



# PUBLIC NOTICE

Federal Communications Commission  
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## COMMENT SOUGHT ON TRACFONE REQUEST FOR MODIFICATION OF CONDITION ADOPTED IN COMMISSION ORDER GRANTING TRACFONE FORBEARANCE FROM ELIGIBLE TELECOMMUNICATIONS CARRIER REQUIREMENTS

CC Docket No. 96-45

Comment Date: July 6, 2009

Reply Comment Date: July 20, 2009

In 2005, the Commission conditionally granted a petition for forbearance filed by TracFone Wireless, Inc. (TracFone) so that TracFone could seek limited designation as an eligible telecommunications carrier (ETC) for the provision of universal service Lifeline support only without providing service at least in part over its own facilities.<sup>1</sup> As a condition of the grant of forbearance, among other requirements, TracFone was ordered to require each of its Lifeline customers to annually self-certify that the customer is the head of household and that the customer receives Lifeline-supported service only from TracFone.<sup>2</sup>

On April 27, 2009, TracFone filed a petition to modify the condition that TracFone must require each of its Lifeline customers to annually self-certify that they are the head of their household and receive Lifeline-supported service only from TracFone.<sup>3</sup> Specifically, TracFone requests that it be allowed to verify annually that its Lifeline customers are heads of households and receive Lifeline-supported service only from TracFone through use of a statistically valid sample of those customers.<sup>4</sup>

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<sup>1</sup> See *Federal-State Joint Board on Universal Service, Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095, 15098, para. 6 (2005) (*TracFone Forbearance Order*).

<sup>2</sup> *Id.* at 15103, para. 18. This condition was re-affirmed in the 2008 order designating TracFone as an ETC in certain jurisdictions. *Federal-State Joint Board on Universal Service, TracFone Wireless, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of New York, et al.*, CC Docket No. 96-45, Order, 23 FCC Rcd 6206, 6214-15, para. 21 (2008) (*TracFone ETC Designation Order*).

<sup>3</sup> Petition for Modification of Annual Verification Condition, CC Docket No. 96-45 (filed Apr. 27, 2009) (TracFone Petition); see also Supplement to Petition for Modification of Annual Verification Condition, CC Docket No. 96-45 (filed Jun. 1, 2009).

<sup>4</sup> See TracFone Petition at 3; see also 47 C.F.R. § 54.410(c)(2).

Interested parties may file **comments on or before July 6, 2009**, and **reply comments on or before July 20, 2009**. All pleadings are to reference **CC Docket No. 96-45**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.<sup>5</sup>

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers 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, filers should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: 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, filers 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). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

The Commission's contractor 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, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

**In addition, one copy of each pleading must be sent to each of the following:**

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, [www.bcpiweb.com](http://www.bcpiweb.com); phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Elizabeth Valinoti McCarthy, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A364, Washington, D.C. 20554; e-mail: [Elizabeth.Mccarthy@fcc.gov](mailto:Elizabeth.Mccarthy@fcc.gov); and

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<sup>5</sup> See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

(3) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-B521, Washington, D.C. 20554; e-mail: Antoinette.Stevens@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail [www.bcpweb.com](http://www.bcpweb.com).

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>6</sup> Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.<sup>7</sup> Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.<sup>8</sup>

For further information, please contact Elizabeth Valinoti McCarthy, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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<sup>6</sup> 47 C.F.R. §§ 1.1200 *et seq.*

<sup>7</sup> *See* 47 C.F.R. § 1.1206(b)(2).

<sup>8</sup> 47 C.F.R. § 1.1206(b).