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June 24, 2010

HAND DELIVERY

Luly E. Massaro, Commission Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

**Re: In Re: Petition of TracFone Wireless, Inc. for Designation as an Eligible
Telecommunications Carrier in the State of Rhode Island for the Limited Purpose of
Offering Lifeline Service to Qualified Households
Docket No. 4153**

Dear Luly:

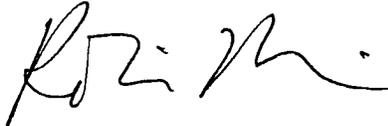
Enclosed please find one original and nine copies of the following:

- TracFone Wireless, Inc.'s Petition for Waiver
- CMRS Registration with exhibits and a check in the amount of \$250. Please also note that Exhibit B is provided under seal as it contains trade secret and confidential information.
- TracFone's responses to the data requests and Exhibit 1-5.

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If you have any questions on this matter, please do not hesitate to contact me.

Very truly yours

A handwritten signature in black ink, appearing to read "RLM", written in a cursive style.

Robin L. Main

RLM/lsg

Enclosures

cc: Jon Hagopian, Esq. (With enclosures)
Cindy Wilson, Esq. (Without enclosures)
Brian Kent (Without enclosures)
Debra McGuire Mercer, Esq.
Mitchell F. Brecher, Esq.

#1059255v1 (63696/142980)

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE: PETITION OF TRACFONE WIRELESS, INC. :
FOR DESIGNATION AS AN ELIGIBLE :
TELECOMMUNICATIONS CARRIER IN THE : **DOCKET NO. 4153**
STATE OF RHODE ISLAND FOR THE LIMITED :
PURPOSE OF OFFERING LIFELINE SERVICE TO :
QUALIFIED HOUSEHOLDS :

TRACFONE WIRELESS, INC.'S PETITION FOR WAIVER

TracFone Wireless, Inc. ("TracFone"), pursuant to Rule 1.10(b) of the Commission's Rules of Practice and Procedure, hereby petitions the Commission for waiver of certain provisions of the Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund and Certification and Verification Processes for Compliance with Providing Lifeline and Linkup Service ("Commission ETC Rules"), effective February 4, 2010. In particular, TracFone asks the Commission to waive Sections II.A.9., II.C., and III.c. of the Commission ETC Rules. As discussed in this Petition, these rules, which concern Linkup service, are not applicable to TracFone. As such, there is good cause for the Commission's grant of this Petition.

On March 9, 2010, TracFone filed a Petition of TracFone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier ("ETC") in the State of Rhode Island for the limited purpose of offering Lifeline service to qualified households. The Commission ETC Rules set forth various requirements regarding the telecommunications services to be offered by ETCs and the contents of petitions for ETC designation. Section II.A.9. of the Commission ETC Rules provides that Lifeline and Linkup service "must be offered if a common carrier wishes to be designated as an eligible telecommunications carrier." Section II.C. further provides that ETCs must participate in federal and Rhode Island Linkup programs. Finally, Section III.c.,

which lists the requirements for the contents of ETC petitions, states that all petitions must demonstrate that “the company offers Lifeline and Linkup services that fully comply with the Federal and State requirements.”

In its ETC Petition, TracFone noted in footnote 24: “Commission ETC Rule, § II.A.9, II.C., and III.c. provide that all ETCs must provide Lifeline and Linkup service. In the Federal Communications Commission’s 2005 TracFone Forbearance Order, the FCC exercised its statutory authority to forbear from the facilities-based requirement applicable to ETCs¹ only to allow TracFone to be designated as an ETC for the limited purpose of providing Lifeline service. As a non-facilities-based provider, TracFone may not offer Linkup service in Rhode Island, or in any other state.”²

In addition, Linkup is not relevant to TracFone’s SafeLink Wireless® program. The Linkup program is described at Section 54.411 of the FCC’s rules.³ It consists of two assistance programs: 1) a reduction in the carrier’s customary charge for commencing telecommunications service for a single telecommunications connection at a consumer’s principal residence, up to one-half the customary charge or \$30.00, whichever is less; and 2) a deferred schedule for payment of charges for commencing service, without interest payments.

Neither part of the two-part Linkup benefit is applicable to TracFone. TracFone has no customary service commencement, connection or installation charges. Therefore, there are no such charges to be offset or reduced through Linkup support. Since there are no commencement, connection or installation charges, there is no reason for TracFone to receive federal USF support to allow for deferred payment on charges which do not exist. The only cost which

¹ 47 U.S.C. § 214(e)(1)(A).

² See Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), 20 FCC Rcd 15095 (2005) (“TracFone Forbearance Order”).

³ 47 C.F.R. § 54.411.

TracFone customers normally would incur to commence service is the cost of acquiring a telephone handset. Handset acquisition costs are not subject to Linkup support. Therefore, even if TracFone had authority to provide Linkup benefits to its customers, there would be basis for offering Linkup benefits.

CONCLUSION

Based on the foregoing, TracFone respectfully asks the Commission to grant this Petition and to issue an order waiving the applicability of Sections II.A.9., II.C., and III.c. of the Commission ETC Rules to TracFone's ETC Petition.

Respectfully submitted,



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Counsel for TracFone Wireless, Inc.

June 24, 2010

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of June, 2010, served the foregoing TRACFONE WIRELESS, INC.'S PETITION FOR WAIVER upon all parties of record in this proceeding by causing a copy to be sent by electronic mail and U.S. mail to the following addresses:

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