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October 3, 2005

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: **EX PARTE PRESENTATION**
CC Docket No. 96-45
Federal-State Joint Board on Universal Service
TracFone Wireless Petition for Forbearance

Dear Ms. Dortch:

On October 3, 2005, undersigned counsel for TracFone Wireless, Inc. (“TracFone”) met with Carol Pomponio, Mark Seifert, Jeremy Marcus, and Julie Veach, all of the Wireline Competition Bureau Telecommunications Access Policy Division. The purpose of the meeting was to discuss the Commission’s September 8, 2005 order granting TracFone’s petition for forbearance subject to certain conditions, including the requirement that TracFone file with the Commission a plan explaining how it will implement those conditions. (Federal-State Joint Board on Universal Service, et al., FCC 05-165)

Specifically, we discussed ways in which TracFone might provide certification to the Commission that it will only offer Lifeline service in areas where Public Service Answering Points have confirmed the availability of E911. In addition, TracFone proposed that it be allowed to offer Lifeline service in areas where 911 or E911 service are available. Enclosed herewith is a summary of the suggestions discussed by TracFone during this meeting. These materials should not be viewed as TracFone’s proposals for complying with the conditions set forth in the September 8 order. A detailed compliance plan will be submitted not later than October 11, 2005.

Ms. Marlene H. Dortch
August 31, 2005
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Pursuant to Section 1.1206(b) of the Commission's Rules, this letter is being filed electronically. If there are questions regarding this letter or the enclosure, please communicate directly with undersigned counsel for TracFone.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Brecher', with a long horizontal line extending to the right.

Mitchell F. Brecher

enclosure

cc: Ms. Carol Pomponio
Mr. Mark Seifert
Mr. Jeremy Marcus
Ms. Julie Veach

PLAN FOR COMPLYING WITH FCC'S 911 AND E911 CERTIFICATION CONDITIONS FOR LIFELINE

Strict compliance with requirement to get PSAP certification re 911/E911 compliance for every market where TracFone would offer Lifeline service would be cost prohibitive, duplicative, and unnecessary.

Proposal where underlying carrier uses a network-based solution

Where TracFone offers service using an underlying carrier which has a network-based solution (typically, the GSM carriers – for example, Cingular and T-Mobile), TracFone will do the following:

1) it will confirm that the carrier has on file with the FCC its quarterly PSAP certification (*i.e.*, that the PSAP has certified that it is 911/E911 compliant); and

2) Before selling Lifeline to any customer in that market, TracFone will certify that all Lifeline customers served in that market are being served over the network of that underlying carrier which has been certified by the PSAP to be E911 compliant. (It makes no sense to require TracFone to procure a second certification from the PSAP that the underlying carrier is E911-compliant).

Proposal where underlying carrier uses a handset-based solution

In situations where the underlying carrier uses a handset-based solution (mainly the CDMA carriers – Verizon, US Cellular, Alltel), TracFone will

1) provide the FCC with a certification from the phone manufacturer (*e.g.*, Nokia, Motorola) that the handset used to provide Lifeline service contains a GPS chip and is E911 compliant;

2) TracFone will itself certify to the FCC that all Lifeline customers in such markets will be provided with E911 compliant handsets which have been certified to by the manufacturer;

3) TracFone will confirm that the underlying carrier has on file with the FCC a current quarterly 911/E911 compliance report for the PSAP (as it will also do for those carriers which use a network-based solution). For example, in markets where Verizon is the underlying carrier serving Lifeline customers, TracFone 1) will provide certification that the phones in use are E911 compliant; and 2) TracFone will provide the underlying CDMA carrier's E911 PSAP compliance certification.

To require TracFone to obtain separate PSAP certifications when each of its underlying carriers already has provided such certifications to the FCC would be cost prohibitive and time prohibitive.

Proposal to allow TracFone to offer Lifeline Service where 911 available

Also, TracFone should be permitted to offer Lifeline wherever 911 service is available, even if E911 is not available. Reason: take the example of the recent hurricanes. If a person's only phone is a TracFone and the customer is a Lifeline customer, if the customer dials 911 in a place which has 911 but not E911 service, the customer at least can have the call answered, and tell someone where he or she is and that help is needed, even if the PSAP can't identify the location because E911 is not available. If, however, only 911 is available and the person doesn't have service at all (*i.e.*, no phone), the person can't even call for help. This can be especially important where flooding forces people out of their homes and landline service is not available even if the customer has landline service -- (in an emergency, 911 service is better than no service).