

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Petition of TracFone)	
Wireless, Inc. for Designation as an)	
Eligible Telecommunications Carrier)	
in the State of Missouri and for the)	Case No. TA-2009-0327
Limited Purpose of Offering Lifeline)	
and Link Up Service to Qualified)	
Households)	

**OFFICE OF THE PUBLIC COUNSEL’S RESPONSE TO COMMISSION
QUESTIONS**

The Office of The Public Counsel states the following to the Missouri Public Service Commission in response to its questions posed in its August 14, 2009 order concerning TracFone’s application for ETC designation:

1. If the conditions suggested by the Staff of the Commission are imposed in granting TracFone Wireless, Inc.’s application and the company does not comply with those conditions, can Commission revoke TracFone’s designation as an Eligible Telecommunications Carrier?

Yes. The PSC has authority to grant the ETC designation and, if the conditions of the grant are violated or not followed by the ETC (TracFone), the PSC may commence a proceeding to review that designation and revoke it for failure to meet the conditions of the original grant. The conditions proposed by Staff are consistent with the Commission’s ETC rule. (**4 CSR 240-3.570 Requirements for Carrier Designation as Eligible Telecommunications Carriers** .”(5) (E) The commission shall not certify, by October 1 of each year, any ETC, including incumbent local exchange telecommunications carriers, that fails to comply with these rules.”) *See also*, jurisdiction admitted with application and designation: “(5)(F) An application for ETC designation shall be deemed to be acceptance of Missouri Public Service Commission jurisdiction over any issues related to

ETC designation and status and USF funding and acceptance of additional rules made applicable to that ETC.”)

Violation of a Commission’s order and rule would also be grounds for a complaint requesting not only authority to seek penalties in circuit court, but could also include a prayer to revoke the ETC designation and such other action as the Commission deems appropriate. (“(5)(D) Allegations of failure to comply with this rule shall be filed with the commission in the form of a formal complaint pursuant to 4 CSR 240-2.070. Resolution of the complaint may result in revocation of the ETC designation.”)

2. Does TracFone pay into the federal Universal Service Fund?

To the best of Public Counsel’s information and belief, yes.

3. How many other states have granted ETC designation for only low income, prepaid wireless service?

Both the Staff and Tracfone have submitted information in response to this question. Public Counsel has no further information from authoritative sources other than these parties used to provide the Commission. With some slight difference in reporting the granting (Question 3) or the pending (Question 4) ETC status, there seems to be agreement between Tracfone and the Staff.

4. Are there any, and if so which, states have pending applications of companies seeking ETC designation for low income, prepaid wireless service?

Both the Staff and Tracfone have submitted information in response to this question. Public Counsel has no further information from authoritative sources other than these parties to provide the Commission. With some slight difference in reporting

the granting (Question 3) or the pending (Question 4) ETC status, there seems to be agreement between Tracfone and the Staff.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was emailed, mailed or hand delivered this 21 day of August 2009 to the following attorneys of record:

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