



# PUBLIC NOTICE

Federal Communications Commission  
445 12th St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
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Internet: <http://www.fcc.gov>  
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DA 04-3984

**PARTIES ARE INVITED TO COMMENT ON TRACFONE WIRELESS' PETITIONS FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN NORTH CAROLINA, ALABAMA AND TENNESSEE**

**PLEADING CYCLE ESTABLISHED**

**CC Docket No. 96-45**

**Release Date: December 20, 2004**

**Comment Date: January 18, 2005**

**Reply Comment Date: February 02, 2005**

Interested parties are invited to comment on three petitions filed on November 9, 2004 by TracFone Wireless, Inc. (TracFone), a provider of commercial mobile radio services (CMRS) seeking designation as an eligible telecommunications carrier (ETC) for the entire states of North Carolina, Alabama and Tennessee pursuant to section 214(e)(6) of the Communications Act of 1934, as amended.<sup>1</sup> In addition, because TracFone provides CMRS only through resale, TracFone previously filed a petition, pursuant to section 10 of the Act, requesting that, with respect to its ETC applications, the Commission forbear from applying the section 214(e)(1)(A) requirement that an ETC use at least some of its own facilities in offering services supported by the universal service support mechanisms.<sup>2</sup>

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, comments are due no later than **January 18, 2005** and reply comments are due no later than **February 02, 2005**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>3</sup>

<sup>1</sup>See TracFone Wireless, Inc., Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina, CC Docket No. 96-45, filed Nov. 9, 2004; TracFone Wireless, Inc., Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, CC Docket No. 96-45, filed Nov. 9, 2004; and Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee, CC Docket No. 96-45, filed Nov. 9, 2004. See also 47 U.S.C. § 214(e)(6). We note that TracFone should provide copies of its petitions to the North Carolina Utilities Commission, the Alabama Public Service Commission and the Tennessee Regulatory Authority if it has not already done so. In addition, the Commission will send a copy of this Public Notice to the North Carolina Utilities Commission, the Alabama Public Service Commission and the Tennessee Regulatory Authority by overnight express mail to ensure that they are notified of the notice and comment period.

<sup>2</sup>See TracFone Wireless, Inc., Petition for Forbearance, CC Docket No. 96-45, filed June 8, 2004; 47 U.S.C. § 160. See also 47 U.S.C. § 214(e)(1)(A).

<sup>3</sup>See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. 24121 (1998).

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002.

- The filing hours at this location are 8:00 a.m. to 7:00 p.m.
- All hand deliveries must be held together with rubber bands or fasteners.
- Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.
- All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Pursuant to section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, this proceeding will be conducted as a permit-but-disclose proceeding in which ex parte communications are permitted subject to disclosure. For further information, contact Thomas Buckley, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400, TTY (202) 418-0484.