

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Lifeline and Link Up	)	WC Docket No. 03-109
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Advancing Broadband Availability Through Digital Literacy Training	)	WC Docket No. 12-23
	)	

**PETITION FOR WAIVER OF THE  
MONTANA PUBLIC SERVICE COMMISSION**

The Montana Public Service Commission respectfully requests a waiver of the effective date for adopting uniform eligibility criteria in Montana for the Lifeline program. This waiver is necessary because legislation will be required to change existing Montana law and our legislature, which convenes biennially, will not be in session until January 7, 2013.

The Lifeline and Link Up Reform and Modernization Report and Order and Further Notice of Proposed Rulemaking released on February 6, 2012, adopted uniform eligibility criteria which will require all states to utilize, at a minimum, the income and program criteria currently utilized by federal default states. Montana 's law, enacted in 1987 to establish the Montana Telephone Low-Income Assistance Program, presents a conflict for state implementation of the new federal eligibility criteria. Section 69-3-1002(1), Montana Code Annotated, provides as follows:

A residential subscriber with single telephone line service at the subscriber's principal residence is eligible for low-income telephone

assistance if the subscriber is certified by the department of public health and human services as a recipient of medicaid benefits.

When the uniform eligibility requirements become effective, there will be a conflict between Federal law and the above-referenced State law that restricts Lifeline eligibility to Medicaid recipients. Montana's Legislature meets every other year, and is not scheduled to meet again until January 2013. To give the Montana Legislature the opportunity to revise state law to eliminate the conflict, the Montana Public Service Commission petitions the Federal Communications Commission to waive the effective date of the uniform eligibility criteria until June 1, 2013, for Montana eligible telecommunications carriers.

The Montana Public Service Commission appreciates and supports the efforts being made to reform and modernize the Lifeline program. We are taking proactive steps to implement the order, such as working with our carriers on tariff filings and hosting a roundtable in April. However, because we have no administrative authority over statute we are not able to fully implement the order until our legislature is in session.

Pursuant to 47 C.F.R.§1.3, the Petitioner respectfully requests that the Federal Communications Commission grant this Petition for Waiver.

Dated the 20<sup>th</sup> day of March, 2012.

Respectfully submitted,

**MONTANA PUBLIC SERVICE COMMISSION**



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