

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
Telecommunications Carriers Eligible to Receive) WC Docket No. 09-197
Universal Service Support)
Request for Commission Action)
Objection to TracFone Wireless, Inc.'s Self-)
Certification in the State of Colorado)

ORDER

Adopted: August 2, 2011

Released: August 2, 2011

By the Chief, Telecommunications Access Policy Division, Wireline Competition Bureau:

1. In this order, we dismiss without prejudice a request filed by the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County E-911 Emergency Communication Service Authority, and the Jefferson County Emergency Communications Authority (collectively, the "Colorado 911 Authorities") seeking Commission action pursuant to section 1.41 of the Commission's rules.1 The Colorado 911 Authorities request that the Commission reject TracFone Wireless Inc.'s (TracFone) self-certification that it is in compliance with basic 911 and enhanced 911 (E911) requirements in the state of Colorado and compel TracFone to comply with Colorado law relating to 911 funding.2

2. The Colorado 911 Authorities' request is premised on the TracFone Forbearance Modification Order, which allows TracFone to self-certify that it meets requirements to provide 911 and E911 services to its customers, under specified conditions, for the purpose of being designated as an eligible telecommunications carrier (ETC) for Lifeline support only.3 The TracFone Forbearance

1 Request for Commission Action to Reject TracFone Wireless Inc.'s Self-Certification of 911 and E-911 Compliance, WC Docket No. 09-197 (filed Jan. 28, 2010) (Colorado 911 Authorities Petition). Pursuant to section 1.41 of the Commission's rules, requests for action by the Commission may be submitted informally. 47 C.F.R. § 1.41.

2 Colorado 911 Authorities Petition at 1.

3 See TracFone Wireless, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the State of New York; Petition for Designation as an Eligible Telecommunications Carrier in the State of Florida; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia; Petition for Designation as an Eligible Telecommunications Carrier in the State of Connecticut; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts; Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama; Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina; Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee; Petition for Designation as an Eligible Telecommunications Carrier in the State of Delaware for the Limited Purpose of Offering Lifeline Service to Qualified Households; Petition for Designation as an Eligible Telecommunications Carrier in the State of New Hampshire for the Limited Purpose of Offering Lifeline Service to Qualified Households; Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania for the Limited Purpose of Offering Lifeline Service to Qualified Households; Petition for Designation as an Eligible Telecommunications Carrier in the District of Columbia for the Limited Purpose of Offering Lifeline Service to Qualified Households, CC Docket No. 96-45, Order, 24 FCC Rcd 3375 (2009) (TracFone Forbearance Modification Order); 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 (2005) (TracFone Forbearance Order). In

Modification Order also allows interested parties to seek review of any such self-certification and the Colorado 911 Authorities rely on this provision to urge us to reject TracFone's self-certification⁴ TracFone withdrew its petition for ETC designation in Colorado, and thus it is neither designated as an ETC in the state of Colorado nor is it currently seeking ETC designation in Colorado.⁵ We find that review by the Commission of a self-certification submitted pursuant to the *TracFone Forbearance Modification Order* is only relevant in the context of an ETC designation proceeding. We therefore conclude that any Commission review of TracFone's self-certification is not appropriate at this time and dismiss without prejudice the petition filed by the Colorado 911 Authorities.

3. Accordingly, IT IS ORDERED that, pursuant to the authority delegated under sections 0.91, 0.204(b), and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.204(b), 0.291, the request filed by the Adams County E-911 Emergency Telephone Service Authority, the Arapahoe County E-911 Emergency Communication Service Authority, and the Jefferson County Emergency Communications Authority IS DISMISSED WITHOUT PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Trent B. Harkrader
Chief
Telecommunications Access Policy Division
Wireline Competition Bureau

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order to avail itself of the self-certification option, TracFone must first request certification from a public safety answering point (PSAP) within its service area confirming that TracFone provides its customers with access to basic and E911 service. If a PSAP has not provided the certification and the PSAP has not made an affirmative finding that TracFone does not provide its customer with access to 911 and E911 within 90 days of receiving a request for certification, TracFone may self-certify that it meets the basic and E911 requirements. *TracFone Modification Order*, 24 FCC Rcd at 3378, para. 6.

⁴ *TracFone Forbearance Modification Order*, 24 FCC Rcd at 3379, para. 7.

⁵ Colorado 911 Authorities Petition at 3; TracFone Reply Comments at 7-8 (noting that TracFone withdrew its ETC application with the Colorado Public Utilities Commission).