

Docket Number: TC14-019
Subject Matter: Fifth Data Request
Request to: Blue Jay Wireless
Request from: South Dakota Public Utilities Commission Staff
Date of Request: Monday, March 23, 2015
Responses Due: N/A

- 1) On page 34 of the petition it states, "Blue Jay respectfully notes that the FCC no longer requires that ETCs provide equal access as described." Provide an FCC ruling stating that this is no longer a requirement.

In its 2008 order approving TracFone as an ETC to serve in several "federal jurisdiction states," the FCC determined that "[b]ecause TracFone is a pure reseller eligible for Lifeline support only, we do not require TracFone to demonstrate that it satisfied the network build-out and improvement requirements or to provide a certification that it acknowledges that the Commission may require it to provide equal access to long distance carriers in the event that no other eligible telecommunications carrier is providing equal access within the service area." *TracFone Wireless, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the States of New York, Florida, Virginia, Connecticut, Massachusetts, Alabama, North Carolina, Tennessee, Delaware, New Hampshire, Pennsylvania and the District of Columbia*, CC Docket No. 96-45, Order, FCC 08-100, n.15 (2008). TracFone actually filed a different petition for each state, but the approval order consolidated the petitions.

- 2) In response to DR4-8, explain why the USAC audit resulted in increased legal fees.

Attorney's fees are generally based on hours worked and therefore the more time attorneys spend working on responses to audits and reviewing company policies and procedures, the more costs are incurred. As noted in Blue Jay's response to DR4-8, the increased professional fees were a result of several factors, one of which was legal services needed to respond to Blue Jay's first USAC audit. This audit required legal services that had not been required in previous quarters such as legal and regulatory review and filing. Also, because this was Blue Jay's first USAC audit, it resulted in certain review and explanation of Blue Jay's processes that will not need to be provided again. Going forward, Blue Jay expects that legal fees will fluctuate from time to time as a result of preparation of new ETC petitions, responding to state data requests, state and federal compliance filings, FCC and legislative advocacy and many other tasks.

- 3) Confirm what the pricing is for the 125 minute plan and the 250 minute plan as listed on page 9 of the petition.

The 125 minute and 250 minute plans are free to eligible Lifeline consumers. The retail prices of those plans is \$9.25 (the 125 minute plan includes rollover and the 250 minute plan does not).