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December 3, 2008

VIA ELECTRONIC FILING

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

RE: WC Docket No. 05-337, CC Docket No. 96-45, WC Docket No. 03-109, WC Docket No. 06-122, CC Docket No. 99-200, CC Docket No. 96-98, CC Docket No. 01-92, CC Docket No. CC Docket No. 99-68, and WC Docket No. 04-36

Dear Ms. Dortch:

On December 3, 2008, F.J. Pollak, President and Chief Executive Officer of TracFone Wireless, Inc., and I met with Amy Bender, Legal Advisor to Chairman Kevin J. Martin, Nicholas Alexander, Legal Advisor to Commissioner Robert M. McDowell, and Scott M. Deutchman, Legal Advisor to Commissioner Michael J. Copps. During the meetings, we discussed TracFone's position on several issues pending before the Commission in the above-captioned dockets. Specifically, we discussed the USF By the Minute plan for contributions to the Universal Service Fund (USF) by providers of prepaid wireless services if the Commission adopts a working telephone numbers-based USF contribution methodology. In addition, we discussed proposals before the Commission for a broadband Lifeline pilot program and urged that the pilot program be funded at sufficient levels to ensure that the program would provide affordable broadband access to qualified low income households. Finally, we discussed TracFone's pending Petition for Modification of Public Safety Answering Point Certification Condition filed in CC Docket No. 96-45.

The positions expressed during these meetings were consistent with those articulated by TracFone in prior submissions in the respective proceedings. Attached hereto is a summary of those positions which was handed out during the meetings.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter and attachment are being filed electronically. Please direct any questions regarding this letter to undersigned counsel for TracFone.

Sincerely,

Mitchell F. Brecher

Attachment

cc: Ms. Amy Bender
Mr. Nicholas Alexander
Mr. Scott M. Deutchman

TRACFONE WIRELESS, INC.
FCC PRESENTATIONS
DECEMBER 2008

Universal Service Reform

- If the Commission adopts a telephone number-based USF contribution methodology, it should include a USF By the Minute Plan for prepaid wireless
    - USF By the Minute proposal contained in all 3 recommendations put out for comment on November 5, 2008;
    - Plan has been supported by various commenters including AT&T, Verizon and the Mercatus Center Regulatory Studies Program, and has not been opposed by any party, except for Cincinnati Bell;
    - The USF By the Minute plan would ensure that providers of prepaid wireless services and their customers who are predominantly low income would pay a fair amount to the Universal Service Fund without exposing them to substantial and unaffordable contribution increases.

- Broadband Lifeline Pilot Program
    - TracFone commends the Commission from proposing a pilot program of Lifeline support for broadband access by low income consumers;
    - As noted by the Pew Internet & American Life Project, broadband penetration at lower income levels is very low -- only 25% of households with incomes below $20,000 subscribe to broadband services;
    - TracFone is concerned that the level of funding proposed by the Commission -- device support not to exceed $100 and monthly broadband support not to exceed $10 -- will be insufficient to garner significant participation in the program by ETCs. TracFone proposed device support up to $250 and monthly support up to $30;
    - This is a pilot program. If it is successful, support for a permanent broadband Lifeline program need not necessarily come from the federal USF; funding could be appropriated by Congress depending on the success of the pilot program.

Modification of PSAP Certification Requirement Imposed on TracFone

- Since being designated as an Eligible Telecommunications Carrier in April 2008, TracFone has expended great effort and resources attempting to meet the condition that it obtain certification from Public Safety Answering Points (PSAPs) wherever it offers Lifeline service that its Lifeline customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes;

- To date, TracFone has obtained statewide PSAP certification in three states -- Virginia, Tennessee, and Massachusetts, and partial certification in several other states. However, many PSAPs refuse to certify. Indeed some do not return phone calls or respond to correspondence and generally do not choose to become involved in a FCC certification requirement;

- On Nov. 21, TracFone petitioned the Commission to modify the PSAP certification requirement by allowing TracFone to self-certify that its customers will have access to 911/E911 in situations where PSAPs have refused to certify within 90 days after receiving a written request. In order to self-certify, TracFone must confirm directly with its underlying carriers serving TracFone customers that TracFone customers' 911 calls are routed to the PSAPs in the same manner as the underlying carriers' own retail customers' 911 calls are routed;

- PSAPs' continuing delay and refusal to certify is precluding TracFone from offering its SafeLink Lifeline service, including free handsets and free quantities of airtime to qualifying low income households.

- TracFone is anxious to offer Lifeline service to qualifying households where it has been designated as an ETC. In these difficult times, this program will provide economic assistance to households which need such assistance most.