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DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

May 28, 2010

Shani Pines
Administrative Law Judge
Public Utility Commission of Oregon
550 Capitol St NE – Suite 215
Salem OR 97301

Re: UM 1437

Dear Judge Pines:

I enclose the final Issues List which the all parties agree is appropriate for the development of the issues in this docket.

Sincerely,

Michael T. Weirich
Assistant Attorney General
Regulated Utility & Business Section

MTW:nal/#2071335
Enclosure
C: Service List

UM 1437
Final Issues List

- I. Does TracFone's application meet the requirements for federal ETC designation in Oregon as determined by the Commission in Order No. 06-292, Appendix A, items 1-9?
 - A. Does the application properly and sufficiently define TracFone's proposed designated service area? Should the Commission grant TracFone's request for a waiver of the ILEC wire center list and maps required in 3.1 of Appendix A of the order?
 - B. Does the application demonstrate a commitment to offer the supported services throughout the proposed designated service area, including identification of how TracFone will attempt to provide service to every requesting customer in the area as required in 3.2 of Appendix A of the order?
 - C. Should the Commission grant TracFone's request for waiver of requirement 4.2 of Appendix A of the order (map of network coverage and signal strengths)?
 - D. Does the application identify and describe each service plan that TracFone offers as required in 2.3 of Appendix A of the order?
 - E. Does the application sufficiently identify and describe the specific services that will be offered to qualifying low-income customers as required in 7.2 of Appendix A of the order?
 - F. Does the application demonstrate that TracFone offers a local usage plan that is comparable to the basic local service offerings of the ILECs in the proposed designated service area as required in 2.4 of Appendix A of the order?
 - G. Does the application demonstrate TracFone's ability to remain functional in emergencies as required in 8.1 of Appendix A of the order?
 - H. Does the application describe the current status of E911 deployment and compliance as required in 8.2 of Appendix A of the order?
 - I. Can TracFone meet all responsibilities under the CTIA Consumer Code as it has committed to do, given its reseller status?
 - J. Will TracFone's reseller status limit its ability to resolve all complaints regarding its service that may be received by the PUC?
- II. Do the requirements imposed on TracFone by the FCC in its order granting TracFone forbearance from the facilities requirement of the Telecom Act (FCC 05-165) have any impact on, or relationship to, the Commission's authority to grant ETC designation?
- III. Will TracFone be able to comply with all annual reporting requirements for ETCs in Oregon? If not, should waivers be granted?

- IV. Does TracFone meet the requirements for ETP designation and participation in the OTAP?
- A. Will TracFone comply with all OTAP procedural requirements for eligibility and verification?
 - B. Will TracFone comply with OTAP pro-rating requirements for benefits purposes?
 - C. Will TracFone comply with all OTAP requirements for reporting?
 - D. Will TracFone comply with OTAP requirements by offering the same Lifeline/OTAP discount on all its services, including Net10 and Straight Talk?
 - E. Will TracFone agree to Staff review and approval of any and all advertising for Lifeline/OTAP offerings in Oregon?
- V. Is granting TracFone's application in the public interest?
- A. Is TracFone legally required to submit to the Commission remittance reports and surcharge fees for each one of its existing and intended service options?
 - B. Is an ETC eligible to receive RSPF funds for the provision of OTAP services if it is not legally required to submit to the Commission remittance reports and surcharge fees [*See, e.g.* OAR 860-033-0006(4)]?
 - C. Does the "free" nature of the SafeLink service offering engender problems associated with administration, customer fraud and abuse, etc., and if so, can they be overcome?
 - D. What are the specific advantages and disadvantages of TracFone's Lifeline/OTAP offering(s)?
 - E. Will TracFone's designation result in creamskimming in the rural ILEC areas in which it seeks designation?
 - F. What are the potential impacts of TracFone's designation on ILECs and other designated ETCs in the state?
 - G. What are the anticipated impacts of TracFone's designation on the federal universal service fund?
 - H. What are the anticipated impacts of TracFone's designation on the Oregon Telephone Assistance Program (OTAP) related to fund size, administrative resource requirements, etc.?
 - I. Should TracFone collect and/or remit fees that support 9-1-1 services in Oregon?
 - J. Since Lifeline customers are not paying for their services, how does TracFone intend to participate in the funding of the 9-1-1 system in Oregon in relation to those customers?
 - K. Other 9-1-1 issues:
 - i. Since Lifeline customers are using third party networks (AT&T, Verizon, etc.) to provide mandated E9-1-1 location, how will a 9-1-1 call taker handle exigent circumstances? If the third party name is displayed during a 9-1-1 call at what point is TracFone identified as the service provider?

- ii. What kind of customer information is TracFone providing and in what format in regards to 9-1-1 services to Lifeline customers, specifically as it pertains to uninitialized or deactivated devices?
- L. Are there other public interest issues that should be considered?

1 **CERTIFICATE OF SERVICE**

2 I certify that on May 28, 2010, I served the foregoing Issues List upon the parties in this
3 proceeding by electronic mail and by sending a true, exact and full copy by regular mail, postage
4 prepaid, or by hand-delivery/shuttle, to the parties accepting paper service.

5 **W**

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Regulated Utility & Business Section

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