

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 3rd day of
October, 2018.

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

File No. RA-2019-0012

**ORDER GRANTING WAIVER OF SPECIFIC STATE LIFELINE
PROGRAM CRITERIA**

Issue Date: October 3, 2018

Effective Date: November 2, 2018

On July 16, 2018, TracFone Wireless, Inc. ("TracFone") filed its *Motion to Provide Lifeline Service Through Additional Brands* requesting the Commission issue an order permitting TracFone to offer Lifeline service through additional brand names beyond its SafeLink Wireless brand. Specifically, TracFone asks to use the brand Walmart Family Mobile. TracFone was previously approved as an eligible telecommunications carrier (ETC) in Case No. TA-2009-0327.

The Commission issued an order directing notice to all eligible telecommunications carriers for Lifeline support authorized to provide service in Missouri. The Commission set an intervention deadline of July 27, 2018. No intervention requests were received.

The Commission ordered its Staff to file a recommendation regarding TracFone's request no later than August 17, 2018. Staff timely filed a recommendation stating that Commission rule 4 CSR 240-31.130(2)(G) prohibits an ETC from the use of additional brand names.

In TO-2014-0020, the Commission approved a stipulation and agreement between Staff and TracFone whereby TracFone agreed to not offer or provide Lifeline service under any other name than its Commission approved ETC designated name: SafeLink Wireless. Staff's current recommendation represents a change in Staff's position as put forth in the 2013 stipulation and agreement.

Staff generally supports limiting an ETC's name usage to minimize confusion as to who is providing the service. However, TracFone's marketing sufficiently informs consumers that the underlying service is being provided by TracFone. Under these circumstances, Staff believes it is appropriate for the Commission to grant a waiver of its rule under narrow circumstances when a company's use of an additional brand name is of an entity owned and operated by the company.

Commission Rule 4 CSR 240-31.130(4)(D) allows the Commission to grant a waiver of any provision of 4 CSR 240-31.010 through 4 CSR 240-31.130 for good cause shown. The Commission finds that because suitable steps exist to avoid confusion as to who is providing the service, and because Walmart Family Mobile is owned and operated by TracFone, good cause to grant a waiver exists. Additionally, because the Commission currently recognizes the company as TracFone Wireless, Inc. d/b/a SafeLink Wireless, the company name should revert to TracFone Wireless Inc., as that name best encompasses the use of multiple brand names offering Lifeline service under TracFone. Therefore, the Commission will grant the waiver with conditions.

THE COMMISSION ORDERS THAT:

1. TracFone is granted a waiver of Commission Rule 4 CSR 240-31.130(2)(G), and may offer Lifeline service under additional names for entities owned and operated by TracFone.
2. TracFone is to provide advance notice to the Public Service Commission of additional brand names by filing notice of any additional names 30 days prior to the use of such names in Missouri.
3. The name of the company as recognized by the Public Service Commission is hereby changed from TracFone Wireless, Inc. d/b/a SafeLink Wireless to TracFone Wireless, Inc.
4. TracFone shall maintain Lifeline service using the d/b/a SafeLink Wireless.
5. This order shall become effective on November 2, 2018.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Silvey, Chm., Kenney, Hall, Rupp, and
Coleman, CC., concur.

Clark, Regulatory Law Judge

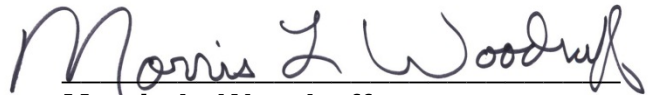
STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City, Missouri, this 3rd day of October 2018.




Morris L. Woodruff
Secretary

MISSOURI PUBLIC SERVICE COMMISSION

October 3, 2018

File/Case No. RA-2019-0012

**Missouri Public Service
Commission**

Staff Counsel Department
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
staffcounsel@psc.mo.gov

Office of the Public Counsel

Hampton Williams
200 Madison Street, Suite 650
P.O. Box 2230
Jefferson City, MO 65102
opc@psc.mo.gov

**Missouri Public Service
Commission**

Ron Irving
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, MO 65102
Ron.Irving@psc.mo.gov

SafeLink Wireless

Susan B Cunningham
4520 Main St. Ste. 1100
Kansas City, MO 64111-7700
susan.cunningham@dentons.com

Enclosed find a certified copy of an Order or Notice issued in the above-referenced matter(s).

Sincerely,



**Morris L. Woodruff
Secretary**

Recipients listed above with a valid e-mail address will receive electronic service. Recipients without a valid e-mail address will receive paper service.