

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

AN INQUIRY INTO THE STATE
UNIVERSAL SERVICE FUND

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CASE NO.
2016-0059

PUBLIC SERVICE
COMMISSION

**TRACFONE WIRELESS, INC.'S MOTION FOR
WAIVER OF INITIAL TESTIMONY FILING REQUIREMENT**

TracFone Wireless, Inc. ("TracFone"), by its attorneys, hereby requests the Commission to allow TracFone to remain as a party to the above-captioned administrative proceeding, but to waive the requirement that TracFone file initial testimony. As explained in this Motion, TracFone is not in a position to provide meaningful testimony at this time. TracFone is an Eligible Telecommunications Carrier ("ETC") designated by the Commission to provide Lifeline service in Kentucky. However, unlike other designated ETCs, TracFone's Lifeline service is supported only by the Federal Universal Service Fund ("USF"). Unlike other ETCs, TracFone has never sought nor received support from the Kentucky USF ("KUSF"). Therefore, TracFone's provision of Lifeline service as a designated ETC has had no impact on the KUSF and TracFone bears no responsibility for the current shortfall in the KUSF described in the Order commencing this proceeding. Accordingly, TracFone seeks to remain as a party for the limited purpose of filing comments in the event the proceeding subsequently raises issues that are relevant to TracFone.

By an Order issued on February 1, 2016, the Commission initiated this proceeding to "investigate the current and future funding, distribution, and administration of the [KUSF]." The Commission determined that all local exchange carriers, wireless carriers, and ETCs will be made parties to the proceeding. The Commission recognized that some carriers, such as ETCs

that do not receive KUSF support, may not have an interest in the proceeding. As such, the Commission decided to permit ETCs that do not receive both federal USF and KUSF support to request to withdraw from the proceeding. Per the Order, each carrier that remains a party to the proceeding is required to file initial testimony.

By this Motion, TracFone asks the Commission to waive the requirement that TracFone file initial testimony. TracFone seeks to remain as a party to the proceeding for the limited purpose of filing comments on issues in which TracFone has an interest. The issues within the scope of the proceeding include the need for the KUSF, the funding levels of the KUSF, the amount of KUSF support, and administrative practices related to requesting KUSF support. Although TracFone has no immediate need to address those issues, it may feel constrained to address issues which may arise during the course of this proceeding in order to protect its interests. For this reason, the Commission should waive the requirement that TracFone file initial testimony.

For the reasons stated in this Motion, TracFone respectfully urges the Commission to allow TracFone to remain as a party to this proceeding, but to waive the requirement that it file initial testimony.

February 22, 2016

Respectfully submitted,

TRACFONE WIRELESS, INC.



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