

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Petition of TracFone Wireless, Inc. for)	
Forbearance from 47 U.S.C. § 214(e)(1)(A) and)	
47 C.F.R. § 54.201(i))	

RESPONSE TO COMMENTS OF NENA.

On December 12, 2005, the National Emergency Number Association (“NENA”) submitted comments on TracFone Wireless, Inc.’s (“TracFone”) Eligible Telecommunications Carrier Compliance Plan. NENA raised only two issues with respect to TracFone’s plan for compliance with the Commission’s conditions attending its grant of TracFone’s forbearance petition.¹ TracFone will address each of those issues in this response.

I. TracFone Will Notify PSAPs When it Provides Lifeline Service in The PSAPs’ Communities

NENA does not object to TracFone’s proposal to use underlying carriers’ quarterly reports in lieu of the far more burdensome alternative of obtaining certification from each Public Safety Answering Point (“PSAP”) to confirm the availability of 911 services. However, NENA suggests that TracFone consult with each PSAP in areas where it plans to offer Lifeline service and that it provide each such PSAP with 24 hour contact information. TracFone believes that

¹ Those conditions are set forth in the Commission’s order granting TracFone’s petition for forbearance. See Federal-State Board on Universal Service and Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i), FCC 05-165, released September 8, 2005 (“Forbearance Order”).

NENA's suggestion is meritorious and TracFone will provide such notification and contact information to the PSAPs serving each area where it provides Lifeline service.

II. TracFone Lifeline Service Should not be Limited to Locations Where E-911 Service is Available

In its Compliance Plan, TracFone requested that the Commission modify the conditions in the Forbearance Order to allow TracFone to offer Lifeline service in areas where basic 911 service is available, even if E-911 has not yet been deployed by the serving PSAPs. NENA opposes TracFone being allowed to offer Lifeline service in areas where E-911 is not available, notwithstanding the availability of basic 911 service. TracFone agrees that E-911, where deployed, provides important public safety benefits not available with basic 911 service. However, basic 911 provides important public protections as well, especially in areas where E-911 is not yet available and in situations where emergencies occur at locations other than one's residence.

According to NENA, “[w]e have moved beyond the point where we can be satisfied with wireless basic 9-1-1 if wireline enhanced 9-1-1 is available.”² NENA disregards the fact that wireless services provide important public safety benefits in situations where wireline E-911 service is not available to consumers. Those persons who were displaced from their homes following hurricanes Katrina and Rita did not benefit from wireline E-911 service even if the PSAPs serving their residences had deployed E-911. Similarly, persons involved in automobile accidents or other emergency situations (*e.g.*, medical emergencies) while away from home derive no safety benefit from deployment of wireline E-911. Basic 911 access through a wireless phone enables such persons to reach the nearest PSAP and at least provide oral information about their location.

² NENA Comments at 2 (emphasis original).

While NENA has chosen to characterize the E-911 limitation in the Forbearance Order as a “temporary commercial disadvantage to TracFone,” the restriction, more importantly, will deprive those consumers who might prefer the convenience and portability of wireless telecommunications of a Lifeline program which makes that convenience and portability affordable to low income consumers.

For those reasons as well as the reasons stated in TracFone’s Compliance Plan,³ TracFone respectfully reiterates its request that it be permitted to offer Lifeline service as an Eligible Telecommunications Carrier in areas where basic 911 service is available, even if the serving PSAPs have not yet deployed E-911.

Respectfully submitted,

TRACFONE WIRELESS, INC.



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December 19, 2005

³ TracFone Wireless, Inc.’s Compliance Plan, filed October 11, 2005 at 11-14.

CERTIFICATE OF SERVICE

I, Michelle D. Guynn, an Executive Assistant with the law firm of Greenberg Traurig, LLP, hereby certify that on December 19, 2005, a true and correct copy of the foregoing Response to Comments of NENA was filed via electronic mail through the **FCC's Electronic Comment File Submission** with Secretary, Marlene H. Dortch.

COPY of the foregoing served via **Electronic Mail** on this 19th day of December 2005 to:

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