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

Att: Consumer and Governmental Affairs Bureau

Wireline Competition Bureau
Telecommunications Access Policy Division

Re: WC Docket 03-109 Lifeline and Link-Up
Suggested Revisions to Eligibility Determination Criteria
for Hurricane Katrina Lifeline Program

Dear Ms. Dortch:

By this letter, TracFone Wireless, Inc. (TracFone) respectfully requests that the Commission approve changes to the requirements governing determinations of eligibility for participation in the Commission's recently-established emergency Lifeline program for displaced victims of Hurricane Katrina.

By order issued October 14, 2005 (Federal-State Joint Board on Universal Service, et al, FCC 05-178, "Katrina Order"), the Commission established several emergency programs to address the unique telecommunications services needs caused by Hurricane Katrina. Among those programs is the emergency Lifeline program intended to provide affordable wireless service to displaced Katrina victims. Eligible persons are entitled to free handsets and 300 minutes of airtime. In order to demonstrate their eligibility for the program, displaced victims are required to provide participating service providers with documentation indicating that they have been approved by FEMA for emergency housing assistance.

Shortly after release of the Katrina Order, several wireless providers, including TracFone, applied to the Commission for emergency designation as Eligible Telecommunications Carriers so

that they could offer Katrina Lifeline service. TracFone's application was granted November 16, 2005. Upon grant of that application, TracFone began the process of offering its Katrina Lifeline service.

TracFone has engaged in extensive outreach and marketing efforts targeted at locations where displaced Katrina victims are likely to be in temporary residence. In addition to making extensive use of print and media advertising, TracFone has invested in community outreach and public relations initiatives designed to inform as many displaced Katrina victims as possible about the availability of the Lifeline program. To date, TracFone has received large numbers of inquiries about the Lifeline program, but fewer applications, and even fewer approved customers. Between November 22 and December 31, 2005, TracFone received 43,110 telephonic inquiries. Of those, 1,503 applied to participate in the program. To date, only 235 of those applicants have been determined by TracFone to be eligible under the Commission's eligibility requirements; 660 have been denied; and 608 remain subject to verification.

Some persons have been denied because they did not provide the correct responses to the questions contained in TracFone's application process. By far, the most frequent reason why Katrina victims are unable to qualify for the program is that they do not have in their possession FEMA emergency housing assistance eligibility letters. Of the many persons who have received such letters, TracFone has found that most do not have the letters in their possession. These are people who have been displaced from their homes, who have relocated to temporary quarters (often more than once since the hurricane struck), and are low income people with few possessions. It has hardly been surprising to learn that such persons do not typically retain in their possession correspondence received from government agencies weeks -- even months -- earlier as they move from one temporary location to another.

TracFone has expended considerable effort and resources promoting its Katrina Lifeline service and is disappointed that so few displaced Katrina victims wishing to participate in the program are able to demonstrate their eligibility. Based on discussions with others in the wireless telecommunications sector, TracFone's experience is not unique. In order to enable displaced Katrina victims to obtain the emergency Lifeline assistance contemplated by the Katrina Order, TracFone respectfully requests that the Commission promptly revise the eligibility determination requirements. TracFone offers the following specific suggestions:

1. Customer Self-Certification

TracFone recommends that persons seeking to participate in the Katrina Lifeline program be allowed to self-certify their eligibility as participants in Lifeline normally are permitted to do. Customers seeking the benefits of the Katrina Lifeline program would be required to certify under penalties or perjury that they meet each of the required criteria for participation, *i.e.*, that on August 29, 2005 they resided in one of the counties or parishes determined to be eligible for relief; that they have been approved by FEMA for emergency housing assistance which need not be repaid; that they are the head of their household; and that they have only sought Lifeline service from one provider.

2. Third Party Verification

TracFone further recommends that participating carriers be allowed to use independent third party verification sources to confirm applicants' eligibility for participation in the Katrina Lifeline program (similar to the third party verification procedures approved by the Commission for confirming presubscribed carrier selections).

These two modest changes to the Katrina Lifeline program eligibility determination process will enable carriers to provide service to a greater number of displaced Katrina victims while still containing important protections against fraud and abuse.

Need for Immediate Action

TracFone realizes that under normal circumstances, the Commission might invite public comment on these proposals, study the matter in depth, and issue an order months later. However, the special circumstances surrounding the Katrina Lifeline program make it imperative that the Commission consider adoption of these changes in an expedited fashion. The Katrina program expires March 1, 2006 -- less than two months from now. More importantly, those persons whom the program is intended to benefit need emergency wireless telephone service now. For those reasons, TracFone respectfully requests that the Commission permit ETCs participating in the Katrina Lifeline program to allow applicants to self-certify their eligibility subject to penalties of perjury, and to allow carriers to employ third party verification, and that it do so at least on an interim basis now.

Undersigned counsel and representatives of TracFone are available to meet with the Commission and its staff to discuss the details of these proposals.

Sincerely,



Mitchell F. Brecher
Counsel for TracFone Wireless, Inc.

cc: Ms. Michelle Carey
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Ms. Jessica Rosenworcel
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