

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

In the Matter of	)	
	)	
Federal-State Joint Board on	)	
Universal Service	)	
	)	
Commonwealth of Pennsylvania	)	CC Docket No. 96-45
	)	
Petition for Designation as an Eligible	)	
Telecommunications Carrier in the	)	
Commonwealth of Pennsylvania	)	

*Ex parte communication pursuant to Section 1.1206 of the Rules*

REPLY OF NENA

The National Emergency Number Association (“NENA”) hereby responds to the Reply Comments of TracFone Wireless (“TracFone”), dated May 14, 2009, in the captioned proceeding. TracFone misreads NENA’s Comments to mean that “no conclusion regarding state law compliance should be made by the Commission unless and until that issue is first determined by a competent *judicial authority* within the Commonwealth of Pennsylvania.” (Reply Comments, 2) (emphasis added)

That is not what we said. We left the determination of the issue to “any competent authority.” Our comments do not indicate, and should not be read to indicate, that only a court can be a “competent authority.” A determination of non-compliance by any competent authority, including a state regulatory body with relevant jurisdiction, would then shift to TracFone the burden of demonstrating compliance.

Respectfully submitted,

NENA

By \_\_\_\_\_  
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May 19, 2009

ITS ATTORNEY

### **Certificate of Service**

The foregoing Reply of NENA was served today by regular or electronic mail upon:

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May 19, 2009

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James R. Hobson