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BEFORE THE UTAH PUBLIC SERVICE COMMISSION

In the Matter of the Lifeline Rulemaking Docket	DOCKET NO. 14-999-06 COMMENTS OF THE AT&T COMPANIES
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The certificated AT&T Companies, together with AT&T wireless providers, including AT&T Corp., SBC Long Distance, LLC, Teleport Communications America, LLC, New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility, and Cricket Communications, Inc. (collectively, the “AT&T Companies”), submit these Comments in response to the Notices of Rulemaking Docket and Comment Period dated February 13, 2014 (the “Notice”). The Notice requests comments on draft regulations relating to Lifeline service.

COMMENTS

There are two general policy concerns that are of central importance to the AT&T Companies. First, Lifeline providers should not have any role in making or administering consumer eligibility determinations, including the required annual eligibility recertifications. There is concern that the proposed rules continue to require service providers to handle eligibility

matters at least in some circumstances (*i.e.*, “Federal ETCs”). AT&T would recommend the rules be revised to eliminate any such remaining role, including for Tribal Lifeline customers.

Second, state Lifeline rules should track the FCC’s rules, and not impose requirements different from and/or more burdensome than the FCC’s rules, because the state program is based upon and therefore closely intertwined with the federal program. Rules that are nationally uniform to the greatest extent possible facilitate compliance and minimize the administrative burdens/costs of participating in Lifeline, particularly for carriers that operate in multiple states. The administrative burdens/costs of participating in Lifeline can be disincentives for provider participation in Lifeline, and can therefore ultimately limit consumers’ Lifeline choices.

With these concerns in mind, the AT&T Companies have the following comments on specific sections of the proposed regulations:

R746-341-2

1. The term “legally” should be deleted. The concern is that it might be construed to require ETCs to investigate and determine questions of legal residency (*e.g.*, immigration status, etc.).

R746-341-3

1. Subsection A has been revised to allow consumers to apply either to an ETC or to a responsible agency. As already discussed, the AT&T Companies believe the responsible agency should be responsible for all eligibility determinations.
2. Subsection A allows customers to “self-certify.” This is not consistent with federal rules, which require the responsible party to review documentation demonstrating the consumer’s eligibility. *See* 47 CFR § 54.410(b)(1)(i)(B) (income eligibility) and § 54.410(c)(1)(i)(B) (program-based eligibility). Subsection B.2 appears to require documentation for consumers seeking to qualify on the basis of income, but there is not a

corresponding requirement for consumers seeking to qualify on the basis of participation in a program.

3. Subsection C requires applicants to provide full Social Security Numbers (“SSN”). This is inconsistent with federal rules. FCC rules require ETCs or state agencies that handle eligibility determinations to obtain only the last 4 digits of the applicant’s SSN. *See* 47 CFR 54.410(d)(2)(vi). In addition, FCC rules allow ETCs/state agencies to obtain the consumer’s Tribal identification number if the subscriber is a Tribal member and does not have an SSN. 47 CFR 54.410(d)(2)(vi).
4. Subsection C also requires applicants to identify the relationship between the applicant and the qualifying household member, if the applicant and qualifying household member are not the same person. Given the federal rule reliance on the concept of the “household,” and that a household can include unrelated persons, this question of relationship is not necessary. What is important here is the attestation that the consumer, one or more of his/her dependents, or someone in the consumer’s household is eligible. 47 CFR 54.409(a).
5. Subsection E should be deleted. This subsection contradicts Subsection A, which identifies various Tribal programs as qualifying for Lifeline, yet Subsection E says that this rule does not govern or otherwise affect Tribal discounts.

R746-341-4

1. This section appears somewhat confusing and contradictory. Subsection A requires the responsible agency to “process” state Lifeline applications, but Subsection 2 requires the agency to “verify the initial eligibility status” of new federal only Lifeline recipients. It is not apparent how the responsible agency will carry out this obligation as to Federal

ETCs. It would be better simply to require the responsible agency to process all state and federal Lifeline applications.

2. Federal rules require that government agencies handling eligibility determinations must transmit to every ETC a copy of every subscriber's signed eligibility certification. Without this document, ETCs cannot seek federal Lifeline reimbursement for the consumer. *See* 47 CFR 54.410(b)(2) (income), 54.410(c)(2). The rule should be revised to add this requirement.
3. Subsection C poses recertification deadlines that probably cannot be met. Specifically, allowing only one month to certify a list "current as of December 31" is not feasible. Preferably, recertification should be accomplished in the final months of the year, so that federal Form 555 can be timely issued by companies in January.
4. Subsection D is inconsistent with federal rules. Subsection 1.a requires the agency to give Lifeline consumers determined to no longer be eligible 30 days to prove eligibility (which appears to track the timeframe required under 47 CFR 54.405(e); but Subsection B then requires ETCs to discontinue Lifeline benefits "in the month following notification, *i.e.*, the next month's benefit cannot be provided." The concern is the retroactive decertification. By contrast, the FCC rules appear to require ETCs to de-enroll consumers immediately upon the completion of the 30 day period if the customer did not provide eligibility. 47 CFR 54.405(e).
5. Subsection D sentence ("An ineligible customer may not reapply through any ETC's initial verification processes.") should be deleted as unnecessary. This sentence only adds confusion as to the responsibility of the responsible agency for eligibility determinations.

6. Subsection E raises concerns as the carrier may not know the customer is switching until submission to NLAD. Also, federal timing may require the switching to occur sooner than the end of the month, as provided in the proposed regulation.

R746-341-5

1. Federal rules do not require Lifeline participants to notify their ETCs if they experience a change in household size. ETCs should not be required to obtain and forward this information.
2. The Lifeline publicity requirement is more burdensome than the FCC's rules, which simply require ETCs to publicize Lifeline in a manner reasonably designed to reach those likely to qualify for the service. 47 CFR 54.405(b). The state requirement should mirror the FCC requirement.
3. The two day requirement for applying the Lifeline discount has no counterpart in the federal rules. Similarly, the requirement for removing the discount with the next month's billing is not based on a federal requirement. The sections should be amended to say that ETCs must apply or remove discounts within FCC-required timeframes for enrolling or de-enrollment. 47 CFR 405 (e).
4. Subsection B, which establishes a separate federal ETC process, should be deleted in favor of an amendment making the state agency responsible for all applications. Since the state agency can query NLAD (although it cannot submit changes to NLAD), there is no need for a separate federal-only process.

R746-341-8

1. This reporting goes beyond what is necessary or appropriate for the Lifeline program. ETCs must already submit copies of Form 555 annually to state agencies with information on Lifeline participation in the state, and are now subject to heavier federal

reporting obligations with the responsibility to retain certification forms for each customer and to recertify annually. The AT&T Companies would ask that the regulation be deleted.

The AT&T Companies appreciate the opportunity to provide these comments.

Respectfully submitted this 20th day of March 2014.

By: _____/s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of March, 2014, an original and five (5) true and correct copies of the COMMENTS OF THE AT&T COMPANIES were placed in overnight mail and an electronic copy was sent via email to:

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