

ISSUED: August 25, 2010

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

UM 1437

In the Matter of

TRACFONE WIRELESS, INC.

Application for Designation as an Eligible
Telecommunications Carrier.

RULING

DISPOSITION: REQUEST TO SUSPEND SCHEDULE GRANTED

On August 24, 2010, the Public Utility Commission of Oregon (Commission) held a telephone conference to discuss the status of this docket. Representatives appeared on behalf of Commission Staff, TracFone Wireless, Inc. (TracFone or the company), the Citizens' Utility Board of Oregon (CUB), the Oregon Telecommunications Association (OTA), and the Office of Emergency Management (OEM).

Position of the Parties

TracFone requests that the Commission suspend the current schedule and stay all proceedings in this docket. TracFone asks for a continuance of at least 60 days, with the option to continue the schedule further. TracFone notes that it has dockets in other states with schedules proceeding concurrently with the proposed schedule in this docket, and that a continuance will permit the company to expend the resources that this docket will require. TracFone states because the parties have already filed testimony and conducted a substantial amount of discovery, it would be preferable to stay the proceedings rather than close the docket, so that the parties may pick up quickly when the docket is reactivated.

Commission Staff opposes suspending the schedule. Commission Staff states that the parties have invested resources in the docket and are prepared to move forward. Commission Staff has prepared a draft schedule, and requests that the Commission proceed with Staff's proposed schedule so that the docket may be resolved. If the Commission grants TracFone's request to stay the proceedings, Staff requests that TracFone withdraw its filing and start a new docket when the company is ready. Staff notes that refileing would give TracFone the opportunity to respond to issues raised by the parties in this proceeding, and that confusion could result if the Commission issued a stay rather than simply closing the docket.

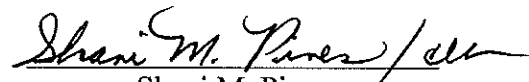
CUB states that it would be preferable for TracFone to withdraw its petition rather than to stay the docket, so that the company may refile when it has resolved outstanding issues. CUB notes that there are outstanding discovery issues, and that it would be administratively easier for the parties to start a new schedule with appropriate time for discovery rather than working within the current docket.

OTA and OEM take no position on TracFone's request.

Resolution

While the Commission intends to proceed with this docket expeditiously, we will not do so at the expense of TracFone's full participation. TracFone's request for a 60 day stay of the proceedings in this docket is granted. The company is directed to file an update within 60 days stating whether the company requests that the docket be reactivated, and if not, why this docket should not be closed. If TracFone requests that the docket be reactivated, the Commission will schedule a prehearing conference to discuss outstanding issues and adopt a procedural schedule.

Dated this 25th day of August, 2010, at Salem, Oregon.


Shani M. Pines
Administrative Law Judge