES
DOCKET UT-093012**

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
TracFone	<p>Mitchell F. Brecher Debra McGuire Mercer Greenberg Traurig, LLP 2101 "L" Street NW Suite 1000 Washington, D.C. 20037</p> <p>Dr. Glenn Blackmon</p> <p>Richard Salzman, Executive Vice President, TracFone</p> <p>Leighton Lang, Deputy General Counsel, TracFone</p>	<p>(202) 331-3152 (202) 331-3194</p>	<p>(202) 261-0152</p>	<p>brecherm@gtlaw.com mercerdm@gtlaw.com</p> <p>mail@glennblackmon.com</p> <p>rsalzman@Tracfone.com</p> <p>Llang@Tracfone.com</p>
WITA	<p>Richard A. Finnigan 2112 Black Lake Blvd. SW Olympia, WA 98512</p>	<p>(360) 956-7001</p>	<p>(360) 753-6862</p>	<p>rickfinn@localaccess.com</p>
Staff	<p>Gregory J. Trautman Michael A. Fassio Assistant Attorneys General 1400 S. Evergreen Park Drive S.W. P.O. Box 40128 Olympia, WA 98504-0128</p> <p>Mark Vasconi</p> <p>Jing Liu</p>	<p>(360) 664-1187 (360) 664-1192</p>	<p>(360) 586-5522</p>	<p>gtrautma@utc.wa.gov mfassio@utc.wa.gov</p> <p>mvasconi@utc.wa.gov</p> <p>jliu@utc.wa.gov</p>

PARTY	REPRESENTATIVE	PHONE	FACSIMILE	E-MAIL
Presiding Admin. Law Judge	Ann E. Rendahl 1300 S. Evergreen Pk. Dr. SW P.O. Box 47250 Olympia, WA 98504-7250	(360) 664-1144	(360) 664-1150 [Records Center fax only – do not use to file]	arendahl@utc.wa.gov
Policy Advisor	Brian Thomas 1300 S. Evergreen Pk. Dr. SW P.O. Box 47250 Olympia, WA 98504-7250			bthomas@utc.wa.gov

**APPENDIX B
PROCEDURAL SCHEDULE
DOCKET UT-093012**

EVENT	DATE	INTERVAL
Deadline for filing settlement agreement	Friday, April 23, 2010	10 Days
Deadline for filing settlement narrative and supporting documents	Wednesday, April 28, 2010	5 Days
Tentative Settlement Hearing	Wednesday, May 12, 2010	14 Days