

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                    Mark Sievers, Chairman  
   Thomas E. Wright  
   Shari Feist Albrecht

In the Matter of TracFone Wireless, Inc. for                    )  
Designation as an Eligible Telecommunications                    )  
Carrier in the State of Kansas for the Limited                    )                    Docket No. 13-TFWZ-575-ETC  
Purpose of Offering Lifeline Service to                    )  
Qualified Households.                    )

**ORDER GRANTING WITHDRAWAL OF APPLICATION  
WITHOUT PREJUDICE AND CLOSING DOCKET**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and record, and being duly advised in the premises, the Commission finds and concludes as follows.

1.        On December 14, 2010, the Commission issued an Order in Docket No. 09-TFWZ-945-ETC designating TracFone Wireless, Inc. (TracFone) as an Eligible Telecommunications Carrier (ETC) in those exchanges of non-rural incumbent local exchange carriers (ILECs) that TracFone could serve in their entirety and in study areas of rural LECs that TracFone could serve in their entirety.

2.        On January 2, 2013, the Commission issued an Order in Docket No. 13-TFWZ-207-ETC designating TracFone as an ETC in additional exchanges of non-rural ILECs and in the study area of a rural LEC that TracFone could serve in their entirety.

3.        On March 14, 2013, TracFone filed an Application requesting to expand its designation as an ETC within the State of Kansas to include certain rural LEC study areas that were excluded from ETC designation in the Commission's January 2, 2013 Order issued in Docket No. 13-TFWZ-207-ETC.

4. On August 2, 2013, TracFone filed a Notice of Withdrawal of Application to Expand Designation as an Eligible Telecommunications Carrier (Notice of Withdrawal), requesting withdrawal of its Application filed in this matter on March 14, 2013. In support of its request, TracFone references the Federal Communications Commission's (FCC) Order released April 15, 2013 (Forbearance Order) granting forbearance from the requirement in 47 U.S.C. § 214(e)(5) that the service area of an ETC conform to the service area of rural LECs serving the same area.<sup>1</sup> In light of the FCC's Forbearance Order, TracFone states that it has conducted an analysis of its service area to identify additional areas located within rural LEC service areas in which TracFone can provide Lifeline service. Consequently, TracFone requests withdrawal of its March 14, 2013 Application requesting expansion of its ETC designation in order to file a more comprehensive request which will include service areas permitted by the FCC Forbearance Order. Notice of Withdrawal at pages 2 and 3.

5. The Commission finds that withdrawal of TracFone's Application, without prejudice, to be appropriate at this time. The Commission also finds that there are no outstanding issues remaining in this docket, and it should be closed.

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. Withdrawal of TracFone Wireless, Inc.'s Application, without prejudice, is hereby granted and this docket is closed.

B. The parties have fifteen (15) days, plus three (3) days if service of this Order is by mail, from the date this Order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118; K.S.A. 2012 Supp. 77-529(a)(1).

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<sup>1</sup> Telecommunications Carriers Eligible for Support et al., *Memorandum Opinion and Order*, 28 FCC Rcd 4859 (2013) (FCC Forbearance Order).

C. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further order or orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Sievers, Chmn.; Wright, Com.; Albrecht, Com.

Dated:     **AUG 15 2013**    

  
ORDER MAILED AUG 16 2013

Kim Christiansen  
Executive Director

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PLEASE FORWARD THE ATTACHED DOCUMENT (S) ISSUED IN THE ABOVE-REFERENCED DOCKET TO THE FOLLOWING:

| NAME AND ADDRESS   | NO.<br>CERT.<br>COPIES | NO.<br>PLAIN<br>COPIES |
|--|------------------------|------------------------|
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| OTTO NEWTON, LITIGATION COUNSEL<br>1500 SW ARROWHEAD ROAD<br>TOPEKA, KS 66604<br>***Hand Delivered***  |                        |                        |

ORDER MAILED AUG 16 2013

The Docket Room hereby certified that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it caused a true and correct copy of the attached ORDER to be deposited in the United States Mail, postage prepaid, and addressed to the above persons.