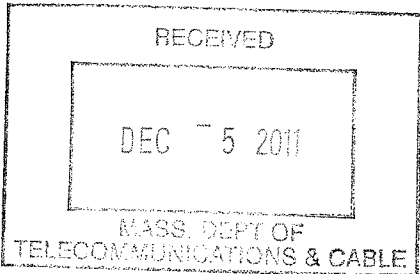


Budget PrePay, Inc.
DTC Docket No. 11-12
Responses to DTC Set 1
December 2, 2011

Exhibit 1-5





0000032747

BEFORE THE ARIZONA CORPORATION

Arizona Corporation Commission

COMMISSIONERS

- JEFF HATCH-MILLER - Chairman
- WILLIAM A. MUNDELL
- MARC SPITZER
- MIKE GLEASON
- KRISTIN K. MAYES

DOCKETED

OCT 26 2005

DOCKETED BY	CA
-------------	----

IN THE MATTER OF THE APPLICATION) DOCKET NO. T-04079A-05-0562
 OF BUDGET PHONE, INC. FOR)
 DESIGNATION AS AN ELIGIBLE) ADMINISTRATIVE CLOSURE
 TELECOMMUNICATIONS CARRIER.)
 _____) NUMBER 68227

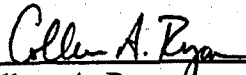
On August 4, 2005, Budget Phone, Inc. filed an application to be designated as an eligible telecommunications carrier, with no rural redefinition requested. On October 3, 2005, Budget Phone filed a request to withdraw its application. Staff has not objected to this request.

Per Procedural Order issued on October 18, 2005 by Teena Wolfe, Administrative Law Judge, the Motion to Withdraw is granted and the docket should be administratively closed. Therefore, the docket is administratively closed.

An Administrative Closure Number has been assigned to this matter which officially closes the docket. **This is not a signed order of the Commission and is for record keeping purposes only.**

If you have any questions regarding this matter, please contact me at (602) 542-3477.

Administrative Closure Number issued
On this 26th day of October 2005



 Colleen A. Ryan
 Docket Administrator
 Hearing Division

1
2 A copy of the foregoing Administrative Closure was mailed to the following by the Docket Control
3 Center on October 26, 2005.

4 Faith M. Golding
5 Budget Phone, Inc.
6 6901 West 70th
7 PO Box 19360
8 Shreveport, LA 71149

9 Ernest G. Johnson, Director
10 Utilities Division
11 1200 W. Washington
12 Phoenix, AZ 85007

13 Chris Kempley, Chief Legal Counsel
14 Legal Division
15 1200 W. Washington
16 Phoenix, AZ 85007

17 Lyn Farmer - A.C.C. Chief Hearing Officer
18 Hearing Division
19 1200 W. Washington
20 Phoenix, AZ 85007

21
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23
24
25
26
27
28
By: Kathy Stone

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

Budget Phone, Inc. :
: :
Application for Designation as a :
Eligible Telecommunications Carrier : 05-0426
for Purposes of Receiving Federal :
Universal Service Support Pursuant to :
214(e)(2) of the Telecommunications :
Act of 1996. :

ORDER

By the Commission:

On July 6, 2005, Budget Phone, Inc. ("Applicant") filed a verified application under Section 214(e) of the Telecommunications Act of 1996, 47 U.S.C. 151 et seq. and 47 C.F.R. 54.101 et seq. requesting that the Illinois Commerce Commission ("Commission") designate Applicant as a telecommunications carrier eligible to receive federal universal service support. Pursuant to due notice, status hearings were held in this matter before a duly authorized Administrative Law Judge at the offices of the Commission in Springfield, Illinois on August 16, 2005, September 12, 2005, October 12, 2005, and February 23, 2006. Illinois Bell Telephone Company ("SBC") filed a petition to intervene, which the Administrative Law Judge granted. Commission Staff ("Staff") is the only other participant in this matter. Prior to an evidentiary hearing, on March 21, 2006 Applicant filed a motion seeking leave to withdraw its application and have the proceeding dismissed without prejudice. Neither Staff nor SBC objects to Applicant's motion. No evidence has been admitted into record in this matter. Accordingly, the Commission finds that Applicant's motion should be granted and that this matter should be dismissed without prejudice.

IT IS THEREFORE ORDERED by the Illinois Commerce Commission that the March 21, 2006 motion of Budget Phone, Inc. is hereby granted and that this matter is hereby dismissed without prejudice.

IT IS FURTHER ORDERED that subject to the provisions of 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 19th day of April, 2006.

(SIGNED) CHARLES E. BOX

Chairman

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Brian J. Moline, Chair
 Robert E. Krehbiel
 Michael C. Moffet

In the Matter of the Application In Re:)
Petition of Budget Phone, Inc. for) Docket No. 06-BGPT-168-ETC
Designation as an Eligible)
Telecommunications Carrier)

ORDER DISMISSING APPLICATION WITHOUT PREJUDICE

NOW, the above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

1. On August 17, 2005, Budget Phone, Inc. (Budget Phone) filed an application seeking Commission approval to be designated as an eligible telecommunication carrier pursuant to 47 U.S.C. 214(e).

2. On November 30, 2005, Budget Phone filed a letter with the Commission stating its intention to withdraw the application. Budget Phone stated it intends to re-file the application at a later date and therefore requested the Commission dismiss the application without prejudice.

3. The Commission finds and concludes that application of Budget Phone for designation as an eligible telecommunications carrier should be dismissed without prejudice.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The application of Budget Phone, Inc. for designation as an eligible telecommunications carrier is hereby dismissed without prejudice.

B. The parties have fifteen days, plus three 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. 66-118b; K.S.A. 2004 Supp. 77-529(a)(1).

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.

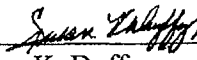
BY THE COMMISSION IT IS SO ORDERED.

Moline, Chr.; Krehbiel Com.; Moffet Com.

Dated: DEC 09 2005

ORDER MAILED

DEC 09 2005



Susan K. Duffy
Executive Director

RLL;jtg

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF BUDGET PHONE, INC. FOR)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)**

Case No. 05-00324-UT

ORDER OF DISMISSAL

THIS MATTER comes before the New Mexico Public Regulation (“Commission”) upon the *Motion of Budget Phone, Inc. to Withdraw its Petition for Designation as an Eligible Telecommunications Carrier* (“Motion to Withdraw”) that was filed by Budget Phone, Inc. (“Budget”) on December 12, 2006. Having reviewed that motion, and the record in this case, and being fully informed in the premises,

THE COMMISSION FINDS AND CONCLUDES:

1. On August 3, 2005, Budget filed its *Petition for Designation as an Eligible Telecommunications Carrier* (“Petition”), whereupon the Commission instituted this proceeding. Budget’s stated purpose in filing its Petition was to be eligible to apply for funds from the federal Universal Service Fund (USF) and to provide Lifeline and Link-up services to qualifying low-income New Mexicans.
2. A prehearing conference was held on November 16, 2005 before Commission Chairman Ben R. Lujan.
3. A public hearing on the merits was held before Lee Huffman, the Commission’s designated Hearing Examiner, on April 5, 2006.

4. At the conclusion of the hearing, Budget was directed to prepare proposed findings and conclusions. Those were submitted, with the partial concurrence of the Commission's Utility Division Staff, in July 2006.

5. On November 20, 2006, the Hearing Examiner issued his Recommended Decision, which he presented to the Commission during its Regular Open Meeting of December 5, 2006. No exceptions to the Recommended Decision have been filed, and the time for filing exceptions has elapsed. *See* 17.1.2.39.C.1 NMAC.

6. On December 12, 2006, Budget filed its Motion to Withdraw, requesting that the Commission allow Budget "to withdraw its Application without prejudice." The term "Application," as used in Budget's motion, is here construed to refer to the Petition that gave rise to this case. *See* ¶ 1 herein.

7. The Commission has jurisdiction over the parties and the subject matter of this case.

8. A "pleading" is defined as "any application, petition, complaint, answer, motion, response to motion, exception, or other formal written statement filed with the Commission in any formal proceeding." 17.1.2.7.L NMAC. "Except in the case of formal complaints, pleadings may be amended or withdrawn only with leave of the Commission or presiding officer and upon such conditions as the Commission or presiding officer may deem appropriate." 17.1.2.10.D(1) NMAC.

9. Pursuant to the Commission's *Resolution on Stipulated Dismissals*,¹ which was adopted on December 18, 2001, "one Commissioner may properly grant an order to dismiss a pending Utility Division . . . case where all the parties have stipulated or agreed

¹ Full title: *A Resolution Regarding the Stipulated Dismissal of Utility Division and Transportation Division Cases on the Signature of One Commissioner.*

that the case should be dismissed or where there is an otherwise uncontested dismissal. Further such Commissioner may properly close the docket in the case.” *Id.*, pp. 1-2.

10. The time for filing responses to the Motion to Withdraw having elapsed, and no response or other indication of opposition by any party appearing in the record to date, Budget’s Motion to Withdraw is deemed uncontested. *See* 17.1.2.12.C NMAC.

11. Inherent in the Commission’s *Resolution on Stipulated Dismissals* is its recognition of the benefits of administrative economy. The Commission and its Staff have devoted substantial time and resources, at public expense, to addressing the merits of Budget’s Petition. As a result, Budget should not be granted leave to withdraw its actual Petition, and the record in this case should stand. However, the Motion to Withdraw plainly constitutes a request by Budget to discontinue its pursuit of Eligible Telecommunications Carrier designation at this time. It would be contrary to the public interest for the Commission to compel Budget to seek a goal in which Budget no longer has an interest. Accordingly, no further proceedings should be conducted in this case, and this docket should be closed.

IT IS THEREFORE ORDERED:

A. Budget’s Motion to Withdraw is hereby **GRANTED**, consistent with this Order. *See* ¶ 11 herein.

B. This case is dismissed without prejudice.

C. This Order is effective immediately.

D. A copy of this Order shall be served on all persons listed on the attached

Certificate of Service.

E. This Docket is closed.

F. In accordance with 17.1.2.32.B(2) NMAC, this Order is issued by the Commission Chairman or by a single Commissioner. This Order is effective immediately and shall be served on all persons listed on the attached Certificate of Service.

ISSUED at Santa Fe, New Mexico this 10th day of January, 2007.

NEW MEXICO PUBLIC REGULATION COMMISSION

A handwritten signature in black ink, appearing to be "D. J. ...", is written over a horizontal line.

COMMISSIONER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF BUDGET PHONE, INC. FOR)
DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)

Case No. 05-00324-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Order of Dismissal**, issued January 10, 2007, was mailed first-class, postage prepaid, to each of the following:

Thomas W. Olson, Esq.
Montgomery & Andrews, P.A.
Post Office Box 2307
Santa Fe, NM 87504-2307

The Honorable Patricia Madrid
New Mexico Attorney General
PO Drawer 1508
Santa Fe, NM 87504-1508

Lance Steinhart, Esq.
1720 Windward Concourse – Suite 250
Alpharetta, GA 30005

Faith M. Golding
Assistant to the Director
Regulatory & Revenue Assurance
Budget Phone, Inc.
PO Box 19360
Shreveport, LA 71149

and hand-delivered to:

Ashley Schannauer, Esq.
Staff Counsel
NM Public Regulation Commission
224 East Palace Avenue – Marian Hall
Santa Fe, NM 87501

and hand-delivered to:

Margaret Caffey-Moquin, Esq.
Associate General Counsel
NM Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87501

DATED this 12th day of January 2007.

NEW MEXICO PUBLIC REGULATION COMMISSION



Alice Lucero, Paralegal

Budget Phone INC.

September 14, 2005

Crystal Jackson, Commission Secretary
Nevada Public Utilities Commission
1150 East William Street
Carson City, NV 89701-3109

RECEIVED
PUBLIC UTILITIES COMMISSION
05 SEP 15 AM 10:19

Re: Docket No. 05-7031; *Application of Budget Phone, Inc. for Designation as an Eligible Telecommunications Carrier Pursuant to P.U.C. SUBST. Rule 26.418(g)*

Dear Ms. Jackson:

On behalf of Budget Phone, Inc. ("Company"), I am respectfully requesting to withdraw, without prejudice, the application filed in the above-referenced docket July 15, 2005. The Company plans to withdraw the initial application with intentions of re-filing at a later date.

9/15/05
Please file-stamp the additional copy of this letter and return it in the enclosed self addressed stamped envelope. Your cooperation in this matter is greatly appreciated. Any correspondence or questions may be directed to me at the below-listed address and telephone number.

Sincerely,

Faith M. Golding

Faith M. Golding
Budget Phone, Inc.
Assistant to the Director of Regulatory & Revenue Assurance
318-671-5736

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Commission Investigation of Universal Service Discounts.)
Case No. 97-632-TP-COI

ENTRY

The Commission finds:

- (1) On July 12, 2005, Budget Phone, Inc. (Budget Phone) filed an application to be certified as a nonrural eligible telecommunications carrier (ETC) for universal service. Budget Phone stated that it has met the requirements for ETC designation and that approval of the application will serve the public by allowing Budget Phone to serve current and additional low-income subscribers. Budget Phone is currently certified as a provider of prepaid residential telephone service pursuant to Certificate of Public Convenience and Necessity No. 90-9218.
- (2) On October 27, 2005, the Office of the Ohio Consumers' Counsel (OCC) and the Appalachian People's Action Coalition (APAC) both filed motions to intervene and corresponding comments regarding Budget Phone's application for ETC status.
- (3) On November 15, 2005, Budget Phone filed a letter in this docket stating its intent to withdraw its application seeking status as a nonrural ETC. Budget Phone indicated that it intends to refile its application at a later date.
- (4) The Commission finds that Budget Phone's request to withdraw its application is reasonable and should be granted without prejudice. Inasmuch as Budget Phone is withdrawing its application, the motions to intervene are now moot.


It is, therefore,

ORDERED, That Budget Phone's motion to withdraw its application is granted in accordance with Finding (4). It is, further,

This is to certify that the images appearing are an accurate and complete reproduction of a case file document delivered in the regular course of business
Technician K.W. Date Processed 12-7-05

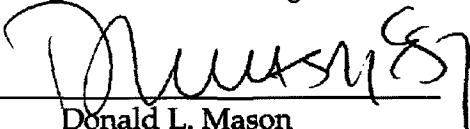
ORDERED, That a copy of this entry be served upon all parties and interested persons of record.

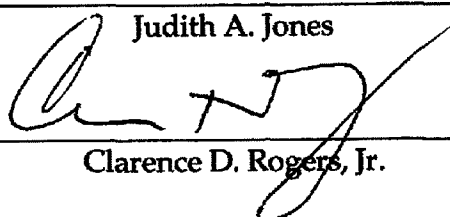
THE PUBLIC UTILITIES COMMISSION OF OHIO


Alan R. Schriber, Chairman


Ronda Hartman Fergus

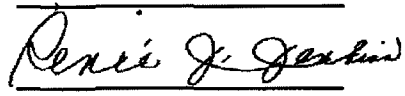
Judith A. Jones


Donald L. Mason


Clarence D. Rogers, Jr.

JSA/vrm

Entered in the Journal
DEC 07 2005


Renee J. Jenkins
Secretary

ORDERED, That a copy of this Entry be served upon all parties and interested persons of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO



Alan R. Schriber, Chairman

Paul A. Centolella



Valerie A. Lemmie



Steven D. Lesser

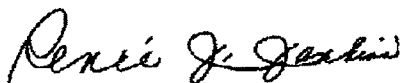


Cheryl L. Roberto

JSA/dah

Entered in the Journal

NOV 10 2010



Renee J. Jenkins
Secretary

August 9, 2005

Faith M. Golding
Budget Phone, Inc.
6901 West 70th St.
P.O. Box 19360
Shreveport, LA 71149

Re: Budget Phone, Inc.
Docket UT-053049

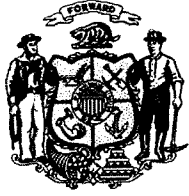
Dear Ms. Golding,

On July 26, 2005, Budget Phone, Inc., filed with the Commission, in Docket UT-053049, a Petition for designation as an eligible telecommunications carrier (ETC).

On August 2, 2005, the Commission received a letter requesting withdrawal of this petition. The Commission finds in the public interest to permit the withdrawal of the petition filing, without prejudice to the Company's right to refile the petition, and closes the above-captioned and docketed matter.

Sincerely,

Carole J. Washburn
Executive Secretary



Public Service Commission of Wisconsin

Daniel R. Ebert, Chairperson
Robert M. Garvin, Commissioner
Mark Meyer, Commissioner

610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854

Public Service Commission of Wisconsin
RECEIVED: 10/11/05, 8:11:49 AM

PSC REF#: 42273

October 10, 2005

Ms. Faith Golding
Assistant to the Director of Regulatory & Revenue Assurance
Budget Phone, Inc.
P.O. Box 19360
Shreveport, LA 71149

RE: Application of Budget Phone, Inc. for Designation as an Eligible
Telecommunications Carrier

826-TI-100

Dear Ms. Golding:

Staff has received your letter asking to withdraw, without prejudice, the application of Budget Phone, Inc., as an Eligible Telecommunications Carrier (ETC) in Wisconsin. That request is being granted.

This docket will be closed.

Budget Phone, Inc., may apply to be an ETC in the future, if it so chooses. If so, its application should address both the state and federal requirements for ETC status.

If you have questions, please contact me at: 608-267-2338, or via email at:
peter.jahn@psc.state.wi.us.

Sincerely,

Peter R. Jahn
Communications Rate Analyst
Telecommunications Division

PRJ:reb:T:\SS\LETTER\2005\Budget Phone docket close letter.doc

cc: Karl Hillman, Records Management

PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON

Entered: December 16, 2005

CASE NO. 05-1065-T-P

BUDGET PHONE, INC., a corporation,
Shreveport, Louisiana,
Petition for designation as eligible
telecommunications carrier.

FINAL

1-5-06

RECOMMENDED DECISION

On July 20, 2005, Budget Phone, Inc. (BPI),¹ filed a petition with the Public Service Commission seeking designation as an eligible telecommunications carrier (ETC), pursuant to §214(e)(2) of the Communications Act of 1934 (the Act), as amended, 47 U.S.C. §151, et seq., thereby making it eligible to receive support from the Federal Universal Service Fund program in those portions of West Virginia that are served by Verizon West Virginia Inc. (Verizon WV), except for those areas served by rural telephone companies (RTCs). BPI stated that it is a common carrier, consistent with the definition contained in 47 U.S.C. §153(10) and the requirements of 47 U.S.C. §214(e)(1).

BPI asserted that its requested designation as an ETC is supported by the following factors, to-wit:

- (A) Using facilities obtained as Unbundled Network Elements (UNEs) from Verizon WV, BPI offers all of the supported services enumerated under §354(c) of the Act, which the Federal Communications Commission (FCC) has identified as:
1. Voice-grade access to the public switched telephone network;
 2. Local usage;
 3. Dual tone multi-frequency signaling or its functional equivalent;
 4. Single-party service or its functional equivalent;
 5. Access to emergency services;
 6. Access to operator services;
 7. Access to interchange services;
 8. Access to directory assistance; and

¹By Recommended Decision dated January 8, 2002, in Case No. 01-1377-T-CN (Final January 28, 2002), BPI was authorized to provide prepaid facilities - based and resold local exchange telecommunications services throughout the State of West Virginia. By Recommended Decision dated October 22, 2002, in Case No. 02-1144-T-CN (Final November 11, 2002), BPI was authorized to provide resold interexchange telecommunications services throughout the State of West Virginia.

9. Toll limitation for qualifying low-income consumers;
- (B) BPI makes available the supported services throughout the designated service area;
 - (C) BPI will advertise the availability of its telecommunication services using media of general distribution, as required by 47 C.F.R. §54.201(d)(2); and
 - (D) Upon designation as an ETC, BPI will participate in, and offer, Lifeline and Link-Up programs to qualifying low-income consumers and publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services, as required by 47 C.F.R §§54.401-54.417. Copies of BPI's proposed Lifeline and Link-Up tariff revisions are attached to the petition as Exhibit A.

BPI concluded its petition by stating that a central purpose of the Telecommunications Act of 1996 was to "promote competition and reduce regulation...[thereby securing] lower prices and higher quality services...and encourage the rapid deployment of new telecommunications technologies." See, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996). BPI asserted that its designation as an ETC would further these goals. Granting ETC status to BPI would allow it to obtain federal universal service support, which, in turn, will allow BPI to offer innovative telecommunications services at competitive prices to rural consumers in Verizon WV's service areas. BPI stated that it will announce and advertise telecommunications services as an ETC where it provides service in the Verizon WV service areas in West Virginia and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income West Virginia residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to BPI's service.

On August 11, 2005, Staff Attorney Chris Howard filed an Initial Joint Staff Memorandum to which was attached a Utilities Division Initial Recommendation, dated August, 10, 2005, prepared by Dannie L. Walker, Technical Analyst, Utilities Division. Commission Staff reported that it was continuing its investigation into BPI's petition and would file a final recommendation with a reasonable time period.

By Order dated August 24, 2005, the Commission referred this matter to the Division of Administrative Law Judges for further disposition, with a decision due date of on or before February 15, 2006.

On October 18, 2005, Mr. Howard filed a Further Initial Joint Staff Memorandum stating that Commission Staff was still in the process of investigating the petition filed herein on July 20, 2005, by BPI. Mr. Howard also stated that Commission Staff anticipated completing its investigation and filing its final recommendation herein on or before November 18, 2005. If the Staff investigation was not completed and a final recommendation filed herein by November 18, 2005, Commission Staff would file a motion requesting an extension of the Administrative Law Judges' decision due date.

On December 5, 2005, Staff Attorney Leslie J. Anderson filed a Final Joint Staff Memorandum to which was attached a Utilities Division Final Recommendation and an email from BPI directed to Mr. Walker. The BPI email requested that BPI be allowed to withdraw, without prejudice, its petition seeking designation as an ETC in West Virginia. As grounds for the request, BPI stated that it simply had too many petitions pending in other jurisdictions to devote the time needed to properly address the instant petition for ETC designation. Accordingly, Commission Staff recommended that BPI's request to withdraw its petition seeking ETC designation in West Virginia be granted and that this matter be dismissed, without prejudice, from the Commission's docket of open cases.

By letter from the Commission's Executive Secretary dated December 5, 2005, BPI was furnished a copy of Staff's recommendation and afforded ten (10) days within to which to respond thereto, in writing. As of the date of this Order, no response has been filed by BPI.

FINDINGS OF FACT

1. On July 20, 2005, Budget Phone, Inc., filed a petition with the Public Service Commission seeking designation as an eligible telecommunications carrier, pursuant to §214(e)(2) of the Communications Act of 1934, as amended, 47 U.S.C. §151, et seq. (See July 20, 2005 filing).
2. Subsequently, BPI requested that it be allowed to withdraw, without prejudice, its petition seeking designation as an ETC in West Virginia. (See Final Joint Staff Memorandum and attachments filed December 5, 2005).
3. Commission Staff recommended that BPI's request to withdraw its petition filed herein July 30, 2005, be granted and that this matter be dismissed, without prejudice, from the Commission's docket of open cases. (See Final Joint Staff Memorandum and attachments filed December 5, 2005).
4. No objections were filed to the Staff recommendation by BPI despite being given the opportunity to do so. (See December 5, 2005 Executive Secretary's letter; case file generally).

CONCLUSION OF LAW

Upon consideration of all of the above, the undersigned is of the opinion that Budget Phone, Inc.'s request to withdraw its petition filed herein on July 20, 2005, seeking designation as an eligible telecommunications carrier in West Virginia, should be granted and that this matter should be dismissed and removed, without prejudice, from the Commission's docket of open cases.

ORDER

IT IS, THEREFORE, ORDERED that the petition filed herein on July 20, 2005, by Budget Phone, Inc., seeking designation as an eligible telecommunications carrier in West Virginia, be, and hereby is, dismissed

and removed, without prejudice, from the Commission's docket of open cases.

The Executive Secretary is hereby ordered to serve a copy of this order upon the Commission by hand delivery, and upon all parties of record by United States Certified Mail, return receipt requested.

Leave is hereby granted to the parties to file written exceptions supported by a brief with the Executive Secretary of the Commission within fifteen (15) days of the date this order is mailed. If exceptions are filed, the parties filing exceptions shall certify to the Executive Secretary that all parties of record have been served said exceptions.

If no exceptions are so filed this order shall become the order of the Commission, without further action or order, five (5) days following the expiration of the aforesaid fifteen (15) day time period, unless it is ordered stayed or postponed by the Commission.

Any party may request waiver of the right to file exceptions to an Administrative Law Judge's Order by filing an appropriate petition in writing with the Secretary. No such waiver will be effective until approved by order of the Commission, nor shall any such waiver operate to make any Administrative Law Judge's Order or Decision the order of the Commission sooner than five (5) days after approval of such waiver by the Commission.



John P. Carter
Chief Administrative Law Judge

JPC/lc
051065a.wpd

BEFORE THE PUBLIC SERVICE COMMISSION OF WYOMING

IN THE MATTER OF THE APPLICATION OF)
BUDGET PHONE, INC., FOR AUTHORITY TO BE) DOCKET NO. 70095-9-TA-05
DESIGNATED AS AN ELIGIBLE) (RECORD NO. 10057)
TELECOMMUNICATION CARRIER IN AREA)
SERVED BY QWEST CORPORATION)
)

ORDER APPROVING WITHDRAWAL OF APPLICATION WITHOUT PREJUDICE
(Issued October 13, 2005)

This matter is before the Wyoming Public Service Commission (Commission) upon the request of Budget Phone, Inc., (Budget or the Company) to withdraw its application in the above docketed matter, as set forth more fully below.

The Commission, having reviewed the application and request to withdraw application, its files regarding Budget, applicable telecommunications law, and otherwise being fully advised in the premises, FINDS and CONCLUDES:

1. On August 15, 2005, Budget filed its application requesting designation as an Eligible Telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and W.S. § 37-15-104 (a)(vi)(B), for the purposes of qualifying to obtain universal service support from the federal universal service program. Specifically, Budget requested ETC designation in certain Qwest Corporation (Qwest) exchanges.

2. On August 18, 2005, the Office of Consumer Advocate (OCA) filed its *Notice of Appearance and Notice of Intervention and Request for Hearing*.

3. On September 15, 2005, the OCA filed a copy of a letter it sent to Budget notifying the Company of the OCA's intent to join the Federal Communications Commission (FCC) in encouraging the Wyoming Commission to apply, to this and all ETC application proceedings, the more rigorous ETC designation process recently adopted by the FCC.

3. On September 26, 2005, Budget filed a letter requesting that its application for designation as an ETC be withdrawn, without prejudice. The Company stated it intends to refile its application for ETC designation at a later date. Counsel for OCA stated the OCA does not object to the withdrawal of the application without prejudice.

4. The Commission finds Budget has supported its request to withdraw its application for designation as an ETC in certain Qwest exchanges. The Commission concludes that Budget's motion to withdraw, without prejudice, its application for ETC designation is consistent with the public interest.

IT IS THEREFORE ORDERED:

1. Pursuant to open meeting action taken on September 29, 2005, the written request of Budget Phone, Inc., for authority to withdraw its application for designation as an Eligible Telecommunications Carrier in certain Qwest Corporation (Qwest) exchanges pursuant to 47 U.S.C. § 214(e) and W.S. § 37-15-104 (a)(vi)(B), for the purposes of qualifying to obtain universal service support from the federal universal service program as described herein, be, and the same is hereby granted without prejudice, effective immediately.

2. This Order is effective immediately.

MADE and ENTERED at Cheyenne, Wyoming, this 13th day of October 2005.

PUBLIC SERVICE COMMISSION OF WYOMING

KATHLEEN A. LEWIS, Deputy Chair

MARY BYRNES, Commissioner

(SEAL)
Attest:

HARRY IVEY, Assistant Secretary