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Sent: Thursday, July 28, 2011 11:06 AM

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Subject: Department of Revenue Letter re: Prepaid Wireless

Good Morning,

As you are likely aware, the WA State Supreme Court ruled in the case of WA Dept of Revenue v. Tracfone, that prepaid wireless service providers are obligated to remit wireless E911 excise fees. You may also know that the wireless service providers worked last spring to craft legislation that provided for a procedure/system to meet this requirement. The wireless service providers were unsuccessful in passing this legislation and currently no procedure exists that your legislative committee is aware of.

In fact, there is no prerequisite that legislation be passed providing a procedure for the collection of prepaid wireless excise tax. Dept of Revenue has the ability to establish procedure without direction from the legislature given the court's decision. It is the position of the Legislative Committee that in the current budgetary time, it would be in the best interest of local jurisdictions to encourage DOR to expedite this process and not wait for legislation. We currently do not know which wireless service providers are remitting tax and which are not, and suspect there is potential for increased revenue once a procedure is implemented.

The Legislative Committee has drafted a model letter that is available for use in crafting a letter from your agency/department/jurisdiction requesting that DOR establish and implement procedure or state their intent in respect to the issue as soon as possible. Our belief is that if DOR knows that there is interest at the county level, they will move forward more quickly.

Your help in encouraging DOR to address this concern is appreciated!

Stephanie Fritts

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