Oregon
John A. Kitzhaber, MD, Governor

Public Utility Commission
Residential Service Protection Fund
Telephone Assistance Programs
3930 Fairview Industrial Dr SE
PO Box 1088
Salem, OR 97308-1088
1-800-848-4442
TTY: 1-800-648-3458
Fax: 1-877-567-1977
Web: www.rspf.org
Email: puc.rspf@state.or.us

Tuesday, September 24, 2013

FILED VIA ECFS

Marlene Dortch, Secretary
Federal Communications Commission (FCC)
445 12th Street S.W., Room TW-B204
Washington, D.C. 20554

NOTICE OF EX PARTE LETTER

Re: ***Ex Parte* Filing, CC Docket No. 96-45; WC Docket No. 11-42; WC Docket No. 03-109**

Dear Ms. Dortch:

TracFone Wireless, Inc. ("TracFone") filed a Notice of Ex Parte Presentation on September 13, 2013, in which TracFone briefed Federal Communications Commission ("FCC") staff of the Telecommunications Access Policy Division, Wireline Competition Bureau of its efforts to obtain access to Lifeline program-based eligibility databases in various states. TracFone also provided a State Database Factsheet to FCC staff that shows how many Eligible Telecommunications Carriers ("ETCs") use available state databases. Subsequently, on September 19, 2013, TracFone filed a Notice of Ex Parte Presentation responding to specific questions posed by FCC Staff during the September 13, 2013 meeting.

TracFone provided several statements to staff of the FCC that appear to be either unclear or erroneous as they pertain to Oregon. Therefore, staff of the Public Utility Commission of Oregon ("OPUC") provides the following comments.

1. **TracFone indicates it has access to and uses a Lifeline-program based eligibility database in Oregon.**

To our knowledge, TracFone does not have direct access to a Lifeline-program based eligibility database in Oregon. The OPUC notifies TracFone of consumer eligibility. The OPUC uses the Oregon Department of Human Services database to verify applicants' initial and ongoing eligibility for the Lifeline program based on their participation in the Supplemental Nutritional Assistance Program, Temporary Assistance to Needy Families, Supplemental Security Income, and Medicaid.[1]

The OPUC also administers a state database that contains the records of all subscribers for all ETCs, wireline and wireless, providing Lifeline service, to prevent duplicate claims of support.

[1] Consumers applying for Lifeline on the basis of the National Free School Lunch Program, Low-Income Home Energy Assistance Program, Federal Public Housing Assistance (Section 8), or income must submit proof of eligibility to the OPUC.

The FCC approved the OPUC's Petition and Certification to Opt-Out of the National Lifeline Accountability Database.[2]

2. **In the State Database Factsheet provided to staff of the FCC on September 13, 2013, TracFone specifies that thirty-two or 82% of the ETCs in Oregon do not utilize the state database to verify eligibility. However, it appears that TracFone modified the information it provided to staff of the FCC based on its response to question #5 in the September 19, 2013 Notice of Ex Parte Presentation.**

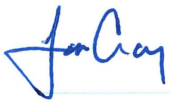
The OPUC administers a state database that contains the records of all subscribers for all ETCs, wireline and wireless, providing Lifeline service, to prevent duplicate claims of support. In addition, the OPUC accesses and uses the Oregon Department of Human Services database to verify the eligibility of all Lifeline applicants for all ETCs, wireline and wireless, including TracFone. No ETC is authorized to claim reimbursement from the federal universal service fund until the OPUC completes both functions and provides notification of eligibility to the ETC.

3. **In the September 19, 2013 Notice of Ex Parte Presentation, TracFone responded that it obtained the number of ETCs in various states that do not use state eligibility databases as listed in the State Database Factsheet from state public service commissions.**

Contrary to TracFone's statements, the company did not contact or consult with the OPUC for the data it submitted to staff of the FCC.

Pursuant to § 1.1206(b) of the FCC's rules, this letter is being filed electronically. Please contact the undersigned with questions or concerns.

Respectfully,



Jon Cray
OPUC Residential Service Protection Fund Program ("RSPF") Manager
(503) 373-1400
jon.cray@state.or.us

Cc via e-mail: Radhika Karmarkar, Deputy Chief
Jonathan Lechter, Attorney-Advisor
Christopher Cook, Attorney-Advisor

Michael Dougherty, OPUC Chief Operating Officer
David Poston, OPUC Central Services Division Administrator
Kay Marinos, OPUC Telecommunications Division Program Manager
Julie Thompson, OPUC RSPF Administrative Specialist

Mitchell Brecher, TracFone Counsel
Stephen Athanson, TracFone Counsel
Javier Rosado, TracFone Senior Vice President
Gina Jasman, TracFone Director of Operations

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[2] *See* Lifeline and Link Up Reform and Modernization et al., Petition and Certification of the Public Utility Commission of Oregon to Opt-Out of the National Lifeline Database, WC Dkt. Nos. 11-42 et al. (filed Nov. 30, 2012).