

May 23, 2012

VIA FEDERAL EXPRESS

The Honorable Edward J. Markey
Co-Chairman, Congressional Bi-Partisan Privacy Caucus
2108 Rayburn House Office Building
Washington, DC 20515-2107

Re: Cell Phone Tracking by Law Enforcement Departments

Dear Representative Markey:

Thank you for your letter of May 2, 2012, directed to Mr. F. J. Pollak, President and Chief Executive Officer of TracFone Wireless, Inc. (“TracFone”). I am responding to your letter on Mr. Pollak’s behalf.

First, I would like to emphasize that TracFone shares your concerns regarding the unauthorized tracking of wireless phones by law enforcement with little or no judicial oversight and I assure you that TracFone does not participate in or condone such unauthorized tracking. TracFone’s responses to the questions set forth in your letter appear below:

1. TracFone is a reseller of wireless service. It purchases wireless service on a wholesale basis from network based providers such as AT&T, T-Mobile, Verizon Wireless and other carriers and resells that wireless service on a prepaid basis. As a reseller, TracFone does not have access to and cannot provide information regarding the location of a wireless phone. TracFone cannot trace calls or text messages on a real-time basis or facilitate full-scale wire-tapping. This type of information and functionality is available at the underlying carrier level. TracFone is able to provide historical information in the form of customer call detail records (including the date, time, length and number called or calling) for voice calls and text messages. We do not have access to and cannot provide the actual text messages. Any law enforcement requests we receive for phone call or text tracing and/or wire-tapping are redirected to the underlying carrier.

a. TracFone does not have access to its underlying carriers’ networks and is unable to fulfill law enforcement requests for customer device location, real-time tracing of phone calls and text messages, or full-scale wiretapping. Any such requests from law enforcement for real-time information are redirected to the underlying carrier. TracFone does provide subscriber information (if any is available) to law enforcement personnel in certain exigent circumstances and historical call records in response to valid search warrants, subpoenas or court orders.

b. TracFone will deny any non-exigent request for subscriber information that is not accompanied by a search warrant, subpoena or court order.

2. Law enforcement calls to TracFone’s exigent circumstances line are handled pursuant to company protocol. Essentially, the agent answering the call must verify the identity of the caller and confirm that it is a law enforcement official. If subscriber information is available for release, the TracFone agent must independently confirm the identity and authority of the caller requesting the information, determine if the circumstances are an “emergency” and whether the release of subscriber information is warranted. Non-emergency requests from law enforcement for customer information require a search warrant, subpoena or court order.

May 18, 2012

The Honorable Edward J. Markey

Co-Chairman, Congressional Bi-Partisan Privacy Caucus

Re: Cell Phone Tracking By Law Enforcement Departments

Page 2

a. We require a search warrant, court order or subpoena before we release customer information in non-exigent circumstances.

b. We do not have the capability of providing cell phone tracking information. All such requests are redirected to the underlying carrier.

3. Not applicable as we do not provide cell phone tracking.

4. TracFone has specially trained staff devoted to addressing law enforcement requests for customer information. TracFone employs 20 call center agents who process both exigent circumstances calls and non-exigent requests for information (where a subpoena, search warrant or court order is provided). In addition, TracFone employs six (6) full time subpoena compliance agents who process search warrants, subpoenas and court orders.

5. No, TracFone does not cooperate with police departments that have their own tracking equipment.

6. No, TracFone does not and has not previously accepted money or any other form of compensation in exchange for providing information to law enforcement. TracFone does not charge fees for providing information to law enforcement.

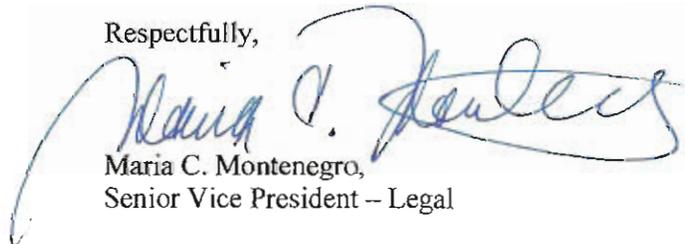
a. TracFone does not charge fees for any type of request from law enforcement.

b. Not applicable. TracFone does not charge fees.

7. TracFone does not market the provision of information to law enforcement.

Please advise should you require any clarification or further information. Thank you.

Respectfully,



Maria C. Montenegro,
Senior Vice President -- Legal

MCM/

cc. F.J. Pollak, President and CEO, TracFone

Richard B. Salzman, EVP – General Counsel, TracFone