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October 28, 2010

PARTIES OF RECORD

Re: Case No. 2009-00100

Attached is a copy of the memorandum which is being filed in the record of the above-referenced cases. If you have any comments you would like to make regarding the contents of the informal conference memorandum, please do so within seven days of receipt of this letter. If you have any questions, please contact Tiffany Bowman at 502/564-3940, Extension 465 or by email at TiffanyJ.Bowman@ky.gov.

Sincerely,

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

Jeff Derouen
Executive Director

JD/tb

Attachment

INTRA-AGENCY MEMORANDUM

KENTUCKY PUBLIC SERVICE COMMISSION

TO: Main Case File

FROM: Tiffany Bowman
Staff Attorney

DATE: October 28, 2010

SUBJECT: Case No. 2009-00100

PETITION OF TRACFONE WIRELESS, INC. FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE
COMMONWEALTH OF KENTUCKY FOR THE LIMITED PURPOSE OF
OFFERING LIFELINE AND LINK UP SERVICE TO QUALIFIED
HOUSEHOLDS

Informal Conference Memorandum

An informal conference ("IC") was held in this matter on Tuesday, October 26, 2010. The participants to the conference were as follows:

Tiffany Bowman	(PSC Staff)
Kyle Willard	(PSC Staff)
Jim Stevens	(PSC Staff)
Dennis Howard, II	(Asst. Attorney General)
Cory Skolnick	(Frost Brown Todd)
Tom O'Brien	(Frost Brown Todd)
Mitchell "Rick" Brecher	(Greenberg Traurig)
Rick Salzman	(TracFone General Counsel)
Leighton Lang	(TracFone Deputy General Counsel)

The purpose of the IC was to discuss TracFone's Response to the PSC's Order of conditional ETC designation. The following issues were addressed:

- PSC Staff noted that the original purpose of the IC was to discuss why TracFone did not state within its October 14, 2010 response that it intend to comply with the FCC's ETC Forbearance conditions for Lifeline services in Kentucky. However, prior to the IC, TracFone filed a supplemental response affirmatively stating that it will comply with the FCC's requirements in Kentucky. The supplemental response was filed on October 22, 2010.

- PSC Staff discussed the 911/E911 certification issue, as outlined on page 2 of the supplemental response. PSC Staff asked how TracFone has completed certification. TracFone discussed the March 2009 FCC Order, which states that once 90 days has lapsed and a PSAP has not responded to a carrier's request for certification, a carrier may self-certify. TracFone stated that it has completed self-certification for many Kentucky PSAPs. TracFone stated it can submit follow-up info to the PSC specifying the certification processes it used in Kentucky. TracFone also noted that it has affirmative statements from each of its underlying carriers in Kentucky (AT&T, Verizon and T-Mobile) stating that they will treat and route the calls of TracFone Lifeline customers to 911 services in the same manner as they treat and route their own customers for 911 services. TracFone indicated it can file copies of those statements, as well as information on PSAP certifications, with the PSC within 1 day.
- PSC Staff noted that Bluegrass Cellular was not named as an underlying carrier although it was originally listed as a carrier in TracFone's ETC Petition. TracFone stated that since the filing of the ETC Petition circumstances have changed and that it is only relying upon AT&T, Verizon and T-Mobile for its wireless services in Kentucky.
- The Attorney General asked TracFone if it expects to have statewide coverage using the underlying carriers. TracFone discussed the coverage map included with its October 14 response. TracFone noted that there were only a few, small portions of the state where no wireless coverage exists and those portions are indicated in "Green" on TracFone's map within the response.
- TracFone stated that it hopes the PSC will move forward in issuing the final order approving ETC designation and hopes that TracFone's litigation in the WDKY will not serve as a delay the issuance of the final PSC decision. PSC Staff stated that although TracFone's compliance with 911/E911 requirements in Kentucky is a concern of the PSC and the PSC wants to keep abreast of the developments in that proceeding (and wants to have assurances that TracFone is complying with the requirements), to the best of the Staff's knowledge, the PSC does not intend to delay the issuance of the final Order.

The informal conference then adjourned.