

R746. Public Service Commission, Administration.  
R746-341. Lifeline/~~Link-up~~ Rule.

CenturyLink proposes throughout the draft to modify the references to "Lifeline telephone service" to reflect the federal language that refers to the service as a "voice telephony service". This term is a more broad definition that allows for the service to be "voice" but not restricted to "telephone". This change is also consistent with the federal Universal Service definition of supported services under those rules.

**R746-341-1. Applicability.**

Telecommunications corporations that have been designated as eligible telecommunications carriers (ETCs) by the Commission, pursuant to Section 214 of the Federal Communications Act, shall establish a ~~Lifeline~~ Voice Telephony~~telephone~~ service pursuant to the requirements of Sections 2 through ~~810~~ and in accordance with federal requirements as outlined in FCC 47 CFR § 54, Subpart E. ETCs shall comply with the FCC Part 54 Lifeline rules and by doing so will be in compliance with these rules.

CenturyLink comments in regards to R746-341-2. Definitions.

CenturyLink proposes changes to the terms "Applicant" and "Income" to align the definitions of the terms with the federal Lifeline rules.

**R746-341-2. Definitions.**

A. "Applicant" -- means an ETC's the eligible telecommunications customer who subscribes to the ETC's supported Voice Telephony services as defined in 47 CFR § 54.101(a). owns and resides in a residential property or rents and resides in a residential property.

B. "Responsible Agency" -- means the state government agency that administers the certification, verification, and continued verification of Lifeline enrollment.

C. "ETC" -- means the eligible telecommunications carrier.

D. "Federal Poverty Guidelines" -- means the poverty guidelines issued each year by the Department of Health and Human Services and published in the Federal Register.

E. "Income" -- means gross income as defined in 47 CFR § 54.400, whether earned or unearned, received by all members of the household including, but not limited to, salary before deductions. Income shall not include student financial aid, military housing and cost-of-living allowances, or irregular income from occasional small jobs.

CenturyLink comments in regards to R746-341-3. Eligibility Requirements.

As defined in FCC 47 CFR § 54.410(c), initial applications require verification of program participation by accessing a state database or by reviewing documentation of program participation provided by the customer. Self certification is not sufficient for granting Lifeline eligibility. CenturyLink is proposing modifications to Section A of this section to provide for documentation of eligibility requirements and to remove the reference to self-certification.

Section A also includes programs that are in addition to the federal programs in § 54.409 (a)(2), including Head Start, which is only recognized in federal rules for Tribal Lifeline. CenturyLink proposes that the programs listed in this section should mirror the same programs that are in § 54.409 (a)(2), and adjusts the language accordingly.

CenturyLink proposes changes to Section B to the acceptable proof of income eligibility to align those requirements with the federal guidelines shown in FCC 47 CFR § 54.410(b)(1)(i)(B). In addition, we propose to add an additional criterion as "C", which requires that a qualifying low-income consumer must not already be receiving a Lifeline service. This addition is proposed so that these rules will align with the federal criteria in CFR § 54.409(c).

**R746-341-3. Eligibility Requirements.**

A. Program-Based Criteria -- ~~The ETCs shall provide~~To constitute a low-income consumer, an applicant must subscribe to a Lifeline telephony service to any applicant who and, using an approved application form, certify via supporting documentation self-certifies, and under the penalty of perjury, that his household is eligible for public assistance under one of the following or its successor programs:

1. Temporary Assistance to Needy Families (TANF);
- ~~2. Work Toward Employment;~~
23. Supplemental Nutrition Assistance Program (Food Stamps);
- ~~4. General Assistance;~~
35. Low-Income Home Energy Assistance Program~~Home Energy Assistance Target Programs/Help Program;~~
46. Medicaid;
- ~~7. Refugee Assistance;~~
- ~~58. Supplemental Security Income.~~
69. Federal Public Housing Assistance, including (Section 8 Housing); or
710. National School Lunch Program's Free Lunch Program. ~~or~~

~~11. Head Start Program (income qualifying standard only).~~

~~B. Income-Based Criteria -- The ETCs shall provide lifeline telephone service to any applicant who certifies via supporting documentation, To constitute a low-income consumer, an applicant must subscribe to a Lifeline voice telephony service and, using an approved application form, certify via supporting documentation, under the penalty of perjury, his household income to be at or below 135 percent of the then applicable Federal Poverty Guidelines.~~

~~1. Income-based eligibility is based on family size and actual income, therefore, the Lifeline customers applicants must certify, under the penalty of perjury, the number of individuals residing in their household.~~

~~2. A Lifeline customer applicant must certify, under the penalty of perjury, that the documentation presented accurately represents the applicant's annual household income. The following documents, or any combination of these documents, are acceptable for Lifeline certification;~~

- ~~a. Prior year's state, federal, or tribal tax return;~~
- ~~b. Current year-to-date earnings statement from an employer or three consecutive months of paycheck stubs;~~
- ~~c. Social Security statement of benefits;~~
- ~~d. Veterans Administration statement of benefits;~~
- ~~e. Retirement/pension statement of benefits;~~
- ~~f. Unemployment/Worker's Compensation statement of benefits;~~
- ~~g. Federal or tribal notice letter of participation in Bureau of Indian Affairs General Assistance; or~~
- ~~h. Divorce decree, or child support wage assignment statement or other official document containing income information.~~

~~i. If the prospective subscriber presents documentation of income that does not cover a full year, such as current pay stubs, the prospective subscriber must present the same type of documentation covering three consecutive months within the previous twelve months.~~

~~C. In order to constitute a qualifying low-income consumer, a consumer must not already be receiving a Lifeline service, and there must not be anyone else in the subscriber's household subscribed to a Lifeline service.~~

~~ED. Certifications -- The application form for participation will be supplied by the ETC or the responsible agency and contain the followings shall be consistent with both the federal requirements then in effect, as contained in 47 CFR § 54.410, and the following state requirements:~~

~~1. applicant's name, program participating telephone number, if available, identification of the ETC which the applicant anticipates will provide service, and social security number;~~

~~2. a request for lifeline service, and where applicable, a request for Link-up America Plan participation;~~

3. an affirmative statement that the applicant qualifies for lifeline service.

4. a statement, under the penalty of perjury, ~~as to whether that~~ the person is participating in one of the programs listed in Subsection R746-341-3.A or other federal eligibility criteria; or a statement, under the penalty of perjury, ~~as to whether that~~ the person's household income is at or below 135 percent of the Federal Poverty Guidelines.

a. If qualified by income-based criteria, a statement, under penalty of perjury, that identifies the number of individuals residing in the household and affirms that the documentation presented to support eligibility accurately represents the applicant's household income.

5. a statement that if the applicant is later shown to have submitted a false self-certification for the Lifeline program, the applicant will be responsible to pay the difference between the lifeline service rate and the otherwise applicable service rate;

6. a statement whether this is a new connection or a reconnection; and

7. the applicant's signature.

ED. Documentation Retention -- The responsible agency will retain income and program eligibility certification in accordance with federal recordkeeping requirements as defined in 47 CFR § 54.417 and for as long as agreed with the Commission.

FE. Tribal Land Lifeline Discounts -- Customers who live on tribal lands and who qualify for the state Lifeline service rate based on the program qualifications, other federal eligibility criteria, and income qualifications set forth in R746-341-3, are eligible to receive a larger federal discount. Those federal discounts are not within the scope of, nor governed by, these rules.

*CenturyLink comments in regards to R746-341-4. Continuing Eligibility.*

*CenturyLink proposes additional language to the Annual Verification process to include references to the federal requirements. Those requirements currently provide for Lifeline carriers to utilize the subscriber lists from the carrier's current year Form 497 filed in February to establish the snapshot for the current year's recertifications and include details of the annual verification process. Thus, CenturyLink is suggesting removal of the detailed process language. We are also suggesting a new section that deals with general de-enrollments as "B".*

*ETC's must also report the results of the annual recertification efforts by January 31 of the year following those efforts in the form of the Form 555, which is filed with*

USAC, the FCC and state commissions. When the recertification is performed by a state Lifeline administrator or agency, that agency must provide the results of the recertification study to the ETC in the format required by the Form 555 so the ETC can report those results. CenturyLink has added A.3. to address that reporting requirement.

**R746-341-4. Continuing Eligibility.**

A. Annual Eligibility Verification

1. The responsible agency shall verify on an annual basis the continuing eligibility status of Lifeline participants. The annual eligibility verification shall be performed on each ETC's participant list as defined by the FCC in its May 22, 2013 Public Notice in Docket No. 11-42 and any subsequent FCC guidance.

2. The annual eligibility verification process shall be performed by the responsibility agency using the process outlined in 47 CFR § 54.410(f)(3).

3. The responsible agency shall provide results of the annual recertification efforts to the ETCs pursuant to 47 CFR § 54.410(f)(4) and will provide all necessary FCC Form 555 information to ETCs by December 31 of the year in which the annual verification was performed.

~~A. Annual Verification — The continuing eligibility of customers on the Lifeline service rate shall be verified annually~~

~~— B. Verification Responsibilities — At least annually, the responsible agency shall provide the ETCs with information identifying customers who are eligible for Lifeline service or Link-up America Plan participation.~~

~~— C. Verification Methods — The responsible agency will verify the continued eligibility of Lifeline customers under the program-based and income-based eligibility criteria.~~

~~1. The responsible agency shall identify a method by which income eligibility will be verified on an annual basis including, but not limited to, annual self certification, random beneficiary audits, a periodic submission of income documents, or the continued eligibility of a statistically valid sample of Lifeline customers.~~

2B. General De-enrollment

1. Should the ETC have a reasonable basis to believe that a Lifeline ~~telephone service~~ customer no longer qualifies for Lifeline service in accordance with this rule, the ETC shall inform the responsible agency. If a Lifeline customer does not appear as a participant in a program on the state computer system or the responsible agency otherwise has a basis to believe that the customer no longer qualifies for Lifeline service, the responsible agency will send a notice to the Lifeline customer requesting;

a. proof of participation in any of the programs listed in

R746-341-3.A or other federal eligibility criteria; or

b. documentation of eligibility under the income-based criteria set forth in R746-341-3.B.

~~e. The notice must allow the customer at least 40 days to demonstrate continued eligibility consistent with this rule.~~

~~D. Termination Notices and Dispute Resolution~~

~~1. If the customer fails to respond to the notice given pursuant to R746-341-4.C.2. or otherwise establish continued eligibility, the responsible agency shall notify the customer of its intent to discontinue the customer's eligibility and the basis for that decision. The program eligibility termination notice shall be in writing and shall be delivered to the customer's mailing address.~~

~~a. The program eligibility termination notice must allow the customer at least 20 days to demonstrate continued eligibility consistent with this rule. The customer's participation in Lifeline may not be discontinued during the 20 day period.~~

~~b. The notice shall also alert the customer of the option to continue local telephone service after termination of Lifeline benefits at the non-discounted rate.~~

~~2. If the customer fails to provide proof of continued eligibility as required, or the responsible agency does not accept the customer's proof of continued eligibility, the responsible agency shall notify the customer in writing of its determination to discontinue the customer's participation in the program. The notice shall also include instructions for filing an appeal of the determination.~~

~~a. The customer may appeal this decision within ten days of the notification by filing a written notice of appeal with the Division of Public Utilities.~~

~~b. Lifeline benefits will continue pending an appeal of a non-eligibility decision.~~

~~3. The appeal shall be addressed consistent in time and manner with the dispute resolution procedures set forth in R746-240-7 and 8 that provide for review and resolution of disputes between telecommunications carriers and consumers with the responsible agency in place of a telecommunications carrier.~~

~~EC. False Certification Penalties -- A Lifeline ~~telephone service customer recipient~~ who does not qualify and has falsely self-certified and participated in the Lifeline program will be responsible to pay the difference between the Lifeline service rate and the otherwise applicable service rate for the length of time the customer subscribed to Lifeline ~~telephone~~-service for which the customer was not eligible.~~

*R746-341-5. Lifeline Voice Telephony Service Features.*

CenturyLink proposes modifications to the proposed rules in 746-341-5 so that the rule language will align with comparable federal language in 47 CFR § 54. Specifically, in regards to the proposed restrictions in F., federal rules do not restrict Lifeline to the applicant's principal residence. In fact, federal benefits are available for wireless service, which is not tied to a subscriber's residence. CenturyLink proposes the changes below, which follow federal guidelines that Lifeline benefits are for voice telephony services. The restriction that CenturyLink proposes should be included in this section is that Lifeline benefits are only available on one voice telephony service per household, as stated in 47 CFR § 54.409 (c).

**R746-341-5. Lifeline Voice Telephony Service Features.**

A. Application of Discounts -- ETCs may allow qualifying low-income consumers to apply state and federal Lifeline discounts to any residential service plan that includes voice telephony service in accordance with with FCC 47 CFR § 54.401(a) and (b). Lifeline telephone service provided by ETCs shall consist of dial tone line, usage charges or their equivalent, and any Extended Area Service (EAS) charges, less a discount of The state Lifeline benefit amount is \$3.50 and any other matching funds established by the Federal Communication Commission. The available federal support amount is the amount established in 47 CFR § 54.403.

B. Deposits -- When customer security deposits are otherwise required, they will be waived for Lifeline ~~telephone service~~ customers/participants if the customer subscribes to a service that does not charge subscribers additional fees for toll calls, or that charge additional fees for toll calls, but the subscriber voluntarily elects toll limitation service. ~~voluntarily elects to receive toll blocking.~~

C. Link Up America Plan Participation -- Companies providing Lifeline service shall apply for the Link-Up America Plan provided by the Federal Communications Commission.

D. Nonrecurring Charge Waiver -- Lifeline ~~telephone service~~ customers/participants will receive a waiver of the nonrecurring service charge for changing the type of local exchange usage service to Lifeline service, or changing from flat rate service to message rate service, or vice versa, but only one such waiver shall be allowed during any 12-month period.

E. Disconnection -- Lifeline service shall not be disconnected for nonpayment of toll service.

F. Restrictions -- Lifeline voice telephony service will be subject to the following restrictions:

1. ~~Lifeline telephone service will only be provided to the applicant's principal residence.~~

21. A Lifeline participant must not be receiving Lifeline from

~~more than one ETC or on more than one voice telephony service, and there must not be anyone else in the subscriber's household subscribed to a Lifeline service. A Lifeline telephone service customer will only receive a Lifeline discount on one single residential access line.~~

G. Other Services -- A Lifeline ~~telephone service~~ customer participant will not be required to purchase other services from the ETC, nor prohibited from purchasing other services unless the customer participant has failed to comply with the ETC's terms and conditions for those services.

~~**R746-341-6. Link-up America Plan Telephone Service.**~~

~~A. Link-Up -- An ETC shall provide the initial installation for telephone service to any applicant who qualifies for Lifeline service in accordance with the eligibility criteria listed under R746-341-3.~~

~~1. Link up telephone service provided by ETCs is a federal program that provides a 50 percent discount of the initial hook up fee, up to \$30.00, for eligible customers. ETCs shall apply the Link-up America Plan discount to eligible customers identified by the responsible agency.~~

~~B. Enhanced Link UP -- Customers who live on tribal lands and qualify for the state Lifeline service rate under R746-341-3, are eligible to receive a larger federal discount. Those federal discounts are not within the scope of, nor governed by, these rules.~~

**R746-341-67. Reporting Requirements.**

A. Reporting Requirements -- ETCs shall submit, to the Division of Public Utilities, a semi-annual report, by June 30 and December 31, of each year, containing a description of the ETC's Lifeline program. The reports shall also contain monthly information on:

1. the forgone revenue resulting from the discounts provided to Lifeline customers;
  2. the amounts of administrative, advertising, voucher and other program expenses;
  3. interest accrual amounts on Lifeline and Link up funds;
- and
4. the number of Lifeline ~~telephone service~~ customers participants by exchange area; and
  5. a detailed report of outreach efforts.

**R746-341-78. Funding of Lifeline.**

A. Cost Recovery -- The total cost of providing Lifeline voice telephony service, including the administrative costs of the ETCs and the costs incurred by the responsible agency, shall be recovered and funded as provided in 54-8b-15.



**R746-341-89. Collection and disbursement of Lifeline Funds.**

A. ETC Payment -- Within 30 days after review and audit of an ETC's semi-annual report, the Public Service Commission shall disburse an amount equal to the ETC's semi-annual Lifeline program expenses and Lifeline discounts granted.

**KEY: telephone, telecommunications, rules and procedures, lifeline rates**

**Date of Enactment or Last Substantive Amendment: October 20, 2005**

**Notice of Continuation: October 18, 2010**

**Authorizing, and Implemented or Interpreted Law: 54-4-1; 54-4-4**