



State of Utah
Department of Commerce
Division of Public Utilities

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October 21, 2009

TO: PUBLIC SERVICE COMMISSION

FROM: DIVISION OF PUBLIC UTILITIES

Philip J. Powlick, Director
Bill Duncan, Manager, Telecommunications and Water
Casey J. Coleman, Utility Technical Consultant

RE: Petition of Tracfone Wireless, Inc. For Designation as an Eligible
Telecommunications Carrier in the State of Utah for the Limited Purpose of
Offering Lifeline Service to Qualified Households Docket No. 09-2511-01

RECOMMENDATION:

The Division recommends that the Commission holds a scheduling conference in this Docket.

ISSUES:

On August 27, 2009 Tracfone Wireless, Inc (“Tracfone”) filed a petition with the Commission asking to be considered an Eligible Telecommunications Carrier (“ETC”). As part of the petition Tracfone is requesting authority to serve as an ETC within the entire state of Utah. At the present time, the Division is unaware of any ETCs that the Commission has granted within the rural exchanges of Utah. Because of this fact, the Division believes it would be prudent to allow any interested parties the opportunity to discuss Tracfone’s petition and how granting an ETC to Tracfone would benefit or affect customers in rural Utah.

Additionally, the Division has noticed other state Commissions, i.e. Nebraska, Kentucky, and South Carolina have denied or delayed the petition of Tracfone as an ETC because of Tracfone’s stated belief that it should not be required to contribute to state universal service funds. Further discovery into whether Tracfone believes their company would not be subject to paying into Utah’s Universal Public Telecommunications Service Support Fund would be beneficial to establishing whether Tracfone should be granted an ETC.

cc: Michael Ginsberg, Assistant Attorney General
Mitchel F. Breecher, Greenberg Traurig, LLP