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**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1437

In the Matter of

TRACFONE WIRELESS, INC.

Application for Designation as an Eligible
Telecommunications Carrier.

SUPPLEMENTAL STIPULATION

This Supplemental Stipulation (the "Supplemental Stipulation") is entered into for the purpose of updating the Stipulation filed by the Parties on June 10, 2012 (the "Stipulation"). All capitalized terms herein have the same meanings as defined in the Stipulation.

1. On June 10, 2011, the Parties filed the Stipulation, resolving all issues in this proceeding. In the Stipulation, the Parties agreed that TracFone's Applications for ETC and ETP status, as modified by, and subject to, the terms and conditions set forth in the Stipulation would satisfy all applicable legal requirements and would be in the public interest. The Stipulation recognized that in order for the Commission to issue an Order approving the Stipulation certain RSPF rule provisions would have to be waived. The Parties filed Joint Testimony in support of the Stipulation on June 17, 2011 (the "Joint Testimony").

2. In a Ruling dated June 17, 2011, the Commission noted that approval of the Stipulation required the waiver of the rules identified by the Parties, and concluded that the addition of a waiver provision to Division 033 of the Commission's rules was required in order for the Commission to grant such waivers. The Commission also stayed further proceedings in this docket pending completion of a permanent rulemaking proceeding to add waiver provisions to Division 033. The Commission opened Docket AR 554 for this purpose and issued Order No. 11-346 on September 8, 2011, adopting waiver provisions in the Commission's rules. The

1 Commission then filed the new permanent rules with the Secretary of State and Legislative
2 Counsel on September 14 and 15, 2011, respectively.

3 3. The Stipulation required TracFone to make several compliance filings. TracFone
4 made all of the required compliance filings on October 11, 2011, October 31, 2011, and
5 December 19, 2011.

6 4. The Federal Communications Commission ("FCC") issued Order 12-11 on
7 February 6, 2012 (the "Lifeline Reform Order"). Among other things, the Lifeline Reform Order
8 eliminates Lifeline funding tiers 1, 2, and 3 from the FCC's rules and replaces them with a flat
9 \$9.25 per customer per month funding level for non-Tribal subscribers.

10 5. The Joint Testimony, at page 6, references sources of financial support for
11 TracFone's Lifeline service. While that testimony accurately reflected the sources of support as
12 of the date of the testimony, the Parties acknowledge that the Lifeline Reform Order has changed
13 those sources of funding to some extent, as reflected above.

14 6. Notwithstanding the changes imposed by the Lifeline Reform Order, TracFone
15 reaffirms its commitment to provide the service plans as reflected in the Joint Testimony and the
16 Stipulation, and to provide monthly support of \$3.50 for each of its Lifeline customers from its
17 own funds.

18 7. TracFone further agrees that it will (a) comply with all rules and regulations
19 applicable to it, including any new requirements that are applicable to it under the rules
20 promulgated by the FCC in the Lifeline Reform Order, and (b) work with Staff to accomplish
21 Staff's implementation of the requirements of the Lifeline Reform Order.

22 8. The Parties reaffirm their Joint Testimony and all terms of the Stipulation to the
23 extent not inconsistent with this Supplemental Stipulation and the Lifeline Reform Order, and
24 continue to request that the Commission approve the Stipulation and TracFone's Application as
25 soon as possible.
26

1 This Supplemental Stipulation is entered into by each Party as of the date(s) entered

2 below:

3 TRACFONE WIRELESS, INC.

4 

5 By: Lawrence Reichman
6 Its: Attorney
7 Dated: 4/16/12

8 STAFF OF THE PUBLIC UTILITY
9 COMMISSION OF OREGON

10 

11 By: Jason Jones
12 Its: Attorney
13 Dated: 4/10/12

14 CITIZENS' UTILITY BOARD

15 _____
16 By:
17 Its:
18 Dated:

19 OREGON OFFICE OF EMERGENCY
20 MANAGEMENT

21 _____
22 By:
23 Its:
24 Dated:

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3 TRACFONE WIRELESS, INC.

4
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6 By:
7 Its:
8 Dated:

9 STAFF OF THE PUBLIC UTILITY
10 COMMISSION OF OREGON

11 _____
12 By:
13 Its:
14 Dated:

15 CITIZENS' UTILITY BOARD

16 
17 _____
18 By: General Counsel
19 Its: General Counsel
20 Dated: 4-16-2012

21 OREGON OFFICE OF EMERGENCY
22 MANAGEMENT

23 _____
24 By:
25 Its:
26 Dated:

1 This Supplemental Stipulation is entered into by each Party as of the date(s) entered
2 below:

3 TRACFONE WIRELESS, INC.

4
5 _____
6 By:
7 Its:
8 Dated:

9 STAFF OF THE PUBLIC UTILITY
10 COMMISSION OF OREGON

11 _____
12 By:
13 Its:
14 Dated:

15 CITIZENS' UTILITY BOARD

16 _____
17 By:
18 Its:
19 Dated:

20 OREGON OFFICE OF EMERGENCY
21 MANAGEMENT

22 _____
23 By: Steven A. Wolf
24 Its: Legal Counsel
25 Dated: 04/13/2012
26

CERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of April, 2012, served the foregoing **SUPPLEMENTAL STIPULATION** upon all parties of record in this proceeding by causing a copy to be sent by electronic mail:

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By: 

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