



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1095
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON TRACFONE PETITION TO REQUIRE RETENTION OF LIFELINE PROGRAM-BASED ELIGIBILITY DOCUMENTATION

WC Docket Nos. 12-23, 11-42, 03-109;
CC Docket No. 96-45

Comment Date: July 24, 2012
Reply Comment Date: August 8, 2012

The Wireline Competition Bureau seeks comment on a petition filed on May 30, 2012 by TracFone Wireless (TracFone) to require eligible telecommunications carriers (ETCs) to retain documentation of program-based eligibility.¹ In its petition, TracFone requests that the Commission require all ETCs to retain a copy of the underlying documentation used to determine program-based Lifeline eligibility for at least three years following receipt of such documentation.² TracFone states that the recently-adopted rule, 47 C.F.R. § 54.410(c)(1)(i)(B), which requires ETCs to review subscriber documentation prior to enrollment, does not sufficiently protect against waste, fraud, and abuse.³

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁴

¹ See *Lifeline and Link Up Reform and Modernization et al.*, TracFone Petition for Reconsideration and Emergency Petition to Require Retention of Program-Based Eligibility Documentation, WC Dkt. Nos. 11-42 *et al.* CC Dkt. No. 96-45 (filed May 30, 2012) (*TracFone Petition*).

² See *id.* at 1; see also *Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45, FCC 12-11, para. 101 (rel. Feb. 6, 2012) (describing acceptable documentary proof of program-based eligibility).

³ See 47 C.F.R. §54.410(c)(1)(i)(B); *TracFone Petition* at 1-3. In its petition, TracFone sought postponement of the June 1, 2012 requirement for ETCs to review documentation prior to enrolling a consumer until the rule is amended to include retention of the documentation. See *TracFone Petition* at 6. TracFone subsequently withdrew the request for postponement as moot. See Letter of Mitchell F. Brecher, TracFone, to Marlene H. Dortch, FCC, WC Dkt. Nos. 11-42 *et al.* CC Dkt. No. 96-45 (filed June 29, 2012).

⁴ See 47 CFR §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 must be addressed to 445 12th Street, SW, Washington DC 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 or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt,

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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

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