

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALLEGED FAILURE OF TRACFONE	)	CASE NO.
WIRELESS, INC. TO FILE REQUIRED	)	2011-00322
REPORTS	)	

NOTICE OF FILING

Notice is given to all parties that the following materials have been filed into the record of this proceeding:

- The digital video recording of the show cause hearing conducted on October 27, 2011 in this proceeding;
- Certification of the accuracy and correctness of the digital video recording;
- All exhibits introduced at the show cause hearing conducted on October 27, 2011 in this proceeding;
- The written log listing, *inter alia*, the date and time of where each witness' testimony begins and ends on the digital video recording of the hearing conducted on October 27, 2011.

A copy of this Notice, the certification of the digital video record, exhibit list, and hearing log have been served by first class mail upon all persons listed at the end of this Notice. Parties desiring an electronic copy of the digital video recording of the hearing in Windows Media format may download a copy at [http://psc.ky.gov/av\\_broadcast/2011-00315-thru-00349/2011-00315-thru-00349\\_27Oct11\\_Inter.aspx](http://psc.ky.gov/av_broadcast/2011-00315-thru-00349/2011-00315-thru-00349_27Oct11_Inter.aspx). Parties wishing an

annotated digital video recording may submit a written request by electronic mail to [pscfilings@ky.gov](mailto:pscfilings@ky.gov). A minimal fee will be assessed for a copy of this recording.

The exhibits introduced at the evidentiary hearing may be downloaded at <http://psc.ky.gov/pscscf/2011%20cases/2011-00322/>.

Done at Frankfort, Kentucky, this 4<sup>th</sup> day of November 2011.

A handwritten signature in cursive script, appearing to read "Linda Faulkner", written over a horizontal line.

Linda Faulkner  
Director, Filings Division  
Public Service Commission of Kentucky

Richard Salzman  
Executive VP & General Counsel  
TracFone Wireless, Inc.  
9700 NW 112th Avenue  
Miami, FL 33178

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

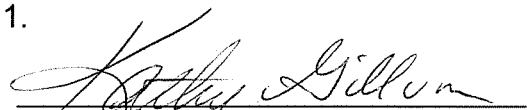
INVESTIGATION OF THE FAILURE TO )  
FILE REQUIRED REPORTS – SHOW )  
CAUSE HEARINGS ) CASE NOS. 2011-00322  
)

CERTIFICATE

I, Kathy Gillum, hereby certify that:

1. The attached DVD contains a digital recording of the show cause hearings conducted in the above-styled proceeding on October 27, 2011;
2. I am responsible for the preparation of the digital recording;
3. The digital recording accurately and correctly depicts the hearing;
4. The "Exhibit List" attached to this Certificate correctly lists all Exhibits introduced at the hearings on October 27, 2011.
5. The "Hearing Log" attached to this Certificate accurately and correctly states the events that occurred at the hearings of October 27, 2011 and the time at which each occurred.

Given this 31st day of October, 2011.

  
Kathy Gillum, Notary Public  
State at Large

My commission expires: Sept 3, 2013



# Case History Log Report

Case Number: 2011-00315\_thru\_00349\_27Oct11

Case Title: Show Cause Hearings (Multi Cases)

Case Type: Other

Department:

Plaintiff:

Prosecution:

Defendant:

Defense:

**Date: 10/27/2011**

Location: Default Location

Judge: Jim Wood

Clerk: Kathy Gillum

Bailiff:

Event Time	Log Event	
10:07:23 AM	Case Started	
10:07:29 AM	Preliminary Comments	
10:08:29 AM	Introductions	
	Note: Kathy Gillum	James Wood, Hearing Officer; Shane Benson, Staff Attorney; and Jeff Cline, Annual Reports Branch PSC.
10:08:50 AM	Case No. 2011-00349 (Woodland Acres)	
	Note: Kathy Gillum	Woodland Acres counsel is willing to stipulate to Mr. Clines Testimony.
10:09:41 AM	Robert Moore (Woodland Acres)	
	Note: Kathy Gillum	Mr. Moore is counsel for Woodland Acres) Mr. Moore agrees to stipulate to Mr. Cline's testimony. Mr. Moore requested to add info into record: Mr. Moore stated that PSC Order issued indicated that Woodland Acres did not file annual reports; May 3, 2010 Woodland Acres LLC filed application for transfer with the PSC. On 9-1-10 the PSC approved the application for transfer. Woodland Acres Utilities did not take ownership until 9-1-10. John Ford previously operated Woodland Acres Sanitation until Woodland Acres Utilities took it over. Mr. Ford passed away 10-9-08 and he was the sole shareholder and operator of Woodland Acres Sanitation which was administratively dissolved by Sec. of State. Does not believe that Woodland Acres Utilities should file reports prior to 2010. Motion filed for an extension of time to file the reports (due Nov 30th). \$250.00 check was tendered by counsel to the PSC today. (See Exhibit 2011-00349 PSC Exhibit 2 for receipt and copy of check)
10:14:42 AM	Hearing Officer Wood (PSC)	
	Note: Kathy Gillum	James Wood, PSC Hearing Officer
10:14:57 AM	Robert Moore (Woodland Acres)	
	Note: Kathy Gillum	Incorporates the reference of case number 2010-00191.
10:15:41 AM	Hearing Officer Wood (PSC)	
	Note: Kathy Gillum	Oral Motion duly noted
10:15:58 AM	Shane Benson (PSC)	
	Note: Kathy Gillum	No objection.

10:16:04 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
10:16:29 AM	Case Completed	
10:17:30 AM	Case No. 2011-00338 (Green Hills WD)	
10:17:50 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness called to testify by Shane Benson. Witness sworn. Witness testifies to job title and duties.
10:19:03 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson as PSC Exhibit 1.
10:20:37 AM	Examination by Shane Benson (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testified that notice was received by utility. Witness states that at 9:25 p.m. yesterday the electronic copy was filed. Still missing the hard copy of the 2009 Annual Report, the 2009 GOR and the 2010 Report.
10:21:44 AM	Witness Excused (Cline)	
10:22:04 AM	Witness, Sherry Turner (Green Hills WD) Note: Kathy Gillum	Witness called to testify by Shane Benson. Witness sworn.
10:22:51 AM	Examination of witness by Shane Benson (PSC) Note: Kathy Gillum	Questions regarding job title and duties of witness. Witness states that the CPA has failed to file the WD's required reports. Witness states that a \$250.00 money order was mailed to the PSC, witness has a copy of the money order receipt and express mail receipt.
10:24:47 AM	Exhibit Green Hills 1 Note: Kathy Gillum	Exhibit: Original money order receipt and Express Mail Receipt was introduced by Sherry Turner on behalf of Green Hills WD indicating the mailing of \$250.00 penalty check to the PSC.
10:26:09 AM	Examination by Shane Benson (PSC) continues Note: Kathy Gillum	Questions regarding whether witness has attempted to contact CPA regarding filing the reports. Witness asks for an extension of time in order to file the reports. Witness states that the WD is in process of firing the CPA and hiring a new CPA to replace him. Witness asks for 60 day extension. Witness asks about what to do.
10:28:26 AM	Shane Benson (PSC) Note: Kathy Gillum	Mr. Benson stipulates that Ms. Turner did cut a \$250.00 money order and sent to the PSC. The green card was signed by PSC staff, but the money order has not been found. Instructs witness to cancel the money order and issue a new one.
10:30:05 AM	Witness Excused (Turner)	
10:30:38 AM	Shane Benson (PSC)	
10:30:49 AM	Recess Note: Kathy Gillum	Case recessed for 15 minutes to allow for parties to arrive
10:31:06 AM	Case Recessed	
10:52:45 AM	Case Started	
10:52:51 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Back on the record.
10:53:15 AM	Case No. 2011-00315 (B & H Gas)	
10:53:37 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Reminder that witness is still under oath.

10:54:02 AM	Examination by Shane Benson )PSC) Note: Kathy Gillum	Witness called to testify by Shane Benson. Witness testifies as to written testimony. Examination of witness, Jeff Cline, conducted by Shane Benson, PSC, on all cases from this point forward.
10:54:51 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson as PSC Exhibit 1. Witness adopts written testimony. Witness testifies that notice was received by B & H Gas. Witness states that B & H failed to file required reports.
10:56:55 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed
10:57:11 AM	Case No. 2011-00317 (Atrium Wireless)	
10:57:34 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Adopts written testimony. Witness testifies that notice was received.
10:58:04 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
10:59:54 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed
11:00:05 AM	Case No. 2011-00322 (TracFone Wireless)	
11:00:21 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Adopts written testimony. Witness testifies that notice was received by utility.
11:01:38 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:02:14 AM	Shane Benson (PSC) Note: Kathy Gillum	Asks for an Order
11:02:33 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Motion duly noted.
11:03:25 AM	Case No. 2011-00326 (INS)	
11:03:38 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies that notice was received by utility.
11:04:20 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:06:07 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed.
11:06:23 AM	Case No. 2011-00327 (Jilapuhn-Stateside)	
11:06:41 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies no return receipt received yet.
11:07:27 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:09:22 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed.
11:09:38 AM	Case No. 2011-00328 (TeleDias)	
11:09:46 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies that notice was received by utility.

11:10:32 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:12:19 AM	Exhibit PSC 2 Note: Kathy Gillum	Letter requests withdrawal of its CLEC in Kentucky.
11:13:22 AM	Case No. 2011-00329 (Tel-Tech)	
11:13:35 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies that notice was received by the utility.
11:14:14 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:15:55 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed.
11:16:08 AM	Case No. 2011-00331 (Airnex)	
11:16:24 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies .
11:17:21 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:19:17 AM	Hearing Officer Wood (PSC)	
11:19:23 AM	Case No. 2011-00333 (American Broadband)	
11:19:40 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies that notice was received by utility.
11:20:28 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:21:59 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed.
11:22:13 AM	Case No. 2011-00334 (Andiamo)	
11:22:29 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies notice was mailed to utility, but PSC has not received a return receipt. On Oct 21, 2011 PSC received a letter that utility stopped all activity.
11:23:20 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:25:24 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Mr. Wood stated that a copy of the letter should be placed in the record of this hearing as an exhibit.
11:26:22 AM	Exhibit PSC 2 Note: Kathy Gillum	Exhibit: Copy of letter dated 10-18-11 from Jeffrey S. Kaufman on behalf of Andiamo Telecom stating it was no longer in business as of January 31, 2010, introduced by Shane Benson and marked as PSC Exhibit 2..
11:27:00 AM	Case NO. 2011-00337 (Center Ridge)	
11:27:10 AM	Witness Note: Kathy Gillum	Witness adopts written testimony. Witness testifies that notice was received by utility.
11:27:15 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.



11:28:50 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed.
11:29:28 AM	Case Recessed	
11:34:16 AM	Case Resumed	
11:34:20 AM	Case No. 2011-00340 (Levee Road)	
11:35:01 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies that notice was received. Filed 10-20-11 and \$250.00 penalty.
11:35:38 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:37:43 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed.
11:37:55 AM	Case No. 2011-00341 (Estill Co. WD)	
11:38:20 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies that notice was received by the utility.
11:39:03 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:40:49 AM	Shane Benson (PSC) Note: Kathy Gillum	Received a Motion for Extension of Time to file reports. Order granting Motion issued 10-26-11. Have until Nov. 30th.
11:41:38 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed.
11:42:14 AM	Case No. 2011-00347 (Red Barn)	
11:42:26 AM	Witness, Jeff Cline (PSC) Note: Kathy Gillum	Witness adopts written testimony. Witness testifies no return
11:43:09 AM	Exhibit PSC 1 Note: Kathy Gillum	Exhibit: Written testimony of Jeff Cline introduced by Shane Benson and marked as PSC Exhibit 1.
11:45:10 AM	Hearing Officer Wood (PSC) Note: Kathy Gillum	Case completed
11:45:22 AM	Shane Benson (PSC) Note: Kathy Gillum	Commission staff rests.
11:45:46 AM	Hearing Officer Wood (PSC) - Hearing Adjourned Note: Kathy Gillum	Mr. Wood states for the record that there were no persons appearing in any of the cases called today with the exception of Case No. 2011-00349 and 2011-00338. Hearing Adjourned.
11:46:21 AM	Case Recessed	
10:16:28 AM	Exhibit PSC 2 Note: Kathy Gillum	Copy of check (\$250.00) tendered by Mr. Moore on behalf of utility, and a copy of PSC receipt dated 10-27-11
3:19:15 PM	Case Stopped	



## Exhibit List Report

Case Number: 2011-00315\_thru\_00349\_27Oct11

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Case Title: Show Cause Hearings (Multi Cases)

Department:

Plaintiff:

Prosecution:

Defendant:

Defense:

Name	Description
2011-00315 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00317 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00322 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00326 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00327 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00328 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00328 PSC Exhibit 2	Letter from Teledias Communications dated 10-26-11 requesting withdrawal of its CLEC Certificate of Authority in Kentucky
2011-00329 PSC Exhibit 1	Written testimony of Jeff Cline and attachments.
2011-00331 PSC Exhibit 1	Written testimony of Jeff Cline and attachments.
2011-00333 PSC Exhibit 1	Written testimony of Jeff Cline and attachments.
2011-00334 PSC Exhibit 1	Written testimony of Jeff Cline and attachments.
2011-00334 PSC Exhibit 2	Copy of letter dated 10-18-11 from Jeffrey S. Kaufman on behalf of Andiamo Telecom stating it was no longer in business as of January 31, 2010.
2011-00337 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00338 Green Hills WD Exhibit 1	Original money order receipt and express mail receipt indicating the mailing of \$250.00 penalty check
2011-00338 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00340 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00341 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00347 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00349 PSC Exhibit 1	Written testimony of Jeff Cline and attachments
2011-00349 PSC Exhibit 2	Copy of check (\$250.00) tendered by Mr. Moore on behalf of utility, and a copy of PSC receipt dated 10-27-11

1 **Q1 State your name and business address.**

2 A Jeff Cline, Public Service Commission, 211 Sower Boulevard, Frankfort,  
3 Kentucky 40601

4 **Q2 Who is your employer?**

5 A Public Service Commission of Kentucky ("PSCKY")

6 **Q3 How long has the PSCKY employed you?**

7 A I have been an employee of the PSCKY since August, 1997.

8 **Q4 What is your current position?**

9 A Annual Report Branch Manager

10 **Q5 As the Annual Report Branch Manager, what are your duties?**

11 A I oversee the Annual Report Branch of the Filings Division. This branch is  
12 responsible for the compilation and dissemination of statistical information on  
13 the public utilities which the PSCKY regulates. It provides the appropriate  
14 annual gross operating revenues report form to jurisdictional utilities and then  
15 receives completed report forms and reviews them for accuracy and  
16 completeness.

17 Although the Executive Director of the PSCKY is the custodian of PSCKY  
18 documents and reports, I have been delegated responsibility for storing and  
19 maintaining the completed gross operating revenue reports.

20 **Q6 What are Annual Gross Operating Revenue Reports?**

21 A KRS 278.140 requires each utility subject to PSCKY jurisdiction to file with the  
22 PSCKY a report of its gross earnings or receipts derived from intrastate  
23 business for the preceding calendar year. The report requests contact

1 information and the amount of revenue that a utility received from its Kentucky  
2 operations. The report form for a telecommunication utility varies according to  
3 the type of telecommunication service. The report form for cellular utilities is  
4 attached to my testimony as Exhibit JC-1.

5 **Q7 For what are the Annual Gross Operating Revenue Reports used?**

6 A The reports are used to determine a utility's assessment for the maintenance  
7 of the PSCKY. Every year utilities are assessed in proportion to their earnings  
8 or receipts derived from intrastate business in Kentucky for the preceding  
9 calendar year. This assessment is used to fund the PSCKY's operating costs.  
10 Before the beginning of a new fiscal year, the Finance Cabinet's Office of  
11 Policy and Management determines the PSCKY's budget levels for that year.  
12 Once those levels are determined, the Finance Cabinet determines the rate for  
13 the PSCKY assessment. This rate is based in part on total utility intrastate  
14 receipts.  
15 Once the assessment rate is determined, the Department of Revenue issues  
16 assessment notices for each utility. To determine the assessment amount,  
17 the Department of Revenue applies the assessment rate to the total intrastate  
18 receipts reported on the annual gross operating revenues report. KRS  
19 278.130 provides that in no instance will this assessment be less than fifty  
20 dollars (\$50.00).

21 **Q8 How are the forms for the Annual Gross Operating Revenues Report**  
22 **provided to the utilities?**

1 A In mid-December each year, the Annual Report Branch sends by first class  
2 mail two copies of the annual gross operating revenues report to each utility  
3 subject to PSCY jurisdiction. A transmittal letter accompanies the reports  
4 explaining why the reports must be filed and states the deadline for filing the  
5 reports.

6 **Q9 What are the deadline for filing these reports?**

7 A KRS 278.140 provides that the annual gross operating revenues report for a  
8 calendar year must be filed by March 31 of the following year.

9 **Q10 May a utility request an extension of these deadlines?**

10 A No extension is permitted for the gross annual operating revenues report.

11 **Q11 If a utility fails to meet the March 31 deadline, what happens?**

12 A The Annual Report Branch will usually advise the utility in writing that the  
13 required reports are delinquent. If the reports are not received shortly  
14 thereafter, I and my subordinates may telephone the responsible utility officials  
15 and advise them of the need to submit the required report and the possible  
16 consequences of failing to do so. We may telephone the utility several times  
17 over the next few months in an effort to obtain the reports.

18 **Q12 Once the reports are received, what does the Annual Report Branch do  
19 with them?**

20 A When a report is received, its receipt is recorded in our database. It is then  
21 reviewed for completeness and accuracy. If inaccuracies are found, the utility  
22 is advised to make corrections. These corrections are also reviewed. After  
23 the review is completed, the report is stored at the PSCY's office in Frankfort,

1 Kentucky. Completed reports remain in the custody and control of the Annual  
2 Report Branch. The Department of Revenue is advised of the report's  
3 contents and uses the information to prepare the utility's assessment for the  
4 maintenance of the PSCKY.

5 **Q13 Were copies of the Annual Gross Operating Revenues Report Forms for**  
6 **the 2010 calendar year sent to TracFone Wireless, Inc.?**

7 A On December 15, 2010, two copies of the annual gross operating revenues  
8 report form were sent by U. S. Mail to TracFone Wireless, Inc. at the following  
9 address: 9700 North West 112<sup>th</sup> Street, Miami, Florida 33178. This address is  
10 the mailing address which the utility had provided previously to the  
11 Commission. 807 KAR 5:003 requires TracFone Wireless, Inc. to maintain a  
12 current mailing address with the PSCKY.

13 **Q14 Was anything besides these forms mailed to the utility?**

14 A Yes. A transmittal letter was mailed to the utility. A copy of the letter is  
15 attached as Exhibit JC-2.

16 **Q15 Did the PSCKY receive the completed form on or before March 31, 2011?**

17 A No. TracFone Wireless, Inc. did not submit the annual gross operating  
18 revenues report for the calendar year 2010 by March 31.

19 **Q16 Describe what efforts, if any, that you and your subordinates have taken**  
20 **to obtain the reports from TracFone Wireless, Inc.?**


21 A A phone call was made to TracFone Wireless, Inc. in May, 2011.

1 Q17 As of this date, has the Annual Gross Operating Revenues Report for  
2 calendar year 2010 for TracFone Wireless, Inc. been filed with the  
3 PSC KY?

4 A Yes. The report was received on October 19, 2011. The \$250.00 penalty for  
5 failure to file the report by March 31, 2011 was also included. The report  
6 stated \$0 in revenues from intrastate business. TracFone Wireless, Inc.  
7 claims they are not a utility subject to the jurisdiction of the PSC KY and  
8 therefore they can report \$0 in intrastate revenue.

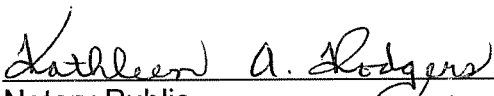
9 Q18 Does this complete your written testimony?

10 A Yes.

  
\_\_\_\_\_  
Jeff Cline

COMMONWEALTH OF KENTUCKY )  
COUNTY OF FRANKLIN )

SUBSCRIBED AND SWORN to before me by Jeff Cline, this 26th day of  
October 2011.

  
\_\_\_\_\_  
Notary Public  
My commission expires ~~12 February 2013~~ Nov. 12, 2012

KENTUCKY PUBLIC SERVICE COMMISSION
REPORT OF GROSS OPERATING REVENUES DERIVED FROM INTRA-KENTUCKY
BUSINESS FOR THE YEAR ENDING DECEMBER 31, 20\_\_

PAGING AND CELLULAR UTILITIES

Name of Utility Reporting \_\_\_\_\_

FEIN # (Federal Employer Identification Number)

Grid for FEIN # with a dash in the 4th position.

Address of Utility: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Web Site: \_\_\_\_\_

Primary Regulatory Contact: \_\_\_\_\_
(Name) (Title)

Boxed area for reporting: GROSS REVENUES OF PAGING UTILITY..... \$ \_\_\_\_\_
Number of Paging Customers \_\_\_\_\_
GROSS REVENUES OF CELLULAR UTILITY.... \$ \_\_\_\_\_
Number of Cellular Customers \_\_\_\_\_

OATH

State of..... )
) ss.
County of..... )

\_\_\_\_\_ being duly sworn, states that he/she is
(Officer)

\_\_\_\_\_ of the \_\_\_\_\_ that the
(Official Title) (Utility Reporting)

above report of gross revenues is in exact accordance with \_\_\_\_\_,
(Utility Reporting)

and that such books accurately show the gross revenues of: \_\_\_\_\_,
(Utility Reporting)

derived from Intra-Kentucky business for the calendar year ending December 31, 20\_\_\_\_\_.

\_\_\_\_\_
(Officer) (Title)

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_
(Notary Public) (County) (Commission Expires)

REVENUES ARE CONSIDERED INTRA-KENTUCKY IF DERIVED
FROM CALLS THAT ORIGINATE AND TERMINATE WITHIN THE
STATE REGARDLESS OF WHERE THE CALL IS SWITCHED





Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

David L. Armstrong  
Chairman

James W. Gardner  
Vice Chairman

Charles R. Borders  
Commissioner

December 15, 2010

Richard Salzman  
TracFone Wireless, Inc.  
9700 NW 112th Street  
Miami, FL 33178

RE: 2010 Reporting  
(410) Cellular  
Utility ID: 4104200

Dear Richard Salzman:

Enclosed with this letter are two copies of the Report of Gross Operating Revenues form. One original notarized copy of the report is to be completed for the calendar year 2010 and **filed with the Commission no later than March 31, 2011**, as required by KRS 278.140 and KRS 278.230(3).

Extension of time requests for filing the Report of Gross Operating Revenues form cannot be granted. The prompt filing of this report is essential. **Any utility failing to comply with timely filing requirements shall be subject to KRS 278.990, including the imposition of penalties provided therein.**

If you need additional copies of any form, they can be found on our web site under "Utility Information" / "Forms", or you may contact the undersigned and we will gladly provide a hard copy. Should you have any questions or require additional information, please do not hesitate to contact the undersigned by generating an email to [JeffD.Cline@ky.gov](mailto:JeffD.Cline@ky.gov).

Sincerely,

Jeff D. Cline  
Annual Report Branch Manager

Enclosure(s)

**KENTUCKY PUBLIC SERVICE COMMISSION  
REPORT OF GROSS OPERATING REVENUES DERIVED FROM INTRA-KENTUCKY  
BUSINESS FOR THE YEAR ENDING DECEMBER 31, 20\_\_\_\_\_**

**PAGING AND CELLULAR UTILITIES**

Name of Utility Reporting \_\_\_\_\_

FEIN # (Federal Employer Identification Number)

			-						
--	--	--	---	--	--	--	--	--	--

Address of Utility: \_\_\_\_\_ Phone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_ Web Site: \_\_\_\_\_

Primary Regulatory Contact: \_\_\_\_\_  
(Name) (Title)

GROSS REVENUES OF PAGING UTILITY..... \$ \_\_\_\_\_  
 Number of Paging Customers \_\_\_\_\_  
 GROSS REVENUES OF CELLULAR UTILITY.... \$ \_\_\_\_\_  
 Number of Cellular Customers \_\_\_\_\_

**OATH**

State of..... )  
 ) ss.  
 County of..... )

\_\_\_\_\_ being duly sworn, states that he/she is  
 (Officer)  
 \_\_\_\_\_ of the \_\_\_\_\_ that the  
 (Official Title) (Utility Reporting)  
 above report of gross revenues is in exact accordance with \_\_\_\_\_,  
 (Utility Reporting)  
 and that such books accurately show the gross revenues of: \_\_\_\_\_,  
 (Utility Reporting)  
 derived from Intra-Kentucky business for the calendar year ending December 31, 20\_\_\_\_\_  
 \_\_\_\_\_ (Officer) (Title)

This the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_  
 \_\_\_\_\_  
 (Notary Public) (County) (Commission Expires)

**REVENUES ARE CONSIDERED INTRA-KENTUCKY IF DERIVED  
 FROM CALLS THAT ORIGINATE AND TERMINATE WITHIN THE  
 STATE REGARDLESS OF WHERE THE CALL IS SWITCHED**



Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**  
211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
Fax: (502) 564-3460  
psc.ky.gov

David L. Armstrong  
Chairman

James W. Gardner  
Vice Chairman

Charles R. Borders  
Commissioner

December 15, 2010

Richard Salzman  
TracFone Wireless, Inc.  
9700 NW 112th Street  
Miami, FL 33178

RE: 2010 Reporting  
(410) Cellular  
Utility ID: 4104200

Dear Richard Salzman:

Enclosed with this letter are two copies of the Report of Gross Operating Revenues form. One original notarized copy of the report is to be completed for the calendar year 2010 and **filed with the Commission no later than March 31, 2011**, as required by KRS 278.140 and KRS 278.230(3).

Extension of time requests for filing the Report of Gross Operating Revenues form cannot be granted. The prompt filing of this report is essential. **Any utility failing to comply with timely filing requirements shall be subject to KRS 278.990, including the imposition of penalties provided therein.**

If you need additional copies of any form, they can be found on our web site under "Utility Information" / "Forms", or you may contact the undersigned and we will gladly provide a hard copy. Should you have any questions or require additional information, please do not hesitate to contact the undersigned by generating an email to [JeffD.Cline@ky.gov](mailto:JeffD.Cline@ky.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff D. Cline".

Jeff D. Cline  
Annual Report Branch Manager

Enclosure(s)





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