

**Before the  
MISSOURI PUBLIC SERVICE COMMISSION**

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In the Matter of	)	
	)	
Petition of TracFone Wireless, Inc.	)	File No. TA-2009-0327
for Designation as an Eligible Telecommunications	)	
Carrier in the State of Missouri for the Limited	)	
Purpose of Offering Lifeline Service to Qualified	)	
Households	)	

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**RESPONSE TO ORDER DIRECTING FILING**

TracFone Wireless, Inc. (“TracFone”), by its counsel, files this Response in compliance with the Order Directing Filing, issued by the Commission on July 14, 2009. In the Order, the Commission states that the Federal Communications Commission (“FCC”) issued a Public Notice on June 5, 2009 seeking comments on TracFone’s request for modification of a condition adopted in a FCC order granting TracFone forbearance from the facilities requirement for eligible telecommunications carriers. The Commission further notes that TracFone has filed a petition for waiver concerning certification of TracFone’s Lifeline customers and directs TracFone to file a statement as to whether the request at the FCC has any bearing on the request before the Commission. By this statement, TracFone explains that its petition before the FCC is not related to the petition for waiver before the Commission, and that it is in no way taking inconsistent positions before the FCC and this Commission.

TracFone’s petition filed with the FCC on April 27, 2009 (“the FCC Petition”), requests modification of the condition imposed by the FCC that TracFone require its customers to self-certify at time of service activation and annually thereafter that they are the head of household

and receive Lifeline-supported service only from TracFone.<sup>1</sup> In the FCC Petition TracFone only requests modification of that portion of the condition which requires verification by every customer on an annual basis. It does *not* seek modification of the condition that it require every customer to self-certify at the time of service activation that they are head of household and receive Lifeline-supported service only from TracFone. TracFone requests that the annual verification condition imposed on it in the TracFone Forbearance Order be modified to allow TracFone to verify annually that its Lifeline customers are heads of household and receive Lifeline-supported service only from TracFone through use of a statistically-valid sample of those customers. This minor modification would make the annual verification condition imposed on TracFone as a condition of forbearance consistent with the annual verification of continued Lifeline eligibility requirement to which all ETCs offering Lifeline service are subject under 47 C.F.R. § 54.410(c)(2).

In contrast, TracFone's Response to Staff Recommendation and Petition for Waiver ("TracFone's Commission Petition"), filed with this Commission on June 12, 2009, relates to customers' initial certification of eligibility to receive Lifeline benefits. TracFone's Commission Petition addresses TracFone's concerns with Staff's recommendation that designation of TracFone as an ETC should be conditioned on TracFone complying with several conditions, including that TracFone shall require customers to provide documentation of participation in applicable programs; develop a process for recording the type of documentation received; and develop a process for returning or destroying the documentation once recorded. TracFone

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<sup>1</sup> This condition was first imposed in the 2005 order conditionally granting TracFone's petition for forbearance. Federal-State Joint Board on Universal Service, Petition of TracFone Wireless, Inc. for Forbearance from 47 USC § 214(e)(1)(A) and 47 CFR § 54.201(i), 20 FCC Rcd 15095 at ¶ 18 ("TracFone Forbearance Order").

requests in the Commission Petition that the Commission's grant of its petition for designation as an ETC be subject to the federal rule allowing for self-certification under penalty of perjury of customers' eligibility to receive Lifeline service based on participation in a qualified program. TracFone's Commission Petition does not relate to the annual customer verification requirements that are the subject of TracFone's FCC petition. If the FCC grants TracFone's FCC Petition, it will not impact the way in which TracFone's customers initially certify that they are qualified to receive Lifeline benefits.

Respectfully submitted,

/s/ Mark P. Johnson

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*Counsel for TracFone Wireless, Inc.*

July 15, 2009

**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the above and foregoing was served via e-mail on this 15th day of July, 2009, on counsel of record.

/s/ Mark P. Johnson  
Mark P. Johnson