

**Before the
PUBLIC UTILITY COMMISSION OF OREGON**

DOCKET UM 1437

In the Matter of)

TRACFONE WIRELESS, INC.)

Petition for Relinquishment of Eligible)
Telecommunications Carrier and Eligible)
Telecommunications Provider Designations)

Docket No. UM 1437

**PETITION TO RELINQUISH ELIGIBLE TELECOMMUNICATIONS CARRIER AND
ELIGIBLE TELECOMMUNICATIONS PROVIDER DESIGNATIONS**

TracFone Wireless, Inc. (“TracFone”), pursuant to 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205, respectfully requests to relinquish its designation as an Eligible Telecommunications Carrier (“ETC”) and an Eligible Telecommunications Provider (“ETP”) (collectively, “ETC” unless otherwise indicated), effective April 1, 2017. TracFone states the following in support of its Petition:

BACKGROUND

On May 2, 2012, the Commission issued an Order designating TracFone as an ETC and ETP pursuant to Section 214 of the Communications Act of 1934, as amended (47 U.S.C. § 214) so that it could utilize federal Universal Service Fund (“USF”) resources to offer Lifeline services, and as an ETP under Oregon law so that it could offer services pursuant to the Oregon

Telephone Assistance Program (“OTAP”).¹ In the ETC Order, the Commission adopted in part, and modified in part, a Stipulation that resolved issues raised by entities that had joined in the proceeding as parties (*i.e.*, the Citizens’ Utility Board of Oregon (“CUB”) and the Oregon Office of Emergency Management). The Stipulation provided that TracFone’s designation as an ETC be subject to certain conditions, including a requirement that TracFone submit quarterly reports to Commission Staff and CUB regarding various aspects of TracFone’s Lifeline service. TracFone’s designated Lifeline service area consists of the incumbent local exchange carrier wire centers listed in Exhibit A to the Stipulation.

In April 2013, TracFone commenced providing Lifeline service to eligible low-income households in Oregon throughout its designated service area. TracFone provides Lifeline service in Oregon under the brand name SafeLink Wireless[®]. TracFone has decided to cease its provision of Lifeline service in Oregon and relinquish its ETC designation.²

TRACFONE MEETS THE REQUIREMENTS FOR RELINQUISHMENT OF ITS ETC DESIGNATION

In accordance with 47 U.S.C. § 214(e)(4) and 47 C.F.R. § 54.205 TracFone seeks to relinquish its ETC designation in Oregon. Federal law requires the Commission to permit the relinquishment of an ETC designation in any area served by at least one other ETC.

Specifically, Section 214(e)(4) of the Communications Act provides:

A State commission [...] shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one

¹ *In the Matter of TracFone Wireless, Inc. Application for Designation as an Eligible Telecommunications Carrier*, Docket No. UM 1437, Order No. 12-149 (Oregon Pub. Util. Comm’n: May 2, 2012) (“ETC Order”). Although the Commission designated TracFone as an ETP, TracFone has not sought and does not receive funds from any Oregon state fund to provide Lifeline service. Throughout this Petition, TracFone’s references to “Lifeline” encompass both Lifeline and OTAP service unless noted otherwise.

² On October 31, 2016, TracFone filed a Petition for Designation as a Lifeline Broadband Provider with the Federal Communications Commission in WC Docket No. 09-197.

eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission [...] of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission [...] shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunication carrier.³

TracFone meets the applicable requirements. First, there are numerous ETCs, including Lifeline-only wireless ETCs, designated throughout Oregon. To the best of TracFone's knowledge, each of the wire centers in which TracFone has been designated as an ETC is served by the relevant incumbent local exchange carrier ("ILEC") and those ILECs are ETCs. In addition, the Commission has designated other competitive wireline and wireless carriers as ETCs to provide Lifeline service within TracFone's designated Lifeline service area. Other wireless ETCs authorized to serve Oregon include AT&T Mobility, Boomerang Wireless, LLC, i-wireless LLC and U.S. Cellular.

Second, TracFone will provide its Lifeline customers with ample notice that TracFone will cease providing SafeLink Wireless[®] Lifeline service. Specifically, TracFone, Commission Staff and CUB have agreed to the following notice requirements: TracFone will stop accepting new applications for SafeLink Wireless[®] Lifeline service on January 31, 2017, or approximately seven days after the Commission issues an order granting this Petition. This will prevent a new customer from needing to change Lifeline service providers shortly after commencing service with TracFone. TracFone will relinquish its ETC designation effective April 1, 2017, approximately 60 days after the date that it stops accepting new applications. At least 60 days

³ 47 U.S.C. § 214(e)(4); *see also* 47 C.F.R. § 54.205 (same).

prior to relinquishment, TracFone will provide all customers with notices advising them that TracFone will cease offering SafeLink Wireless[®] Lifeline service, the date service will end, and detailed information regarding customers' ability to use remaining airtime minutes and how to obtain service from another Lifeline service provider in Oregon. The notices will include a text message sent at least 60 days before the ETC relinquishment date, a letter sent via U.S. mail to the subscriber's address at least 45 days before the relinquishment date, and text messages sent 30 days and 15 days prior to the relinquishment date. All text messages will direct customers to a website with additional information and provide a telephone number so that customers can contact TracFone with any questions. TracFone will work with the Commission Staff and CUB to agree upon the content of the text messages, letter, and information contained on the SafeLink Wireless[®] website regarding TracFone's termination of Lifeline service in Oregon. TracFone will continue to provide its Lifeline customers with SafeLink Wireless[®] Lifeline service and seek reimbursement for that service from the federal USF until the effective date of the relinquishment of its ETC designation.

Third, to the best of TracFone's knowledge, none of the remaining ETCs will need to purchase or construct additional facilities to continue providing service within the wire centers comprising TracFone's designated area. Given that other ETCs currently serve the areas in Oregon in which TracFone is designated as an ETC, the Commission does not need to provide notice to those other ETCs to ensure that TracFone's Lifeline customers will be able to continue to receive Lifeline service.

TracFone has met the applicable statutory requirements for relinquishment. Accordingly, TracFone requests the Commission permit the requested relinquishment in accordance with the notice schedule set forth above.

CORRESPONDENCE AND COMMUNICATIONS

All correspondence and communications concerning this Petition should be directed to the following:

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CONCLUSION

Based on the foregoing, TracFone asks the Commission to grant this petition.

Respectfully submitted,



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Counsel for TracFone Wireless, Inc.

January 6, 2017

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of January, 2017, served the foregoing TRACFONE WIRELESS, INC.'S PETITION TO RELINQUISH ELIGIBLE TELECOMMUNICATIONS CARRIER AND ELIGIBLE TELECOMMUNICATIONS PROVIDER DESIGNATIONS upon all parties of record in this proceeding by causing a copy to be sent by electronic mail to the following:

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