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

| | | |
|---|---|---|
| In the Matter of | ) | |
| | ) | |
| Lifeline and Link Up Reform and Modernization | ) | WC Docket No. 11-42 |
| | ) | |
| Lifeline and Link Up | ) | WC Docket No. 03-109 |
| | ) | |
| Federal-State Joint Board on Universal Service | ) | CC Docket No. 96-45 |

**COMMENTS OF TRACFONE WIRELESS, INC.**

On February 22, 2012, TracFone Wireless, Inc. ("TracFone") filed with the Commission an Emergency Petition for Declaratory Ruling and for Interim Relief. That petition was occasioned by the Puerto Rico Telecommunications Regulatory Board's ("Board") recent directives to TracFone and to other Eligible Telecommunications Carriers ("ETCs") to de-enroll from their federal Lifeline programs all Puerto Rico Lifeline customers identified by the Board as "duplicates," *i.e.*, persons enrolled in multiple Lifeline programs. Unless preempted by the Commission, the effect of the Board's directives will be to punish such "duplicates" by denying them any Lifeline-supported service and to prohibit them from re-applying for Lifeline service for at least four months. By public notice issued February 27, 2012, the Commission has sought comment on TracFone's Emergency Petition.[1]

In these comments, TracFone brings to the Commission's attention several factors which were not addressed in the Emergency Petition, as well as information regarding developments which have occurred subsequent to the Emergency Petition's filing.

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[1] Public Notice - Comment Sought on TracFone Wireless, Inc. Emergency Petition for Declaratory Ruling and Interim Relief, DA 12-295, released February 27, 2012.

## I. "Duplicate" Lifeline Consumers Will Immediately Lose Lifeline Benefits

Unlike certain other ETCs which provide Lifeline service to Puerto Rico consumers, TracFone's SafeLink Wireless® service consists of quantities of minutes of wireless airtime provided at no charge to enrolled Lifeline customers. Because this non-billed Lifeline program differs from other ETCs' discounted billed service Lifeline programs, TracFone hereby advises the Commission what will happen when Lifeline customers are de-enrolled per the Board's directives (and with respect to those thousands of TracFone Lifeline consumers who were de-enrolled on March 1, 2012 per the Board's directive, what already has happened).

Once a SafeLink Wireless® Lifeline customer is de-enrolled, the consumer no longer receives monthly allotments of minutes of airtime and TracFone no longer receives federal Universal Service Fund support for that de-enrolled customer from the Universal Service Administrative Company ("USAC"). For those SafeLink Wireless® plans whose unused minutes carry over to succeeding months, any unused minutes previously sent by TracFone to the consumer's phone remain available for use until the consumer's service end date is reached. For example, if a TracFone Lifeline customer received 125 minutes of airtime on February 1, 2012 and on March 1, 2012 received a de-enrollment notice and had 50 of those minutes remaining in his/her phone, the consumer could continue to use those remaining minutes until that supply of 50 minutes was depleted or until expiration of the service end date. For those consumers enrolled in TracFone's 250 minutes per month plan where unused minutes are not carried over, once the consumer is de-enrolled as required by the Board, it would no longer have minutes to use. In either situation, the consumer would retain ownership of the phone provided by TracFone and could purchase additional minutes of airtime, either from a retail vendor of TracFone service (*e.g.*, Wal-Mart, Target) or through TracFone's website (www.tracfone.com). Since the consumer would no longer be an enrolled Lifeline customer, he/she would purchase

airtime at standard TracFone rates, not the reduced $0.10 per minute rate available to Lifeline customers.

## II. The Board's De-enrollment Directives Violate Effective Commission Rules Promulgated in the June 21 Order

In the Emergency Petition, TracFone described how the Board's debarment of so-called "duplicates" from any Lifeline benefits for four months or for any other period[2] would violate the statutory command of Section 254(b)(3) of the Communications Act that all consumers, "including low-income consumers," have access to affordable telecommunications services, as well as specific provisions contained in the Commission's Lifeline Reform Order.[3] TracFone recognizes that the rules promulgated in the Lifeline Reform Order have not yet become effective. However, the matter of mandatory de-enrollment from federal Lifeline programs and deprivation of Lifeline benefits was addressed by the Commission in a prior order -- an order and the rules promulgated therein which have long been effective.

In June 2011, the Commission released a report and order in which it promulgated rules which expressly limit qualified consumers to one -- and only one -- Lifeline-supported service, and which require that persons enrolled in multiple Lifeline-supported services be de-enrolled

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[2] As described in the Emergency Petition, the Board's January 30 and February 7 letters to ETCs and accompanying customer de-enrollment notices which the Board required ETCs to send to "duplicates" stated that such consumers would be prohibited from receiving Lifeline benefits for one year. However, during a meeting at the Board on February 17, the Board stated orally that the one year debarment period would be reduced to four months, at least with respect to the March 1 de-enrollments. Today (March 9), the Board issued a Resolution and Order memorializing its actions taken on February 17. Although that just-issued Resolution and Order is still being reviewed, it appears that the Board has established a four month Lifeline debarment period at last for those duplicates addressed in Mr. Oquendo's January 30 letter.

[3] Lifeline and Link Up Reform and Modernization (*Report and Order and Further Notice of Proposed Rulemaking*), FCC 12-11, released February 6, 2012 ("Lifeline Reform Order").

from all except one Lifeline service.[4] In the June 21 Order, the Commission amended Section 54.405(a) of its rules to specify that all ETCs shall make available one Lifeline service per qualifying low-income consumer that is not currently receiving Lifeline service from any other ETC. In addition, it added subsection (e) to Section 54.405 which requires that an ETC, upon notification from the Administrator (the Universal Service Administrative Company or "USAC") that a Lifeline subscriber is also receiving Lifeline service from another ETC, shall de-enroll the subscriber "from participation in that ETC's Lifeline program within 5 business days." Importantly, Section 54.405(e) is applicable to ETCs "in any state."

In the June 21 Order, the Commission explained that it was its intent that in adopting those de-enrollment rules, that "a subscriber will maintain a single Lifeline service because, following the 30-day notification period, he or she will only be de-enrolled from the Lifeline program by one of the ETCs from which the subscriber was receiving duplicative Lifeline benefits."[5] In requiring that consumers enrolled in duplicate Lifeline programs be de-enrolled from one program but continue to receive Lifeline support from one ETC (rather than an outright deprivation of all Lifeline support as mandated by the Board), the Commission contrasted the duplicate enrollment situation with that of enrollment by persons not qualified for Lifeline. In this regard, the Commission stated as follows: ". . . unlike the process of de-enrollment for reasons of ineligibility that is currently in place under section 54.405(c), the rule we adopt today [governing duplicate enrollment situations] is not **an ultimate termination of all Lifeline support**."[6]

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[4] Lifeline and Link Up Reform and Modernization, *et al* (*Report and Order*), 26 FCC Rcd 9022 (2011) ("June 21 Order").

[5] *Id.*, at ¶ 16.

[6] *Id.* (emphasis added).

In stark contrast to the Commission rule promulgated in June, the Board's January 30 and February 7 de-enrollment directives each are "an ultimate termination of all Lifeline support." Further review of the June 21 Order confirms that the Board has exceeded its jurisdictional authority by imposing requirements directly contrary to the rules promulgated by the Commission which impact a federal program.[7] A state requirement which is so facially inconsistent with an applicable federal requirement is not sustainable under the Supremacy Clause of the U.S. Constitution. Louisiana Public Service Commission v. FCC, 476 U.S. 355 (1986). As the Commission stated in the June 21 Order:

> In situations where a consumer is found to be in receipt of two or more federal subsidies, we believe that a uniform rule applicable to federal Lifeline support will better provide clarity to both ETCs and consumers and will be consistent with prior rules and orders.[8]

Lest there be any question regarding the applicability of the Commission's duplicates de-enrollment rules promulgated in the June 21 Order, the Commission's attention is directed to footnote 62 of that order which states as follows: "Moreover, these new rules would apply to all ETCs **in all states**, regardless of that state's status as a federal default state or a non-default state." (emphasis added). In short, the Commission's rules requiring limitation of Lifeline benefits to one -- and only one -- supported service per qualified consumer and mandatory de-enrollment from other programs such that the consumer receives only one Lifeline-supported

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[7] In this regard, the Commission's attention is directed to ¶ 61 of its recently-issued Lifeline Reform Order. There, the Commission stated that state commissions may impose additional certification requirements "so long as those additional reporting requirements do not create burdens that thwart achievement of the objectives of our universal service policies and regulations, including those set forth in this Report and Order, or otherwise conflict with federal law." It is difficult to imagine a state requirement more in conflict with federal law as articulated in the June 21 Order and the Lifeline Reform Order than the Board's mandatory de-enrollment of duplicates from all Lifeline programs.

[8] June 21 Order, at ¶ 17.

service is expressly applicable to all states, including Puerto Rico.[9] Furthermore, the need for consistency in Lifeline de-enrollment procedures from state-to-state was deemed to be so great that contrary state procedures, such as those mandated by the Board, were expressly preempted.[10]

### III. Recent Events Further Demonstrate the Board's Bad Faith And Low Regard for Ensuring that Low-Income Puerto Rico Consumers Have Access to Affordable Telecommunications Services

Finally, TracFone uses this occasion to make the Commission aware of additional recent conduct by the Board which bring into further question the Board's intent and motivation in mandating de-enrollment of "duplicates" from all Lifeline-supported service. As described in the Emergency Petition, on February 17, 2012, the Board convened a meeting of ETCs to discuss the de-enrollment letters and other matters. Among the other matters discussed was the Board's insistence that ETCs provide certain customer enrollment information in specified formats. Given the complexity of these data submission requirements, the Board indicated that its Lifeline consultant and other staff members would meet with individual ETCs to discuss these requirements. TracFone's meeting had been scheduled for February 27. Several TracFone personnel involved in the operation of the Lifeline program had made plans to attend the meeting at the Board's offices.

In the afternoon of February 24 (the business day immediately prior to the scheduled meeting), TracFone's local counsel received a telephone call from Mr. Vincente Rios of Blue Wave Consulting, Inc., the Board's consultant. The purpose for the call was to inform TracFone through counsel that the meeting was being canceled by the Board. The stated reason for this

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[9] As noted by TracFone in the Emergency Petition, pursuant to Section 3(40) of the Communications Act, Puerto Rico is a "State" for purposes of the Act. See Emergency Petition at n. 1.

[10] June 21 Order at ¶ 17 ("To the extent that existing state de-enrollment procedures applicable to the federal Lifeline program are in conflict with or serve as an obstacle to implementation of the de-enrollment procedures we adopt herein, **they would be preempted**.") (emphasis added).

eleventh hour meeting cancellation was that TracFone was deemed not to be in compliance with what the Board directed on February 17, specifically, TracFone's election to file its Emergency Petition with the Commission.[11] By letter to the Board's consultant dated February 27, 2012, TracFone, through counsel, requested written confirmation of the meeting cancellation notice along with a written explanation of the reason for the cancellation. To date, no such written confirmation or explanation has been received. Attached to these comments as Attachments 1 and 2 respectively are a copy of TracFone's letter to the Board's consultant and an English translation of that letter.

Finally, on February 14, 2012, the Board's Director of Finance, Mr. Oquendo, sent yet another letter and accompanying compact disk to TracFone, and presumably sent similar letters to other ETCs. That February 14 letter asserted that TracFone had provided the Board with "incomplete information" for Lifeline customers identified on that compact disk, and directed TracFone to submit complete information within thirty days or it would lose any right to reimbursement for providing Lifeline service to those customers. A copy of that February 14 letter and the attachment thereto are included with these comments as Attachment 3. According to the compact disk, TracFone had submitted "incomplete information" for 41,766 Lifeline customers. For the vast majority of those customers, the "incomplete information" was the customers' second last name.[12] Other examples of "incomplete information" included full 9 digit Social Security Numbers, despite the fact that TracFone obtains for all Lifeline customers the

[11] Notwithstanding its objection to the directive that it notify duplicate customers that they were being de-enrolled, TracFone did send the de-enrollment notification letters on February 21 as directed by the Board.

[12] In Hispanic cultures, it is common for persons to have two last names, derived from both their parents' families, even though the persons regularly use only of the two last names.

last four digits of their Social Security numbers.[13] The customer information provided by TracFone is fully consistent with what it represented to the Board it would obtain during its 2010 ETC designation proceeding and which the Board approved. It is also consistent with the customer information obtained by TracFone in each of the other thirty-seven states where it is a designated ETC. Now, nearly two years after the Board designated TracFone as an ETC and expressly approved its enrollment application which set forth the information which applicants would be required to provide, TracFone is being told for the first time that the information obtained by it is insufficient and it is being threatened with loss of reimbursement for serving Lifeline customers unless it can produce consumers' second last names and full nine digit Social Security numbers.

The Board's recent insistence that ETCs produce two last names for each Lifeline customer is especially inappropriate and discriminatory. While Puerto Rico's population is almost entirely Hispanic, it is not the only state with a significant Hispanic population. Yet no other state ever has demanded that ETCs obtain second last name data for their Hispanic Lifeline applicants. Moreover, the Board has never asserted or provided any basis for a conclusion that second last name data has any efficacy either to prevent enrollment by non-qualified persons or to prevent duplicate enrollment. Indeed, the requirements that ETCs obtain customer date of birth, address and Social Security Number data are more than sufficient to detect and prevent enrollment by non-qualified applicants and duplicate enrollment. Requiring ETCs to produce second last names for their Hispanic Lifeline applicants and requiring de-enrollment of customers for whom ETCs do not have second last names will accomplish nothing except to

[13] Notwithstanding the fact that obtainment of last 4 digits of Social Security numbers is required in the Commission's recently-promulgated Lifeline rules (see Section 54.410(d)(2)(vi)) and is sufficient in every other state, TracFone was able to procure from external sources at significant expense full 9-digit Social Security numbers for more than ninety percent of its Puerto Rico Lifeline customers.

deprive thousands of qualified low-income Hispanic residents of Puerto Rico of Lifeline support to which they are entitled.

## Conclusion

For the reasons described in these comments as well as those set forth in its Emergency Petition, the Board's directive that all persons identified by the Board as "duplicates" be de-enrolled and deprived of any Lifeline benefits violates Section 254(b) of the Communications Act, already-promulgated and effective Commission rules, including 47 C.F.R. § 54.405(e), as well as other rules and policies established by the Commission in its recently-issued Lifeline Reform Order. Moreover, by depriving qualified low-income consumers of federal benefits to which they are entitled, the Board's actions are inconsistent with applicable federal law and policy and should be preempted. More than 100,000 low-income Puerto Rico consumers lost all Lifeline support on March 1 as a direct and proximate consequence of the Board's unlawful de-enrollment directives. Additional low-income Puerto Rico consumers will lose Lifeline benefits as a result of the Board's February 7 and February 14 letters. Those consumers are entitled to that support, they need that support in order to be able to access the public telecommunications network, and it should be restored at the earliest possible time.

Respectfully submitted,

**TRACFONE WIRELESS, INC.**

Mitchell F. Brecher
GREENBERG TRAURIG, LLP
2101 L Street, NW
Suite 1000
Washington, DC 20037
(202) 331-3100
*Its Attorneys*

March 9, 2012

# Attachment 1

# QUIÑONES & ARBONA

ATTORNEYS AT LAW

*A LA MANO*

28 de febrero de 2012

2012 FEB 28 PM 2:01
JUNTA REGLAMENTADORA DE TELECOMUNICACIONES DE PUERTO RICO OFIC. SECRETARIA

Sr. Vicente Ríos
Consultor – Blue Wave Consulting, Inc.
Junta Reglamentadora de
Telecomunicaciones de Puerto Rico
500 Ave Roberto H Todd (Pda 18 - Santurce)
San Juan, PR 00907-3941

Estimado Señor Ríos:

Reciba un cordial saludo. La presente carta es en relación a su comunicación telefónica del viernes 24 de febrero de 2012 notificando la cancelación de la reunión técnica pautada para el lunes 27 de febrero de 2012.[1] En dicha comunicación, se mencionó que la razón para la cancelación de la reunión era la aparente falta de cumplimiento, por parte de TracFone Wireless (en adelante, "TracFone"), con los términos acordados con la Junta Reglamentadora de Telecomunicaciones (en adelante, la "Junta") en la reunión del pasado viernes, 17 de febrero de 2012. TracFone respetuosamente está en desacuerdo con la conclusión expresada por la Junta pues, a tenor con los reglamentos, TracFone ha enviado las cartas de notificación de cancelación de beneficios a sus clientes y ha radicado, oportunamente, los informes requeridos por la reglamentación aplicable.

De hecho y en respuesta a la invitación de la Junta, TracFone llevó a cabo las gestiones necesarias para que aquellas personas a cargo de preparar los informes mensuales estuviesen presentes en la mencionada reunión. Asimismo, TracFone, en su afán por cumplir fielmente con los requisitos de la Sección 14.10 de las Enmiendas Provisionales al Reglamento sobre Servicio Universal (Reglamento 8093), solicitó que la reunión se llevara a cabo en la fecha más pronta, de forma que tenga la mayor cantidad de tiempo posible para hacer los ajustes y arreglos necesarios para cumplir con la mencionada sección. Desafortunadamente, la decisión de la Junta de cancelar dicha reunión dificulta la comunicación necesaria para atender el asunto medular: la alegada incapacidad de TracFone de cumplir con los requisitos sobre radicación de informes.

[1] La fecha de la reunión fue confirmada por la Sra. Cristina Sotomayor el día 22 de febrero de 2012.

DORAL BANK PLAZA – SUITE 701-A, # 33 CALLE RESOLUCIÓN, SAN JUAN, PUERTO RICO 00920
PO BOX 19417, SAN JUAN, PUERTO RICO 00910
TEL. (787) 620-6776 · FAX (787) 620-6777
WWW.QALAWPR.COM

Por otro lado, TracFone desea expresar su profunda decepción ante dicha cancelación y ante la negativa, por parte de la Junta, de llevar a cabo la correspondiente reunión con miras de colaborar para asegurar fiel cumplimiento con sus propios requisitos. El propósito de la reunión era exclusivamente que los técnicos de TracFone fueran instruidos por la Junta en cuanto al formato de los informes de suscriptores y así lograr evitar los posibles errores y las discrepancias que han motivado las recientes controversias. No obstante, la decisión de cancelar la reunión tiene el efecto de privar a TracFone del beneficio del intercambio y el dialogo abierto existente entre la Junta y las demás compañías de telecomunicaciones elegibles ("CTEs"). TracFone sería la única CTE que se vería obligada a continuar radicando los informes sin el beneficio de haber sido instruida directa y personalmente por la Junta.

TracFone, como ha expresado en múltiples ocasiones anteriores, es, y desea continuar siendo, un partícipe activo en el desarrollo generales de las políticas relacionadas al mercado de telecomunicaciones en Puerto Rico y, en particular, al desarrollo e implementación de las políticas que gobiernan el programa de Lifeline federal. En ocasiones anteriores, TracFone ha respondido de forma diligente y rápida a los señalamientos de error hechos por la Junta, mostrando así su actitud de disposición y buena fe en cumplir fielmente con los requisitos de formato e información. TracFone desea lograr reunirse con el personal técnico de la Junta de forma que sea posible cumplir con las metas establecidas por ésta y convertirse en un colaborador y aliado activo de la Junta, en vez de un obstáculo.

TracFone reitera su compromiso en ser partícipe de los esfuerzos de la Junta y de estar a la disponibilidad de ésta para cumplir con las metas relacionadas al desarrollo del servicio universal en Puerto Rico. En atención a esto, TracFone desea solicitarle que reconsidere su decisión de no reunirse con nuestro personal y establezca una nueva fecha, de tal forma que TracFone goce de los mismos beneficios y oportunidades que las demás CTEs y se fomente un ambiente de diálogo constructivo. Por el contrario, no hacerlo tendría el efecto de otorgar un trato discriminatorio, no solo en contra de TracFone, sino en contra de los miles de consumidores de escasos recursos que se benefician de los servicios provistos por TracFone en Puerto Rico.

Finalmente, a través de la presente carta, TracFone respetuosamente solicita que nos provea confirmación escrita en cuanto a la decisión de cancelar la reunión pautada para el 27 de febrero, junto con las razones para dicha cancelación. De no recibir respuesta de su parte, se dará por entendido que la razón para la cancelación de la reunión es aquella que expresó usted en su comunicación telefónica del 24 de febrero.

De desear comunicarse con nosotros, por favor, no dude en hacerlo.

Sin nada más por el momento, quedo,

Sinceramente,

_____
TracFone Wireless
*Representado por:*
Lcdo. Edwin Quiñones
QUIÑONES & ARBONA, PSC
P.O. Box. 19437
San Juan, Puerto Rico 00910

cc. Sandra Torres López, Presidenta
Gloria I. Escudero Morales, Miembro Asociado
Nixyvette Santini Hernandez, Miembro Asociado
Lcda. Alexandra Fernández

# Attachment 2

# QUIÑONES & ARBONA

ATTORNEYS AT LAW

***HAND DELIVERED***

February 27, 2012

Mr. Vicente Ríos
Consultant – Blue Wave Consulting, Inc.
Telecommunications Regulatory Board
500 Ave Roberto H Todd (Pda 18 - Santurce)
San Juan, PR 00907-3941

Dear Mr. Ríos:

Please receive a warm greeting. The present letter relates to your Friday, February 24, 2012 telephone call notifying the cancellation of the meeting arranged for today, Monday, February 27, 2012.[1] In said conversation, you informed us that the reason for the cancellation of the meeting was TracFone Wireless' (hereinafter, "TracFone") supposed lack of compliance with the terms established by the Telecommunication Regulatory Board (hereinafter, "Board") on the meeting held Friday, February 17, 2012. TracFone respectfully disagrees with the Board's conclusions since TracFone has sent its clients the Beneficiary Cancellation Notices and has promptly filed all reports required by the applicable regulations.

In response to the Board's invitation, TracFone arranged for those who are in charge of preparing the monthly reports to be present in said meeting. Moreover, TracFone, in its effort to truly comply with the requirements set forth in Section 14.10 of the Provisional Amendments to the Universal Service Regulation (Regulation 8093), requested for the meeting to be held as soon as possible in order to provide TracFone the most time possible to make the necessary adjustments and arrangements in order to comply with said section. Unfortunately, the Board's decision to cancel said meeting limits the communication necessary in order to address the most important issue: TracFone ability to comply with the filing and information identification requirements.

On the other hand, TracFone would like to express its deepest disappointment with regards to said cancellation and the Board's refusal to carry-out the meeting with hopes of collaborating in order to ensure faithful compliance with its own requirements. The purpose of the meeting was for the Board to train TracFone's technicians with regards to the format required for filing the subscribers report and thus avoid the errors and discrepancies which have set off the recent controversies. Nevertheless, the decision of cancelling the meeting has the effect of depriving TracFone from the benefit of the open and constructive dialogue which exists between the Board and other eligible telecommunication carriers

[1] The date for the meeting was confirmed by Mrs. Cristina Sotomayor on February 22, 2012.

(hereinafter, "ETCs"). TracFone would be the only ETC that would be forced to continue filing the reports without the benefit of being directly and personally instructed by the Board's staff.

As it has been previously expressed in several occasions, TracFone is, and would like to continue to be, an active participant in the development of policies related to the telecommunication industry in Puerto Rico in general, and in the development and implementation of policies governing the federal Lifeline program in particular. In previous occasions, TracFone has responded diligently and promptly to the any errors notified by the Board, thus showing its willingness and good faith in faithfully complying with the format and content requirements. TracFone wishes to be able to meet with the Board's technical staff in order to be able to comply with the goals set by the Board and to become a collaborator and allied rather than an obstacle.

TracFone reiterates its commitment with the Board's efforts and its disposition to help meet the Board's goals in relation to the development of the Universal Service Fund in Puerto Rico. With regards to this, TracFone respectfully requests the Board to reconsider its decision of not meeting with our personnel and to establish a new date, in order for TracFone to enjoy the same benefits and opportunities as other ETCs and to promote an environment of constructive dialogue. Not doing so would result in a discriminatory treatment, not only against TracFone, but against the thousand of Puerto Rican low-income consumers benefiting from TracFone's services.

By this letter, TracFone respectfully requests that you provide written confirmation of the Board's unilateral decision to cancel its meeting with TracFone scheduled for February 27, and that such written confirmation contain a statement of the Board's reasons for such cancellation. We will construe failure to provide such written confirmation as requested herein as the Board's acknowledgement that the reasons communicated by you telephonically constitute a complete and accurate statement of the Board's reasons for said cancellation.

If you wish to contact us, please don't hesitate in doing so.

With nothing more for the moment,

Sincerely,

_____

TracFone Wireless
*Represented by:*
Edwin Quiñones, Esq.
QUIÑONES & ARBONA, PSC
PO BOX 19417
SAN JUAN, PR 00910

cc. Sandra Torres López, Presidenta
Gloria I. Escudero Morales, Miembro Asociado
Nixyvette Santini Hernández, Miembro Asociado
Lcda. Alexandra Fernández

# Attachment 3

# Estado Libre Asociado de Puerto Rico
# Junta Reglamentadora de Telecomunicaciones de Puerto Rico

**Oficina del Director de Finanzas**

Rcd C/M 2/22/12

February 14, 2012

Ms. Janet Morejon
Director, Safelink
Compliance & Accounting
TracFone
9700 NW 112th St.
Miami, PR 33178

Dear Ms. Morejon:

As established in the *Provisional Amendment of the Universal Service Regulation* (Regulation #8093), along with this letter is a compac disc (CD) containing the beneficiaries information of the Lifeline subsidy, furnished by your company and identified by incomplete information for the December 2011 data.

The referred to Regulation indicates that any information that is incomplete, incorrect or does not comply with the format requirements, will be returned by the Telecommunications Regulatory Board of Puerto Rico so that the same be obtained by the ETCs and returned to the Board, in a period not to exceed thirty (30) days of this notification. If it is not provided within this term, the ETC will prospectively lose the right to the corresponding reimbursement.

Each ETC will use the attached instructions to determine which fields of the information do not meet with the requirements, and how each should be handled.

We expect full compliance with these instructions.

Cordially,

Ángel M. Oquendo Figueroa
Director

41,766

500 Ave. Roberto H. Todd (Pda. 18 Santurce), San Juan, PR 00907-3981
Tel: (787) 756-0804 o al 1(866) 578-5500. Facsímil: (787) 722-8611/ (787) 765-4968

## Instructivo para determinar que campos de información no cumplen con los requisitos, y como los mismos deben de ser subsanados.

Además de los datos originales, cada record contiene cuatro campos adicionales que identifican de manera única el mismo. Estos campos son: ETC, RECID, y INSTANCE. También incluye un campo que identifica la razón de la falla, BF.

| Nombre Campo | Descripción | Tipo de Campo |
|---|---|---|
| ETC | Número de "Entidad Telecomunicaciones" | CHAR(4) |
| RECID | Identificador del Record | INT |
| INSTANCE | Fecha de procesamiento | CHAR (23) |
| BF | Código de razón de la falla* | CHAR (2) |

*** Leyenda BF (para identificar la razón de la falla):**

| Error | Descripción | |
|---|---|---|
| A1 | Primer Apellido vacío | |
| A2 | Segundo Apellido vacío | 38,279 |
| DD | Direccion 1 y Direccion 2, ambos vacíos | |
| F | Fecha | |
| P | PO Box | 661 |
| S | Seguro Social | 2,206 |
| Z | Zipcode vacío, alfanumérico o incompleto | 620 |
| ZO | Zipcode sin (00) a la izquierda | |

El archivo con las correcciones, a ser devuelto por la CTE, debe tener el mismo formato general del archivo mensual, excepto por lo siguiente:

1. El nombre del archivo debe ser ETC#YYYYMMDDFC.TXT (Ej. 002020111101FC.TXT)

2. Cuando la CTE regrese el record con las correcciones, debe incluir los campos de identificación ETC, RECID y INSTANCE en el mismo orden en que aparecen en el archivo de fallas. El campo BF será omitido, ya que deben regresar todas las correcciones que aplican a un mismo record en un solo record. Por ejemplo, si se identifica un record con información incompleta en el campo de Fecha y de Seguro Social, la CTE recibirá el mismo record en dos archivos distintos. Cuando la CTE corrija ambas fallas, deberá devolver un solo record, con ambas correcciones incluidas en el mismo.

Dichas correcciones deben ser enviadas independientemente de que el individuo ya no esté en el CD mensual que le sobrepone, ya que de lo contrario, se considerarán individuos sin derecho al beneficio desde el periodo en que se recibieron en última instancia.

## CERTIFICATE OF SERVICE

I, Raymond Lee, a Legal Secretary with the law firm of Greenberg Traurig, LLP, hereby certify that on March 9, 2012, a true and correct copy of the foregoing Comments of TracFone Wireless, Inc. was sent via electronic mail and overnight delivery to the following unless stated otherwise:

Sandra E. Torres-Lopez
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