



# PUBLIC NOTICE

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## **PARTIES ARE INVITED TO COMMENT ON TRACFONE WIRELESS' PETITION FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER IN THE STATE OF NEW YORK AND PETITION FOR FORBEARANCE FROM APPLICATION OF SECTION 214**

**CC Docket No. 96-45**

**Comment Date: 10 days after publication in the Federal Register**

**Reply Comment Date: 24 days after publication in the Federal Register**

Interested parties are invited to comment on two petitions filed on June 8, 2004 by TracFone Wireless, Inc. (TracFone), a reseller of commercial mobile radio services (CMRS). First, TracFone filed a petition for designation as an eligible telecommunications carrier (ETC) throughout the entire state of New York pursuant to section 214(e)(6) of the Communications Act, as amended (the Act).<sup>1</sup> In addition, because TracFone provides CMRS only through resale, pursuant to section 10 of the Act, TracFone filed a petition requesting that the Commission forbear from applying the section 214(e)(1)(A) requirement that an ETC offer services supported by the universal service support mechanisms using either its own facilities or a combination of its own facilities and resale of another carrier's services.<sup>2</sup>

Pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, interested parties may file comments on or before **10 days after publication in the Federal Register**, and reply comments on or before **24 days after publication in the Federal Register**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.<sup>3</sup>

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be

<sup>1</sup>See TracFone Wireless, Inc., Petition for Designation as an Eligible Telecommunications Carrier in the state of New York, CC Docket No. 96-45, filed June 8, 2004 (TracFone ETC Petition); 47 U.S.C. § 214(e)(6). We note that TracFone should provide copies of its petitions to the New York Public Service Commission. In addition, the Commission will send a copy of this Public Notice to the New York Public Service Commission by overnight express mail to ensure that it is 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 (TracFone Forbearance Petition); 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).

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 <your e-mail address>." 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 Marlene H. Dortch, Office of the Secretary, Federal Communications Commission.

Parties who choose to file by paper also must send three paper copies of their filing to Sheryl Todd, Telecommunications Access Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-B540, Washington, D.C. 20554. In addition, commenters must send diskette copies to the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II 445 12th Street, Suite CY-B402, Washington, DC 20554.

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.