



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

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DA 14-1624

Released: November 7, 2014

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON TRACFONE WIRELESS, INC. EMERGENCY PETITION FOR DECLARATORY RULING

WC Docket No. 11-42

Comment Date: December 8, 2014

Reply Comment Date: December 23, 2014

By this Public Notice, the Wireline Competition Bureau seeks comment on a petition for declaratory filed by TracFone Wireless, Inc. (TracFone).¹ In its petition, TracFone requests that the Commission issue a declaratory ruling on an emergency basis confirming that state laws and regulations that impose 911 taxes and fees on low-income Lifeline customers who receive no-charge (*i.e.*, non-billed) wireless Lifeline service funded exclusively by the federal Universal Service Fund violate federal law.² TracFone asks the Commission to issue a declaratory ruling preempting enforcement of such laws and regulations pursuant to the Supremacy Clause of the U.S. Constitution and Section 253 of the Communications Act of 1934, as amended.³

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments and reply comments on or before the dates indicated above. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS), or by filing paper copies.⁴

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
 - All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries

¹ TracFone Wireless, Inc. Emergency Petition for Declaratory Ruling, WC Docket No. 11-42 (filed Oct. 23, 2014) (TracFone Petition), <http://apps.fcc.gov/ecfs/document/view?id=60000975434>.

² See generally TracFone Petition.

³ See *id.*; see also 47 U.S.C. §§ 151, 253; U.S. Const., Art. VI, cl. 2.

⁴ See 47 C.F.R. §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov, or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

In addition, one copy of each pleading must be sent to:

Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A452, Washington, D.C. 20554; e-mail: Charles.Tyler@fcc.gov.

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

For further information, please contact Christopher Cook, Telecommunications Access Policy Division, Wireline Competition Bureau at christopher.cook@fcc.gov, (202) 418-0756 or TTY (202) 418-0484.

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⁵ 47 C.F.R. §§ 1.1200 *et seq.*