

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Investigation by the Department on its Own)
Motion into the Implementation in)
Massachusetts of the Federal) D.T.C. 13-4
Communications Commission’s Order)
Reforming the Lifeline Program)

COMMENTS OF TRACFONE WIRELESS INC.

TracFone Wireless Inc. (“TracFone”) respectfully submits these Comments with respect to the comments filed in response to the Department’s Notice of Proposed Requirements and Further Request for Comment issued in this proceeding on August 21, 2013.

1. Revised Reporting Requirements

TracFone believes the proposed new reporting requirements, including reporting of non-usage disconnections and number of customer complaints, are reasonable, and consistent with reporting requirements that have been adopted by other states. Since reporting of this data is already required as part of an ETC’s FCC Form 481 obligations, the requirement to provide this information to the Department should not be considered burdensome.

The requirement to provide a sample of advertising materials on an annual basis is also a reasonable requirement, and one which is imposed in a number of other states. Similarly the requirement to provide a copy of the FCC Form 555 by March 1 of each year is reasonable.

TracFone does not oppose the requirement to provide an explanation of its recertification plans on an annual basis for informational purposes to the Department, provided the plans can be offered on a reasonably high level basis. TracFone would note, however, that since the recertification deadline for all customers is now December 31 of each year, plans reported by March 1 may change during the year.

2. The DTC Should Not Require Submission of Terms and Conditions Changes Prior to Implementation.

The Department proposes to require wireless ETCs to provide notice of any material changes to the rates, terms and conditions of the ETC's Lifeline service at least 5 business days prior to the implementation of such change. TracFone believes this is unnecessary. Wireless service is not subject to rate regulation, so it is not clear what purposes is served by providing advance notice; the Department does not have the authority to disallow such changes. Wireless carriers are also not subject to tariff filing requirements. It is also not a requirement widely imposed by other states on wireless carriers. Without a clearly delineated purpose to such a review, it would be difficult to make a determination of the materiality of any given change in service terms.

TracFone suggests that this requirement be modified to require ETCs to provide current terms and conditions of service on an annual basis. This requirement would be consistent with the obligations imposed by the FCC pursuant to 47 CFR §54.422(b)(5). While the FCC reporting requirement allows ETCs to provide summary information, the Department could require ETC in Massachusetts to provide a complete copy of the terms and conditions.

3. ETCs Should Not Be Required to Provide Department Contact Information on all Marketing Material

TracFone has no philosophical objection to providing Department contact information on its Massachusetts applications or other Massachusetts specific material. However, it has found through experience that providing such contact information on widely disseminated advertising material may create problems for the regulatory agency, as many consumers may view the Department as an alternative to calling customer service for routine, non-complaint matters, including questions about enrollment, verification or service issues. The resulting call volume may impose a substantial burden on the Department. TracFone would urge the Department to consider the potential resource requirements before imposing such a rule.

4. The Requirement to Notify the Department of any Finding, Civil Judgment, or Settlement by the FCC, a State Commission, Court or Government Agency Should Be Limited to Material Actions.

In its' current form, the requirement to notify the Department of adverse legal actions and settlements in other states is too broad. Depending on how the phrase "related to the Lifeline program" is interpreted, the ETC could be required to notify the Department of every small claims case settled for a nominal amount anywhere in the country. This is obviously not productive for either the ETC or the Department. TracFone suggests this requirement be limited to material actions related to the ETC's administration of Lifeline.

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