TracFone Wireless, Inc. ("TracFone"), by its attorneys, hereby comments on the petition for temporary waiver filed by the California Public Utilities Commission ("CPUC") in the above-captioned proceedings. The CPUC has requested that the Commission defer until October 31, 2017 revisions to certain of the rules adopted in the Commission's Lifeline Modernization Order. Specifically, the CPUC seeks to delay the applicability of the revisions to Sections 54.409(f) and (j) and 54.409 (governing Lifeline eligibility), and Section 54.411 (governing Lifeline benefit portability, i.e., the so-called "port freeze" rule) until October 31, 2017.

As the CPUC notes in its petition, it is currently conducting proceedings in which it is considering the impact of the rule changes promulgated by the Commission in the Lifeline Modernization Order and whether and how to amend its rules in light of those changes. As a designated Eligible Telecommunications Carrier in California and an authorized provider of California LifeLine, TracFone has been participating in that proceeding before the CPUC.

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TracFone shares the concern of the CPUC and others that states should be afforded a reasonable opportunity to adjust their Lifeline program rules and procedures based on the changes to the federal program established by the Lifeline Modernization Order. Accordingly, TracFone supports the CPUC petition.

Underlying the CPUC petition (as well as a similar petition for temporary waiver filed by the United States Telecom Association) is a larger issue: the importance of delaying recent Lifeline rule changes in order to assure that those changes have been clarified and, if necessary, adjusted so as to avoid unintended and unfortunate consequences. Recently, TracFone moved the Commission to stay or defer the effective date of the revisions to Section 54.407(c)(2) governing de-enrollment from the Lifeline program for non-usage. Both TracFone and the Lifeline Connects Coalition noted that the Lifeline Modernization Order articulated no rationale for this major rule change which will result in millions of low-income households losing their Lifeline service and forcing qualified low-income consumers to go through the burdensome and time-consuming application process in order to re-enroll in a program for which they were already determined to be qualified. They also brought to the Commission’s attention several material ambiguities and inconsistencies in the Commission’s rules which need resolution before the reduced non-usage de-enrollment period rules take effect. Such resolution will require modest delays in rule effective dates and revisiting aspects of the Lifeline Modernization Order and that some at the Commission may not wish to do so at this time. However, the Commission should remain flexible where necessary to avoid results which disrupt an important program. Where waivers, adjustments or rule deferrals are necessary to avoid such results, the

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2 TracFone Wireless, Inc. Motion for Stay or Deferral of the Effective Date of Revised 47 C.F.R. § 54.407(c)(2), filed September 8, 2016, and subsequent ex parte letters. On October 25, 2016, the Lifeline Connects Coalition has petitioned the Commission for waiver of the same rule for similar reasons.
Commission, acting in the public interest, should take such actions. Accordingly, TracFone supports the CPUC waiver request.

Respectfully submitted,

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