

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
TracFone Wireless, Inc.)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of New York)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of Florida)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of Connecticut)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Massachusetts)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of North Carolina)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of Tennessee)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of Delaware for the Limited Purpose of Offering Lifeline Service to Qualified Households)	
)	
Petition for Designation as an Eligible Telecommunications Carrier in the State of New Hampshire for the Limited Purpose of Offering Lifeline Service to Qualified Households)	

Petition for Designation as an Eligible)
 Telecommunications Carrier in the Commonwealth of)
 Pennsylvania for the Limited Purpose of Offering)
 Lifeline Service to Qualified Households)
)
 Petition for Designation as an Eligible)
 Telecommunications Carrier in the District of Columbia)
 for the Limited Purpose of Offering Lifeline Service to)
 Qualified Households)

**SUPPLEMENT TO PETITION FOR MODIFICATION OF PUBLIC
 SAFETY ANSWERING POINT CERTIFICATION CONDITION**

On November 21, 2008, TracFone Wireless, Inc. (“TracFone”) filed with the Commission a Petition for Modification of Public Safety Answering Point Certification Condition (“Petition for Modification”). In that petition, TracFone described some of the difficulties which it has encountered in attempting to obtain from public safety answering points (“PSAPs”) where it plans to provide Lifeline service certifications that TracFone Lifeline customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes. TracFone proposed that it be allowed to self-certify as to its Lifeline customers’ access to 911 and E911 if, after 90 days following its certification request to a PSAP, the PSAP has failed to act on the request. Before self-certifying as to 911 and E911 access, TracFone would confirm with each of its underlying carriers in the area served by a PSAP that TracFone customers’ 911 calls are treated in the same manner as the underlying carriers treat their own retail customers’ 911 calls. As described in the Petition for Modification, TracFone deemed it necessary to seek modification of the PSAP certification requirement because of the reluctance of many PSAPs to cooperate in the process and the resulting prolonged delays in obtaining certifications or even in having certification requests acknowledged by certain PSAPs.

By this supplement, TracFone brings to the Commission’s attention certain developments which have occurred since the submission of its Petition for Modification which demonstrate

how the PSAP certification process has not worked as intended, how some PSAPs have refused to provide the requested certifications for reasons having nothing to do with whether TracFone customers have access to 911 and E911 without regard to activation status or availability of prepaid minutes, and why the condition needs to be modified to enable TracFone to provide Lifeline service in a timely manner to low income households.

I. District of Columbia

No jurisdiction has demanded more of TracFone in connection with its request for PSAP certification and been less forthcoming in considering and acting on that request than has the District of Columbia. In the District, there is a single PSAP which is administered by the District's Office of Unified Communications ("OUC"). In April 2008, TracFone first contacted OUC about obtaining PSAP certification for the District. During that meeting, OUC told TracFone that it wanted to test TracFone handsets for 911 access before issuing any certification. At OUC's request, TracFone provided to OUC at its own expense TracFone wireless telephone handsets programmed to operate on each of the underlying carrier networks used by TracFone to provide service in the District -- AT&T Mobility, Verizon Wireless, and T-Mobile. Those handsets were delivered to OUC on April 29.

On July 17 -- more than 11 weeks after delivery of the test handsets, OUC engaged a consultant who conducted a series of test calls using the handsets provided to OUC by TracFone. Subsequently, TracFone was informed by OUC's consultant that additional tests would be conducted. Between August 8 and the end of October, three additional sets of test calls (in addition to the July 17 tests) were performed. So far as TracFone is aware, every 911 test call from every location in the District made on the handsets programmed to operate on each of the underlying carrier networks was successful. By letter dated October 16, OUC notified District of

Columbia Councilmember Phil Mendelson that after completion of the fourth round of tests, OUC would “proceed with finalizing the certification steps for the District.” A copy of OUC’s letter to Councilmember Mendelson is attached to this Supplement as Attachment 1.

On November 6, TracFone’s counsel was informed by OUC’s consultant that no certification would be forthcoming any time soon as OUC and its consultant would be meeting with the Metropolitan Police Department and the District of Columbia Homeland Security and Emergency Management Agency. Being notified of these additional meetings for the first time in November -- nearly seven months after TracFone’s PSAP certification request to OUC and after four rounds of handset testing were completed was quite surprising and disappointing to TracFone. First, it was never explained why OUC could not have solicited input from those departments (if such input was necessary) during that seven month period. Second, OUC has offered no explanation as to why consultation with the Metropolitan Police and the Department of Homeland Security and Emergency Management Agency was necessary to determine the only matter about which OUC was asked to certify -- that TracFone customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes. Furthermore, OUC’s response to CouncilMember Mendelson said nothing about OUC’s intent to consult with the Metropolitan Police, the Department of Homeland Security and Emergency Management Agency or with any other department of the District.

By letter dated December 17, OUC notified TracFone that it would not be issuing the requested PSAP certification. A copy of that letter is attached to this Supplement as Attachment 2. That letter references OUC’s “consultation and collaboration” with 1) the Metropolitan Police Department; 2) Fire and Emergency Medical Services; 3) Homeland Security and Emergency Management Agency; and 4) the Executive Office of the Mayor. In addition, OUC’s December

17 letter directs TracFone to respond to a series of questions, none of which have any relevance to whether TracFone Lifeline customers will have access to 911 and E911. Those questions address such matters as TracFone ownership, use of TracFone service to engage in criminal activity, and the details of TracFone's agreements with its underlying network operators. By letter dated December 19, 2008, TracFone responded to OUC. A copy of that response is attached hereto as Attachment 3. Although the information demanded by OUC is outside the scope of the PSAP certification request, TracFone nonetheless responded to each of those questions.

The "bottom line" is that has now been eight months since TracFone requested PSAP certification to offer its SafeLink Wireless Lifeline service in the District. During that time, multiple conferences between TracFone and OUC have been held; many discussions between TracFone's counsel and OUC's consultant have taken place, four sets of 911 calling tests using handsets provided to OUC by TracFone have been conducted; and OUC has represented to a member of the District's Council that, upon completion of the fourth round of tests, OUC would proceed with finalization of the PSAP certification steps. Yet, PSAP certification has not been forthcoming. OUC had demanded information about matters far beyond the scope of what it has been asked to certify about, and, most importantly, TracFone remains unable to offer its SafeLink Wireless Lifeline service to the thousands of low income households in the District which would qualify for Lifeline service.¹

¹ The continuing dilatory tactics being engaged in by the District government, through OUC, is especially disconcerting given the District's abysmal record with regard to Lifeline participation. According to Commission data, only 21.5% of eligible District households participate in Lifeline. See *Lifeline and Link-Up (Report and Order and Further Notice of Proposed Rulemaking)*, 19 FCC Rcd 8302 (2004), at Appendix K - Section 1: Baseline Information Table 1.A. Baseline Lifeline Subscription Information (Year 2002).

II. Bethlehem, Pennsylvania

In the Petition for Modification, TracFone noted that several Pennsylvania PSAPs had rescinded previously-issued PSAP certifications on the advice of the Pennsylvania Emergency Management Agency and the Keystone Chapter of the National Emergency Numbers Association and were seeking input from counsel. No further action by any of those rescinding PSAPs have been forthcoming. However, by letter dated December 8, the City of Bethlehem, PA notified TracFone that it would not be acting on TracFone's certification request pending action by the Commission on TracFone's petition to modify condition. A copy of the letter from Robert J. Haffner, Bethlehem's Chief of Police, is attached to this Supplement as Attachment 4.

Again, the scope of the PSAP certification condition imposed on TracFone by the Commission is that PSAPs certify that TracFone Lifeline customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes. It is not readily apparent to TracFone how the pendency of its Petition for Modification has any bearing on any PSAP's ability to determine whether TracFone Lifeline customers will have access to 911 and E911. However, the very fact that any PSAP would refuse to certify, not because of concerns about whether customers will have access to 911 and E911 (a matter which is not in dispute in Bethlehem, PA), but because of the fact that TracFone has petitioned to modify the condition, demonstrates why prompt action on the Petition for Modification is so important. Here is a situation where residents of a major Pennsylvania community with a depressed economy are being denied an invaluable wireless Lifeline service for no stated reason other than that TracFone has petitioned the Commission to modify an unworkable condition.

III. New Hampshire

New Hampshire is a single PSAP state. TracFone has spent considerable effort attempting to contact appropriate persons in the New Hampshire office responsible for E911 to provide the required certification. During a telephone conference between TracFone's counsel and state 911 officials, TracFone offered to address the concerns that TracFone customers would have access to 911 and E911 by providing documentation from its underlying carriers that those carriers route 911 calls from TracFone customers on their networks in the same manner as they route 911 calls from their own retail customers. TracFone has provided New Hampshire 911 officials with such documentation provided by AT&T Mobility and T-Mobile -- the two network operators used by TracFone to provide service in New Hampshire. In addition, on November 21, 2008, TracFone provided New Hampshire with copies of the PSAP certification issued by the Commonwealth of Massachusetts -- one of New Hampshire's neighboring states. While Massachusetts' certification is not binding on New Hampshire, TracFone was hopeful that the New Hampshire 911 officials would find it significant that Massachusetts 911 offices are prepared to certify that TracFone customers there have access to 911 and E911.

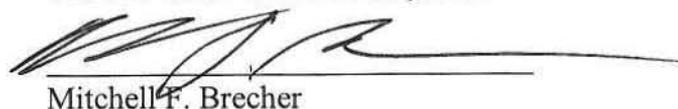
To date, TracFone has received no acknowledgement from those New Hampshire 911 officials about the AT&T and T-Mobile documentation or about the Massachusetts PSAP certification. Indeed, they have not even acknowledged receipt of those materials, and TracFone's request for PSAP certification in New Hampshire remains pending, as it has for several months.

Conclusion

The District of Columbia, Pennsylvania and New Hampshire examples described in this Supplement further illustrate the shortcomings of the well-intended PSAP certification condition already addressed in TracFone's Petition for Modification. As a result of conduct like that described herein, TracFone remains unable to provide its SafeLink Wireless Lifeline service to low income households in most of the states where it has been designated as an ETC.² More importantly, thousands of low income households are being denied TracFone's free Lifeline service during a period of unprecedented economic difficulty. Accordingly, TracFone reiterates its request as set forth in the Petition for Modification that it be allowed to self-certify that its Lifeline customers will have access to 911 and E911, and that the Commission act on the Petition for Modification with all due haste.

Respectfully submitted,

TRACFONE WIRELESS, INC.



Mitchell F. Brecher

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(202) 331-3100

Its Attorneys

December 23, 2008

² Several states, including Virginia, Tennessee, and Massachusetts, have provided statewide PSAP certifications. In Florida, TracFone has obtained the requisite certifications from PSAPs throughout the state. As a result, TracFone has been able to commence offering SafeLink Wireless Lifeline service in several states and qualified customers are enrolling in the Lifeline program in unprecedented numbers.

Attachment 1

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Unified Communications



Janice Quintana
Director

October 16, 2008

Honorable Phil Mendelson
Chairman
Committee on Public Safety and the Judiciary
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Chairman Mendelson:

I am writing in response to your letter of October 10, 2008 regarding the status of TracFone Wireless, Inc. (dba SafeLink Wireless) certification in the District of Columbia.

The Office of Unified Communications continues working with TracFone on their District certification, and during my recent teleconference with the TracFone Wireless principals we mutually agreed to complete all testing by the end of this month. Subsequently, my office will immediately proceed with finalizing the certification steps for the District. In order for certification we are testing the phones provided by TracFone provisioned on the three wireless service providers for TracFone in the District: Verizon Wireless, T-Mobile, and ATT Mobility.

OUC did not hire a consultant to specifically conduct this certification testing.

My over-arching mission concern is public safety communications within the District of Columbia and ensuring our residents, especially "Lifeline" subscribers, are ensured wireless 911 access and reliability.

Please do not hesitate to contact me with any concerns.

Respectfully submitted,


Janice Quintana
Director

Attachment 2

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Unified Communications



Janice Quintana
Director

Mr. Mitchell Brecher, Esq.
Attorney / TracFone Wireless Inc.
Greenberg Traurig, LLP
2101 L Street, NW
Suite 1000
Washington, DC 20037

Jurisdiction: District of Columbia
Regarding: TracFone Wireless Inc. Public Safety Answering Point (PSAP) Certification
PSAP Director: Janice Quintana
PSAP Jurisdictional Boundary Description: District of Columbia FCC PSAP ID 8160

December 17, 2008

The Office of Unified Communications (OUC) is not issuing the TracFone Wireless, Inc. PSAP Certification in the District of Columbia at this time.

The OUC provides support to telecommunications carriers (including wireless service providers) and other customers within the District of Columbia. We are aware that, on April 11, 2008, the Federal Communications Commission issued an Order conditionally granting the petition of TracFone Wireless seeking designation as an eligible telecommunications carrier (ETC) for the limited purpose of providing Lifeline service to qualified households in the District of Columbia. The FCC's designation of TracFone Wireless is subject to certain conditions. Specifically, TracFone must obtain from the District of Columbia PSAP a Certification stating TracFone provides Lifeline customers with 9-1-1 and Enhanced 9-1-1 access.

The District of Columbia is not granting Certification at this time. This decision is based upon full consultation and collaboration with our public safety partners: Metropolitan Police Department (DC MPD), Fire and Emergency Medical Services (DC FEMS), Homeland Security and Emergency Management Agency (DC HSEMA) and the Executive Office of the Mayor (EOM).

TracFone has only communicated a request for Certification via email, with no formal submission. TracFone must submit to this office an application for Certification within ten (10) business days. This application is to include responses to the following inquires:

1) State whether or not there exists any foreign ownership or investment in TracFone Wireless, Inc., or any other type of foreign control or influence, and provide all documents that relate directly or indirectly to this statement;

2) State whether or not TracFone possesses any registration certificate from the District to conduct business as a foreign owned company, and provide all documents that relate directly or indirectly to this statement;

3) Describe the relationship of TracFone Wireless to SafeLink Wireless, including any common ownership or parent-subsiidiary relationship, and provide all documents that relate directly or indirectly to this description;

4) State whether or not TracFone has information regarding the use of TracFone pre-paid wireless service for criminal activity, and include any document in TracFone's possession that relates directly or indirectly to this issue;

5) State whether or not TracFone has taken any actions to ensure that the TracFone service isn't used for illegal activity, including any document in TracFone's possession that relates directly or indirectly to such actions; and

6) Describe how TracFone Wireless documents and tracks the purchase and distribution of phones and/or subscriber identity modules (aka 'SIM' cards), and provide all documents that relate directly or indirectly to this matter.

For the purpose of the above inquiry the term "documents" includes written, typed, printed, recorded, or graphical matter, however recorded, stored, produced or reproduced, or any tangible thing that in whole or in part illustrates or conveys information including, without limitation, letters, memoranda, notes, forms, reports, charts, spreadsheets, data compilations, calendars, diagrams, faxes, e-mails, pictures, photographs, audio tapes, video tapes, computer disks and any information maintained in any other electronic format.

The District also requests information regarding the wireless service provider (WSP) used for the Lifeline subscribers in the District. Please provide the name of the WSP, the date of the TracFone agreement with the WSP, the point-of-contact at the WSP and any supporting documentation.

Upon receipt of this information, the District of Columbia will further consider the TracFone Wireless, Inc. request for certification and determine if it meets all call testing requirements, and if such certification would not adversely impact the safety and welfare of the Citizens of the District.



Janice Quintana
Director, Office of Unified Communications
Washington, D.C.

Attachment 3

December 19, 2008

VIA OVERNIGHT AND ELECTRONIC MAIL

Ms. Janice Quintana
Director
Office of Unified Communications
Government of the District of Columbia
2720 Martin Luther King, Jr. Avenue, SE
Washington, DC 20032

RE: Request of TracFone Wireless, Inc. for Public Safety Answering
Point Certification (District of Columbia FCC PSAP ID 8160)

Dear Ms. Quintana:

This is in response to your letter dated December 17, 2008 in which you indicated that the Office of Unified Communication would not be issuing to my client, TracFone Wireless, Inc., its requested PSAP certification. Your office's denial of TracFone's request is very disturbing for several reasons.

First, your letter states for the first time that TracFone's request for PSAP certification was submitted via e-mail and that you would like for TracFone to submit an "application for Certification" in writing. You are reminded that TracFone first communicated with your office regarding PSAP certification in April 2008. Since that time, there have been numerous telephone conferences held between TracFone representatives (including undersigned counsel), employees of your office (including you) and your office's outside consultant, as well as many written communications transmitted via e-mail. In addition, as you are aware, TracFone provided to your office in April at your request wireless telephone handsets programmed to operate on the networks of each of the underlying wireless providers used by TracFone in the District of Columbia. These telephones were used by your office to test whether TracFone customers in the District would have access to 911 and E911. At no time during these eight months of ongoing discussions, meetings and testing, did anyone from your office ever indicate the existence of a requirement that the request for certification be submitted in a format other than e-mail. Moreover, TracFone has already obtained PSAP certification and has commenced offering Lifeline service in several states. In each of those states, the requests were submitted via e-mail.

Second, your letter asks that TracFone respond to a series of questions, none of which have any relevance whatsoever to the only matter about which your office has been asked to certify. In this regard, your attention is directed to paragraph 21 of the Federal Communications Commission's order issued April 11, 2008 designating TracFone as an Eligible Telecommunications Carrier (ETC) in ten states and the District of Columbia for the limited purpose of offering Lifeline service. That certification is subject to several conditions, only one of which is relevant to your office. Specifically, the FCC has conditioned TracFone's ETC designation on obtaining certification from each Public Safety Answering Point where it provides Lifeline service confirming that TracFone Lifeline customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes. Unless your testing of TracFone handsets warrants a conclusion that TracFone Lifeline customers in the District will not have access to 911 and E911 without regard to activation status or availability of prepaid minutes, you would have no basis for denying TracFone's eight month old PSAP certification request.

Third, and most importantly, TracFone is ready, willing and able to provide to qualified Lifeline-eligible households in the District **free** wireless handsets and **free** wireless airtime. This program will be funded by the federal Universal Service Fund to which many District consumers contribute through surcharges on their telecommunications service invoices. TracFone's SafeLink service already is available in several states, including the Commonwealth of Virginia. Thus, low income Virginians residing across the Potomac River from the District are able to obtain free handsets and wireless service through TracFone's SafeLink offering while your office's continuing dilatoriness is depriving tens of thousands of low income District residents the same benefit.

In reviewing the additional questions put forth in your letter, it appears that your office views itself as some type of licensing authority empowered by law to grant or deny ETC designation. As you are aware, the laws of the District of Columbia confer upon the District no jurisdiction to regulate the operations of Commercial Mobile Radio Services (CMRS), including TracFone. Since the District, through its Public Service Commission, does not have jurisdiction over CMRS, it does not have authority to designate CMRS providers as ETCs. Section 214(e)(6) of the Communications Act of 1934, as amended (47 U.S.C. § 214(e)(6)) provides that telecommunications common carriers not subject to state jurisdiction (such as CMRS providers in the District) are to seek ETC designation from the FCC. In short, your office has no authority to grant or deny TracFone designation as an ETC. Your only role in the process is to certify whether TracFone Lifeline customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes.

Notwithstanding the foregoing, I will respond as appropriate to the questions set forth in your letter.

- 1) **State whether or not there exists any foreign ownership or investment in TracFone Wireless, Inc., or any other type of foreign control or influence, and provide all documents that relate directly or indirectly to this statement.**

A majority of TracFone's stock is held by America Movil, a telecommunications corporation incorporated under the laws of Mexico. TracFone's foreign ownership is in full conformance with the Communications Act and with the policies and commitments of the United States as provided in the World Trade Organization Agreement on Basic Telecommunications Services. TracFone has been authorized by the FCC pursuant to Section 214 of the Communications Act to provide domestic interstate and foreign telecommunications services. In granting TracFone Section 214 authorization, the FCC was made fully aware of TracFone's foreign ownership.

- 2) **State whether or not TracFone possesses any registration certificate from the District to conduct business as a foreign owned company, and provide all documents that relate indirectly to this statement.**

TracFone possesses no certificate to conduct business in the District as a "foreign owned" company and is unaware of any requirement under the laws of the District which require that companies with foreign ownership obtain special certificates. If your question is directed to TracFone's status as a foreign corporation (*i.e.*, a corporation not incorporated under the laws of the District), you should be aware that TracFone owns no property in the District, employs no personnel in the District and has no operations in the District.

- 3) **Describe the relationship of TracFone Wireless to SafeLink Wireless, including any common ownership or parent-subsidary relationship, and provide all documents that relate directly or indirectly to this description.**

SafeLink Wireless is not an incorporated entity. It is a brand which TracFone has created and registered to market its Lifeline program.

- 4) **State whether or not TracFone has information regarding the use of TracFone prepaid wireless service for criminal activity, and include any document in TracFone's possession that relates directly or indirectly to this issue.**

TracFone has no information regarding use of its service for criminal activity. From time to time, TracFone, like all other telecommunications service providers, receives subpoenas and requests of law enforcement authorities for calling records and other information. TracFone complies fully with all validly-issued requests, consistent its legal obligations, including those codified at Section 222 of the Communications Act (47 U.S.C. § 222) to protect customer privacy in general and to prevent improper disclosure of Customer Proprietary Network Information in particular.

- 5) **State whether or not TracFone has taken any actions to ensure that the TracFone service isn't used for illegal activity, including any document**

in TracFone's possession that relates directly or indirectly to such actions.

It is TracFone's policy that its service be used only for lawful activities. That policy is clearly expressed in TracFone's terms and conditions of service which are published on the company's website (www.tracfone.com). It is also TracFone's policy to cooperate fully with law enforcement authorities in situations where unlawful conduct by users of TracFone service is under investigation.

- 6) **Describe how TracFone Wireless documents and tracks the purchase and distribution of phones and/or subscriber identity modules (aka 'SIM' cards), and provide all documents that relate directly or indirectly to this matter.**

TracFone wireless handsets activated on networks which use GSM technology (including AT&T Mobility and T-Mobile) have SIM cards; handsets activated on networks which use CDMA technology (including Verizon Wireless) do not have SIM cards. Prior to activation, TracFone captures the SIM card data for all such cards. SIM cards are "married" to a handset when the handset is packaged for retail sale. TracFone SIM cards work only on TracFone handsets. They can not be used with any other wireless handsets.

In addition to the aforementioned enumerated questions, your letter requests information regarding TracFone's wireless service providers used in the District. As we have indicated to you previously, in the District, TracFone uses the underlying services of AT&T Mobility, T-Mobile and Verizon Wireless. Your office has been provided by TracFone with handsets activated on each of those carriers' networks. TracFone obtains service from those underlying carriers pursuant to wholesale service agreements which have been negotiated with each of those providers on an arm's length basis. As with all such commercial agreements, the terms of those wholesale service agreements between TracFone and the underlying wireless network providers are proprietary and are subject to confidentiality provisions. Therefore, TracFone cannot provide your office with documentation regarding those agreements.

Please consider this letter to be TracFone's formal submission of a request for PSAP certification. We look forward to your expeditious issuance of the requested PSAP certification regarding 911 and E911 availability and to the prompt commencement of Lifeline service to low income District residents. If you have questions regarding the information contained herein, please communicate directly with undersigned counsel for TracFone.

Sincerely,



Mitchell F. Brecher
Counsel for TracFone Wireless, Inc.

Attachment 4

City of Bethlehem

INDUSTRY • EDUCATION • RELIGION • MUSIC • RECREATION
AN EQUAL OPPORTUNITY EMPLOYER

DEPARTMENT OF POLICE

8 December 2008

Michael McCallister, Esquire
Shutts & Brown, LLP
200 East Broward Boulevard, Suite 2100
Fort Lauderdale, FL 33301

In re: TracFone Certification of Lifeline Service

Dear Mr. McCallister:

You have submitted a request for "certification" from the City of Bethlehem regarding TracFone's ability to deliver wireless 9-1-1 calls correctly and without delay to our PSAP. Our agency's first and foremost mission is to promote efforts that ensure the public safety of the citizens and visitors. We applaud TracFone's efforts to participate in the Lifeline service which will enable lower income citizens and visitors to also realize the safety benefits of fully deployed, Phase II wireless service.

It is my understanding that on November 21, 2008, TracFone filed a petition with the Federal Communications Commission (FCC) to modify one of the conditions imposed on the Commission's designation of TracFone as an Eligible Telecommunications Carrier (ETC) for the limited purpose of offering Lifeline service to low income households. Specifically, it requests modification of the condition that it obtain certification from each Public Safety Answering Point (PSAP) wherever it offers Lifeline service that TracFone customers can access 911 and E911 without regard to activation status or availability of prepaid minutes.

TracFone proposes that if a 90 day period of time be established following notification to PSAPs by TracFone that it is planning to commence Lifeline service in the PSAP area and requesting certification. If the PSAP does not provide the requisite certification by the expiration of that period, then TracFone would be allowed to self-certify that its Lifeline customers will have access to 911 and E911 without regard to activation status or availability of prepaid minutes.



Such self-certification would be permissible only upon TracFone confirming with its underlying carriers that TracFone customers' 911 calls are treated in the same manner as the underlying carrier treats its own retail customers' 911 calls.

In light of the Tracfone's petition for modification of Public Safety Answering Point (PSAP) Certification condition with the FCC, the City of Bethlehem will not make any certification pending the FCC ruling with regard to Tracfone's petition.

Respectfully,

Robert J. Haffner
Police Captain/9-1-1 Coordinator

RJH:st

Cc: File