

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

In the Matter of	)	
	)	
Federal-State Joint Board on	)	CC Docket No. 96-45
Universal Service	)	
	)	
Petition for Forbearance	)	
of Consumer Cellular , Inc.	)	

**REPLY COMMENTS OF NENA**

The National Emergency Number Association (“NENA”) responds to the Commission’s invitation to comment on the captioned petition for forbearance.<sup>1</sup> Consumer Cellular relies on previous grants of forbearance to TracFone and Virgin Mobile, and it proposes (at 9) to abide by the several conditions the FCC imposed on those carriers with respect to customer access to 9-1-1 and E9-1-1 services. One of those conditions, however, is not discussed. This is the requirement that TracFone and Virgin Mobile self-certify “full compliance with any applicable [state] 911/E911 obligations, including obligations relating to the provision, and support, of 911 and E911 service.”<sup>2</sup>

We ask that any grant of forbearance to Consumer Cellular be conditioned in the same manner. For both TracFone and Virgin Mobile, the requirement was applied to ETC applications for particular states. Although Consumer Cellular has yet to seek from the Commission ETC status in any state, we believe the condition of compliance with

---

<sup>1</sup> Public Notice, DA 09-1554, released July 21, 2009. Consumer Cellular requests forbearance from the requirement of Section 214 (e) that only facilities-based providers may partake of Universal Service Fund support.

<sup>2</sup> See, respectively, 23 FCC Rcd 6206, 6213 (2008), ¶16; and Order, FCC 09-18, ¶39.

“applicable 911/E911 obligations” can and should be imposed on the prior grant of forbearance and therefore run with any later ETC authorizations.<sup>3</sup>

Respectfully submitted,

NENA

By \_\_\_\_\_  
James R. Hobson  
Miller & Van Eaton, PLLC  
1155 Connecticut Avenue, N.W.  
Suite 1000  
Washington, D.C. 20036-4320  
(202) 785-0600

September 4, 2009

ITS ATTORNEY

### **Certificate of Service**

The foregoing Comments of NENA were served today by regular mail upon:

Jonathan D. Lee  
JD Lee Consulting. LLC  
1776 I Street, NW  
Suite 900  
Washington. DC 20006

September 4, 2009

\_\_\_\_\_  
James R. Hobson

---

<sup>3</sup> We recognize that Consumer Cellular offers some post-paid service, by which it distinguishes itself from pre-paid providers previously granted forbearance and ETC status. That distinction, however, in NENA’s view, does not obviate the need for a similar pledge of state law compliance, including financial support of 9-1-1 and E9-1-1 services. The allowance of USF access by non-facilities-based providers is a special privilege that commands the condition. *See*, Comments of NASUCA, August 20, 2009, at 4, comparing Consumer Cellular with prepaid service providers.