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February 23, 2004

VIA OVERNIGHT MAIL

Ms. Jaclyn A. Brillling
Secretary to the Commission
State of New York
Department of Public Service
New York Public Service Commission
Three Empire State Plaza
Albany, NY 12223-1350

Re: TracFone Wireless, Inc.

Dear Ms. Brillling:

By this letter, TracFone Wireless, Inc. ("TracFone"), through its counsel, requests a statement from the State of New York Public Service Commission ("NYPSC") that TracFone, a Commercial Mobile Radio Service ("CMRS") provider in the State of New York, is not subject to the jurisdiction of the NYPSC.

Section 214(e) of the Communications Act of 1934, as amended, (the "Communications Act") (47 U.S.C. § 214(e)) and Section 54.201 of the Federal Communications Commission ("FCC") Rules (47 C.F.R. § 54.201) provide that common carriers designated as Eligible Telecommunications Carriers ("ETCs") are eligible to receive universal service support in accordance with Section 254 of the Communications Act and provide for the designation of carriers as ETCs. A carrier seeking designation as an ETC must typically request such designation from the applicable state regulatory commission. However, Section 214(e)(6) of the Communications Act provides for the designation of ETCs by the FCC for common carriers that are not subject to the jurisdiction of a state commission. The FCC will consider requests for ETC status only if the requesting carrier provides an affirmative statement from the applicable state commission that the state commission lacks the jurisdiction to make the designation.

TracFone is an authorized reseller of CMRS throughout the United States, including the State of New York. TracFone provides service in New York through a virtual network consisting of services obtained from licensed operators of wireless networks. These underlying

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licensed wireless service providers utilize cellular and Personal Communications Service ("PCS") spectrum. On behalf of TracFone, we hereby request a letter from the NYPSC stating that the State of New York does not exercise jurisdiction over TracFone for purposes of making determinations concerning eligibility for ETC designations under 47 U.S.C. §214(e) and 47 C.F.R. §54.201 et seq.

We appreciate your assistance in this matter. Please do not hesitate to call me at (202) 331-3152 if you have any questions regarding the foregoing.

Sincerely,



Mitchell F. Brecher

Counsel for TracFone Wireless, Inc.

cc: TracFone Wireless, Inc.

Kathleen Burgess
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