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Marlene H. Dortch, Secretary
Federal Communications Commission
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Washington, D.C. 20554

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***Re: Comments of Part of the Solution, Inc. in the Matter of
Lifeline and Link-Up; WC Docket No. 03-109***

Dear Secretary Dortch:

On behalf of Part of the Solution, Inc. (“POTS”), a 501(c)(3) non-profit organization based in the Bronx, New York, we submit these Comments in response to the Commission’s request for comment¹ in connection with the letter dated July 17, 2009 from TracFone Wireless, Inc. (“TracFone”)² seeking clarification of the scope of the “one-per-household” rule for universal service low-income support under the Lifeline Program.

POTS began as a soup kitchen in 1982, but has since expanded its operations to include a variety of services to address the growing needs of homeless and low-income people in the community. Currently, this multi-service agency operates a community dining room, food pantry, public showers, a clothing program, a haircut service, next-step services such as legal and case-management assistance, and a mail service (“POTS Mail Service”). In 2007, POTS provided some 7,500 people with services ranging from hot showers to eviction prevention and served a total of 280,000 meals through its dining room and food pantry.

POTS Mail Service allows people who do not have access to regular or secure mail service to receive important correspondence, including employment information, government benefits, and personal correspondence. Such persons’ lack of access to regular or secure mail service can be due to any number of reasons: their mailboxes at their residential address may be

¹ Public Notice, DA 09-2257 (October 21, 2009).

² Letter from Mitchell F. Brecher, Counsel for TracFone, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 03-109 (filed July 17, 2009) (“TracFone Request”).

broken or otherwise compromised, their mail may have been stolen from their residential address in the past, or they may be homeless individuals whose shelter does not provide a mail address.

It has come to our attention that POTS Mail Service participants have been unable to use their POTS Mail Service addresses to enroll in the cellular telephone service provided by TracFone *via* its SafeLink Wireless program. As described in the TracFone Request, due to TracFone's compliance with the "one-per-household" rule, only one person may subscribe to service per each mailing address. Consequently, many needy individuals who are otherwise eligible for free or reduced cellular phone service under the Federal government's Lifeline program are being denied service. Like residents of group homes, nursing homes, trailer-home communities, half-way houses, and homeless shelters, users of POTS Mail Service (and similar 501(c)(3) non-profit organization mail services) otherwise eligible for the Lifeline program represent another group that is being excluded from participation in the Lifeline program in connection with the "one-per-household" rule.

POTS strongly supports TracFone's request for a clarification and strongly encourages that the Commission clarify that the "one-per-household" rule is not intended to limit the availability of Lifeline-supported service to an otherwise-qualified, low-income user of a mail service provided by a 501(c)(3) non-profit organization such as POTS Mail Service. We agree that certification by applicants on their enrollment forms, under penalty of perjury, that the address listed is a 501(c)(3) non-profit organization where they receive their mail could be a component of a solution to the exclusion issue presented by application of the "one-per-household" rule in group living facilities. We are happy to discuss any of these matters and potential solutions with you at your convenience.

Very truly yours,



CHRISTIAN C. NUGENT
of O'MELVENY & MYERS LLP

CC: Jack Marth
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