Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
TracFone Petition for Rulemaking and Interim Relief to Allow Lifeline Subscribers to Establish Usage of Lifeline Service by Sending Text Messages	)	

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint"), pursuant to the Public Notice released on November 3, 2014 (DA 14-1591), hereby respectfully submits its comments on the Petition for Rulemaking and for Interim Relief filed by TracFone Wireless, Inc. on October 1, 2014, in the above-captioned proceeding.

Section 54.407(c)(2) of the Commission's rules, which applies to Lifeline services for which the service provider does not assess or collect a monthly fee from its subscribers, allows Lifeline universal service support reimbursement only where the Lifeline subscriber uses the service within the past 60 days, or where the Lifeline subscriber has cured his non-usage in one of several ways. In its petition, TracFone has requested that the Commission initiate a proceeding to consider a revision to this rule to allow Lifeline subscribers to establish usage of Lifeline service or to cure their non-usage by sending and receiving text messages. TracFone has stated (Petition, p. 5) that many Lifeline subscribers – including in particular those who are deaf, hard of hearing, or who

have difficulty with speech – are increasingly relying upon text messaging to communicate.

Sprint agrees that the sending of a text message by a Lifeline subscriber from the wireless phone associated with the Lifeline account should be accepted as a cure for non-usage for purposes of the 60-day rule, and that pending a permanent rule change, the Commission should declare that, on an interim basis, the sending of such a text message is an allowable cure for non-usage. The sending of a text message demonstrates that a (presumably) authorized user – the Lifeline subscriber or some member of his household -- has his Lifeline wireless phone on hand, that the phone is in working condition, and that he is using the phone to communicate. By charging and turning on the phone, the subscriber is taking affirmative action to ensure that it can be used as a communications device, and is indicating a conscious intent to use it as such. Therefore, while text messaging currently is not a supported Lifeline service, sending a text message using a wireless phone associated with Lifeline service is entirely consistent with the intent of Section 54.407(c)(2) – it demonstrates that the subscriber did not abandon his Lifeline service and is not engaging in waste, fraud or abuse related to account inactivity.

The Commission previously declined to include text messaging as one of the allowable non-usage cures, but stated that it would "evaluate whether any future modifications are necessary based on experience with the new rule."[1] Text messaging in the general population has increased dramatically,[2] and usage data indicates that a notable

[1] *Lifeline and Link Up Reform and Modernization* 27 FCC Rcd 6656, para. 261 (2012) ("*Lifeline Modernization Order*").

[2] For example, CTIA's annual wireless industry survey found that the number of monthly text messages skyrocketed from 2.1 billion in December 2003 to 153.3 billion in December 2013 (*see* http://www.ctia.org/your-wireless-life/how-wireless-works/annual-wireless-industry-survey).

percentage of Lifeline customers use their wireless phone to text more than to place or receive voice calls. For example, Sprint's Assurance Wireless affiliate found that for the 3 months ending October 31, 2014, approximately 9.7% of its base had no voice calls, but sent at least one text message. TracFone similarly stated (Petition, p. 5) that a number of its Lifeline subscribers who were de-enrolled from the Lifeline program for non-usage had used their phones to send text messages during the prior 60 days. Based on this experience, the Commission should, on an interim basis, allow the sending of a text message from a wireless phone associated with Lifeline service to be considered a cure for non-usage for purposes of the 60-day rule, and should initiate a proceeding to codify this policy in Section 54.407(c)(2) of its Rules.

Respectfully submitted,

SPRINT CORPORATION

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December 1, 2014