



Mark E. Oberlander for

Burl W. Haar, Executive Secretary

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

NOTICE OF COMMENT PERIOD

June 24, 2014

In the Matter of a Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier (ETC) for the Limited Purpose of Offering Lifeline Service to Qualified Households

PUC Docket Number: P6823/M-09-802

In the Matter of an Investigation into TracFone's Compliance with Remittance Responsibilities under Minn. Stat. §§403.11 and 237.52

PUC Docket Number: P6823/CI-10-519

Comment Period: Initial comment period closes **July 23, 2014**

Reply comment period closes **August 4, 2014**

Project Background: On June 9, 2010, the Commission issued its Order (09-802 case) granting TracFone Wireless, Inc. (TracFone) a one-year ETC designation limited to the provision of Lifeline service in Minnesota subject to certain provisions contained in the Order. The Commission also opened an investigation (10-519 case) to determine whether TracFone is violating or has in the past violated Minnesota statutes related to 911 and Telecommunications Access Minnesota.

At the compliance phase of the case, the matter was scheduled for Commission consideration on April 7, 2011 as to whether TracFone had satisfied the conditions specified in the Order. Staff's Briefing Papers filed on March 29, 2011 noted that TracFone had not satisfied all the Commission's conditions, notably the company's compliance with the collection and remittance provisions of Minn. Stat. 403.11 and 237.52 related to 911 and TAM surcharges.

The cases were held in abeyance upon TracFone's request for postponement of Commission action in a letter filed on April 7, 2011.

On May 16, 2014, the Department of Public Safety's (DPS) Director of Emergency Communications Network filed a notice that 1) the agency had reached a settlement in its dispute with TracFone on the collection and remittance of 911 and TAM surcharges, 2) TracFone is not in

arrears for any obligation, and 3) DPS withdraws its present objections to the company's ETC designation and to the closing of the investigation case.

In a related development, starting January 1, 2014, customers of prepaid wireless phones and calling cards pay into 911 and TAM funds, with retailers collecting and remitting the fees to the Department of Revenue.

On June 19, 2014, TracFone filed a Second Supplemental Compliance Filing addressing the issues raised in the 2011 Staff Briefing Papers and to the FCC rules governing Lifeline. TracFone also notes that the FCC had since deleted the requirement that an ETC certify that it will make service available to all customers making a reasonable request for service pursuant to CFR 54.202(a) and requests the Commission to similarly remove such condition in its Order.

The Commission seeks comments on the following topics:

1. Has TracFone sufficiently addressed all the conditions for ETC designation required in the Commission's June 9, 2010 Order?
2. Are there new FCC or Commission directives governing ETC designations and Lifeline service that became effective after the Commission's June 9, 2010 Order that TracFone should comply with?
3. Should the Commission grant TracFone's request to remove the condition relating to a certification that the Company's service will be available to all customers making a reasonable request for service?
4. What Commission actions are warranted related to the 09-802 and 10-519 cases?
5. Are there other issues for Commission consideration?

Submit Public Comments: E-mail to PublicComments.PUC@state.mn.us.

Persons without e-mail access may send comments by U.S. mail to Burl Haar, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul MN 55101-2147. Please include the Commission's docket number in all communications.

Filing Requirements: Utilities, telecommunications carriers, official parties, and state agencies are **required** to file documents using the Commission's electronic filing system (eFiling). All parties, participants and interested persons are encouraged to use eFiling: www.puc.state.mn.us, select "eFiling," and follow the prompts.

Full Case Record: All documents filed in this docket are available on the Commission's website at www.puc.state.mn.us, select "Search eDockets," enter the year **09** and the docket number **802 for the ETC designation case**, enter the year **10** and the docket number **519 for the investigation case**, and select "Search."

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Questions about this docket or Commission process and procedure? Contact Commission staff Lillian Brion at 651-201-2216 or at lillian.brion@state.mn.us.

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