

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

<b>IN THE MATTER OF THE AMENDED</b>	)	
<b>APPLICATION OF TRACFONE</b>	)	<b>CASE NO. TFW-T-09-01</b>
<b>WIRELESS, INC. FOR DESIGNATION AS</b>	)	
<b>AN ELIGIBLE TELECOMMUNICATIONS</b>	)	
<b>CARRIER</b>	)	<b>ORDER NO. 32586</b>
	)	

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As indicated in prior Orders, the Commission approved all of the terms and conditions of the Settlement Stipulation (“Stipulation”) between TracFone Wireless, Inc. (“TracFone” or “Company”) and Commission Staff (“Staff”). *See* Order No. 32550. The Stipulation provided that the Company shall: (1) file a Declaratory Judgment Action in State District Court requesting a determination as to whether TracFone should be required to pay an “emergency communications fee” pursuant to *Idaho Code* § 31-4804; (2) remit to the ITSAP Administrator, within 14 days of the issuance of a final Order designating TracFone as an eligible telecommunications carrier (“ETC”) in Idaho, monthly ITSAP fees, retroactive to January 1, 2011, due and owing pursuant to *Idaho Code* § 56-904; and (3) file a motion to voluntarily dismiss its appeal currently pending before the Idaho Supreme Court, Docket No. 39331-2011, upon the entry of an Order designating TracFone as an ETC. Order No. 32550 also found that TracFone has satisfied all of the requirements for ETC designation. Subsequently, no party filed for reconsideration of the Commission’s Order No. 32550 granting ETC status to TracFone.

**COMMISSION FINDINGS AND DECISION**

The Commission notes that this case has taken a long and deliberate path toward final resolution. The procedural background of this case is more fully described in the Commission’s preceding Orders in this case. As stated above, the Commission has approved the terms and conditions of the Stipulation settling this case. *See* Order No. 32250. The terms and conditions of the Stipulation allow for TracFone’s designation as an ETC in Idaho, contingent upon the Company’s continued and ongoing obligation to remit applicable ITSAP fees, compliance with any and all Orders issued by the District Court resulting from TracFone’s Declaratory Judgment Action, as well as other reporting and filing requirements outlined in the Idaho Code and the Commission’s ETC Requirements Order No. 29841. *Id.* at 14.

On June 4, 2012, TracFone filed a complaint in the District Court of the Fourth Judicial District seeking a Declaratory Judgment regarding the applicability of fees under the Idaho Emergency Communications Act. TracFone has also calculated the amount of ITSAP fees retroactive to January 1, 2011, and Staff has confirmed the calculation. Thus, as TracFone has complied with the necessary predicate for ETC designation under the terms of the Stipulation, the Commission herein grants TracFone's Application for ETC designation in Idaho. *See* Order No. 32550 at 4, ¶ 2.

### **ORDER**

IT IS HEREBY ORDERED that the Application of TracFone Wireless, Inc. for designation as an eligible telecommunications carrier in the State of Idaho is approved as conditioned by the Stipulation.

IT IS FURTHER ORDERED that, pursuant to the Stipulation approved by the Commission in Order No. 32550, TracFone shall remit to the ITSAP Administrator, within 14 days of the issuance of this Order, ITSAP fees, retroactive to January 1, 2011, due and owing pursuant to *Idaho Code* § 56-904.

IT IS FURTHER ORDERED that TracFone shall file a Stipulation for Dismissal of its appeal before the Idaho Supreme Court pursuant to I.A.R. 33.

IT IS FURTHER ORDERED that TracFone's ETC designation shall be subject to annual review, as well as the Company's ongoing compliance with the express terms and conditions of the Stipulation approved by the Commission.

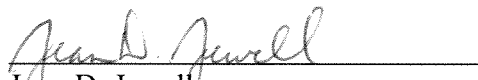
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 29<sup>th</sup>  
day of June 2012.

  
PAUL KJELLANDER, PRESIDENT

  
MACK A. REDFORD, COMMISSIONER

  
MARSHA H. SMITH, COMMISSIONER

ATTEST:

  
Jean D. Jewell  
Commission Secretary

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