

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint petition to implement practices and procedures with Department of Children and Families to automatically enroll eligible customers in Lifeline telephone program, by Citizens of Florida and AARP.

DOCKET NO. 060677-TL  
ORDER NO. PSC-06-0959-PCO-TL  
ISSUED: November 17, 2006

ORDER GRANTING INTERVENTION

By Petition filed on October 31, 2006, TracFone Wireless, Inc. (TracFone) has requested permission to intervene in this proceeding. TracFone is a commercial mobile radio service (CMRS) provider that provides wireless telecommunications services in the State of Florida. In the instant docket, the Office of Public Counsel (OPC) and AARP have filed a petition jointly requesting that the Commission order local exchange telecommunications companies in Florida to implement practices and procedures with the Department of Children and Families to automatically enroll eligible customers in the Lifeline telephone program.

In support of its Petition, TracFone asserts that its service is entirely prepaid with no customer contracts, no service duration or volume commitments, no termination penalties, and no credits checks. As a result, TracFone asserts that many of its customers are low volume, low income users. According to TracFone, it supports the overall objective and purpose of the petition filed by the OPC and AARP (i.e., to increase Lifeline participation). However, TracFone urges the Commission to not limit participation in this Docket solely to incumbent local exchange carriers.

TracFone asserts that it currently has a Petition for Designation as an Eligible Telecommunications Carrier (ETC) in the State of Florida pending before the Federal Communications Commission (FCC). Furthermore, TracFone asserts that once its Petition is granted, it will immediately commence offering Lifeline service to consumers in Florida. TracFone is concerned that the petition filed by the OPC and AARP is narrow in scope, in that a decision by this Commission could ultimately limit Lifeline-eligible consumers to the Lifeline programs of wireline incumbent local exchange carriers. TracFone further asserts that as a prospective ETC in Florida, its substantial interests will be affected through this proceeding.

Having reviewed the Petition, it appears that TracFone's substantial interests may be affected by this proceeding, because it provides commercial mobile radio services in Florida, and has a Petition for Designation as an ETC in the State of Florida currently pending before the FCC. Therefore, TracFone's request for permission to intervene in this proceeding shall be granted. Pursuant to Rule 25-22.039, Florida Administrative Code, TracFone takes the case as it finds it.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Therefore, it is

ORDERED by the Florida Public Service Commission that the Petition for Leave to Intervene filed by TracFone Wireless, Inc. is hereby granted. It is further

ORDERED that all parties to this proceeding shall furnish copies of all testimony, exhibits, pleadings and other documents which may hereinafter be filed in this proceeding, to:

Mitchell F. Brecher  
Debra McGuire Mercer  
Greenberg Traurig, LLP  
800 Connecticut Avenue, NW  
Suite 500  
Washington, DC 20006  
(202) 331-3100

Richard B. Salzman  
Executive Vice President and  
General Counsel  
TracFone Wireless, Inc.  
8390 NW 25th Street  
Miami, FL 33122  
(305) 640-2000

By ORDER of the Florida Public Service Commission this 17th day of November, 2006.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By: Marcia Sharma  
Marcia Sharma, Assistant Director  
Division of the Commission Clerk  
and Administrative Services

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.