

**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 )  
Limited Purpose of Offering Lifeline )  
and Link Up Service to Qualified )  
Households )

**Case No. TA-2009-0327**

**OFFICE OF THE PUBLIC COUNSEL’S IMPACT STATEMENT REGARDING  
FCC WAIVER REQUEST AT FCC**

The Office Of The Public Counsel states to the Public Service Commission that the TracFone FCC waiver request does not appear to have a direct connection to the Mo PSC proceeding. At the FCC, TracFone seeks a modification of the conditions for the annual customer self-certification process to a verification process via statistical sampling. In 2005, the FCC granted authorization to use the self-certify process.

TracFone’s Missouri waiver case asks for a waiver of the PSC rule regarding initial certification for Lifeline and Link Up participants. The rule mandates that the customer submit documentary proof of eligibility. The PSC recently changed from a self-certification process to the documentary review at the suggestion of the MOUSF bank auditors.

The FCC’s approval of self-certification does not bind process the state. States can determine what process is in the best interests of the public. FCC regulations give states the authority establish the eligibility requirements for federal USF Lifeline support.

47 CFR Section 54.409(a) provides as follows:

(a) To qualify to receive Lifeline service in a state that mandates state Lifeline support, a consumer must meet the eligibility criteria established by the state commission for such support. The state commission shall establish narrowly targeted qualification criteria that are based solely on income or factors directly related to income.

Missouri mandates state Lifeline support and, therefore, is a state within this regulation that determines the eligibility.

For these reasons, Public Counsel suggests that the case before it may proceed without linkage to the TracFone's FCC pending waiver case.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Michael F. Dandino**

BY: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was emailed, mailed or hand delivered this 20<sup>th</sup> day of July 2009 to the following attorneys of record:

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