

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

September 29, 2008

NOTICE OF AVAILABILITY

Draft Resolution T-17235: All California Eligible Telecommunications Carriers.

The following resolution will be on the agenda of the Commission's October 29, 2009 meeting:

Resolution T-17235, if adopted, will deny the request of TracFone Wireless, Inc. (U-4231-C) to be designated as an Eligible Telecommunications Carrier (ETC) in California for the purpose of receiving federal Lifeline support. The Commission finds that it is not in the public interest to designate as an ETC a telephone carrier that: (a) has failed to pay - and refuses to pay - public purpose program¹ surcharges and user fees on its non-subsidized California intrastate revenue; and (b) argues that it does not have to pay such fees because it is not a public utility. The Commission also directs Communications Division ("CD") to prepare an Order Instituting Investigation and Order to Show Cause why TracFone should not be ordered to pay all outstanding user fees and surcharges, and penalized for its violation of the statutes, rules, and orders requiring such payment

The above draft resolution is available at the Commission's web-site at <http://www.cpuc.ca.gov/static/documents/index.htm>². On October 29, 2009, the Commission may vote on this resolution, or it may postpone a vote until later. When the Commission votes on a draft resolution, it may adopt all or part of it as written, amend, or modify it, or set it aside and prepare a different resolution. Only when the Commission acts does a resolution become binding on the parties. The conformed resolution, when adopted by the Commission, is available at the same website.

Pursuant to Public Utilities (PU) Code 311 (g), the draft resolutions are available for public comments. Comments should be focused on factual, legal, and/or technical errors in the draft resolutions. Comments must be limited to five pages in length and shall include a subject index listing the recommendations to the draft resolutions, a table of authorities, and an appendix setting forth the proposed revised findings and ordering paragraphs.

If you wish to be served by parties filing opening and reply comments, please inform the Communications Division, Carrier Oversight & Program Branch, of the California Public Utilities Commission by October 8th of your request by e-mail to LLT@cpuc.ca.gov. Otherwise, comments on the Draft Resolution T-17235 will be addressed only to the Communications Division as stated below.

The date of submission is the date the comments are received by the Communications Division. Parties must serve a copy of their comments to each requesting party, if any, as set forth on the Commission web-site on the same date that the comments are submitted to the Communications Division. The

¹ Public purpose programs, as used herein, include the following: California High Cost Fund (CHCF) – A & B, California Teleconnect Fund (CTF), California Advanced Services Fund (CASF), Deaf and Disabled Telecommunications Program (DDTP) and California LifeLine.

² To review the resolution, please click on the Proposed Decision and Resolution link, type T17235 in the Document Title box, and then click search.

requesting party list, if any, will be available on the Commission web-site at <http://www.cpuc.ca.gov/PUC/Telco/Information+for+providing+service/etc.htm> on October 9, 2009.

Comments must be submitted no later than 5:00 pm on October 13, 2008 (which is 15 days from the date of this mailing). Reply comments must be submitted no later than 5:00 pm on October 20, 2009 (7 days after opening comments are submitted) and shall be limited to identifying misrepresentations of law, fact, or condition of the record contained in the comments of other parties. Replies shall not exceed five pages in length and shall be submitted and served in the same manner as opening comments.

Late-filed opening comments and/or reply comments will ordinarily be rejected. However, in extraordinary circumstances, a request for leave to submit comments or replies late may be filed together with proposed comments/replies. An accompanying declaration under penalty of perjury shall be submitted setting forth all the reasons for the late submission.

/s/ JACK LEUTZA
Jack Leutza, Director
Communications Division

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of Draft Resolution T-17235 on all parties in this filing or their attorneys as shown on the attached list.

Dated September 29, 2009 at San Francisco, California.

/s/ Llela Tan-Walsh
Llela Tan-Walsh, Regulatory Analyst
Communications Division

NOTICE

Parties should notify the Communications Division, Third Floor, California Public Utilities Commission, 505 Van Ness Ave, San Francisco, CA 94102, of any changes of address to ensure that they continue to receive documents. You must indicate the Resolution number on the service list on which your name appears.

**SERVICE LIST FOR RESOLUTION T-17235
TRACFONE WIRELESS, INC (09/29/09)
Requesting ETC designation**

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