

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Federal-State Joint Board on Universal Service	)	
	)	
Virgin Mobile USA, L.P.	)	CC Docket No. 96-45
	)	
Petition for Designation as an Eligible	)	
Telecommunications Carrier	)	
in the Commonwealth of Massachusetts	)	

**COMMENTS OF NENA**

The National Emergency Number Association (“NENA”) hereby comments on the captioned petition.<sup>1</sup> NENA previously commented on applications by another prepaid wireless services provider, TracFone, for ETC designation in multiple states, including those for which VMUSA has applied.<sup>2</sup> We incorporate those comments here by reference, insofar as they are not particular to TracFone.

Beginning with the pending forbearance petition (VMUSA Petition, at 9), NENA asks here, as it asked in the separate TracFone forbearance proceeding, that any forbearance grant to VMUSA be conditioned on

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<sup>1</sup> Public Notice, DA 08-1570, released July 1, 2008. NENA asks that these same comments be treated as an ex parte communication, pursuant to Section 1.1206 of the Rules, with respect to the Virgin Mobile USA (“VMUSA”) petitions for ETC status in the states of New York, Pennsylvania, Tennessee and North Carolina, and in the Commonwealth of Virginia. We also submit the comments for inclusion in the FCC’s consideration of the VMUSA petition of December 5, 2007 for forbearance from the facilities requirement of Section 214(e)(1)(A) of the Communications Act.

<sup>2</sup> Comments of April 3, 2008.

VMUSA's providing its Lifeline customers with 911 and enhanced 911 (E911) access regardless of activation status and availability of prepaid minutes.

Maintenance of such access is a mutual obligation of state and local 9-1-1 authorities, and it requires budgeted funding typically supported by surcharges collected by wireless carriers. The need for compliance with state 9-1-1 and E9-1-1 obligations is sufficient reason, we believe, for the Commission to impose on VMUSA the same conditions it has imposed on TracFone, in terms of 9-1-1 and E9-1-1 access generally and state law (including funding regulations) particularly.<sup>3</sup> The more comprehensive means of applying both sorts of conditions would be to order them through any grant of the VMUSA forbearance petition. The conditions then would cover ETC grants by the states as well as those approved by the FCC.

Respectfully submitted,

NENA

By \_\_\_\_\_  
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July 30, 2008

ITS ATTORNEY

### Certificate of Service

The foregoing "Comments of NENA" have been served today by electronic mail upon:

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<sup>3</sup> The legal basis for such conditions is discussed in our earlier comments at 3-4.

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July 30, 2008

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James R. Hobson