



Idaho Emergency Communications Commission

✓ Jim Beck sent 5/24/10 ✓ To A.V. ✓ To Comm. : H

May 21, 2010

RECEIVED

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RE: TracFone Wireless Inc. – Application for Designation as an Eligible Telecommunications Carrier, Case No. TFW-T-09-01

Dear Commissioners:

On behalf of the Idaho Emergency Communications Commission ("IECC") I write to express our opposition to the application of TracFone Wireless to become an Eligible Telecommunications Carrier ("ETC"). The primary basis for this opposition is that TracFone does not collect the Emergency Communications Fee in support of Idaho counties' 9-1-1 systems. Further, it is the IECC's position that TracFone's failure to do so is in violation of the Idaho Emergency Communications Act, Idaho Code § 31-4801 *et. seq.*

In TracFone's Response to First Production Request of Commission Staff dated May 3, 2010, on page 34, TracFone cites the minutes of the IECC meeting on February 4, 2010, as a legal conclusion that they are not responsible for collecting the fee. However, the IECC has not made this determination and in fact believes that TracFone should be paying the required fees under Idaho Code § 31-4804 as they provide wireless service in Idaho. The IECC does not have a preference as to how the funds are collected from TracFone's users, i.e. at the retail level or by a deduction of minutes from the account by TracFone. The funds simply should be collected and paid in compliance with the Idaho Code § 31-4804.

This letter is also to confirm that TracFone has not made any attempt to negotiate a process for collecting the Emergency Communications Fee with the IECC or any of the local governments that collect the fee.

The IECC's goal is to provide an emergency 9-1-1-communication system that protects the citizens that rely upon it. The refusal of TracFone to collect and remit the fees that they are obligated to collect under Idaho law is an unfair business practice and is contrary to protecting those citizens that TracFone is claiming to assist in their application with the Lifeline services.

Accordingly, the Commissioners of the IECC respectfully request that the PUC deny the application before them until TracFone comes into compliance with existing law regarding the services they provide in Idaho.

Sincerely,

Garret Nancolas
Chair

