

R746. Public Service Commission, Administration.

R746-341. Lifeline Rule.

R746-341-1. Applicability.

This Rule applies to each telecommunications corporation that is designated as an eligible telecommunications carrier (ETC) by the Commission, pursuant to 47 U.S.C. 214.

R746-341-2. Definitions.

- A. "Account holder" -- means the person responsible to pay the Lifeline account bills.
- B. "Applicant" -- means an ETC's customer, residing in an ETC's service area, who fills out an application for Lifeline service.
- C. "ETC" -- means an eligible telecommunications carrier.
- D. "Federal ETC" -- means an ETC that qualifies for, and participates in, only the federal Lifeline program.
- E. "Federal Poverty Guidelines" -- means the poverty guidelines issued each year by the Department of Health and Human Services and published in the Federal Register.
- F. "Household" -- means a single person or group of individuals who meet the definition of mutual support contained in the federal Lifeline rules established pursuant to 47 U.S.C. 214.
- G. "Income" -- means income as defined in 47 CFR Section 54.400 and includes gross income, 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.
- H. "Lifeline" -- means either federal or state programs defined by 47 CFR Section 54.401(a)~~[U.S.C. 214]~~ and this rule.
- I. "NLAD" -- means the National Lifeline Accountability Database as provided for in 47 CFR Section 54.404.
- J. "Participant" -- means an ETC's customer currently receiving a Lifeline benefit.
- K. "Program administrator" -- means the state government agency with which the Commission contracts to administer the initial eligibility verification and continued eligibility verification, of the State Lifeline participants.
- L. "State ETC" -- means an ETC that participates in both the federal and state Lifeline programs.

R746-341-3. Eligibility Requirements.

A. Initial Program-Based Criteria -- An ETC shall provide Lifeline telephone service to an applicant's household which, using an approved application form, is verified by either the program administrator (for State ETCs), or by a federal ETC, in compliance with the procedures set forth in 47 CFR 54.410(c), to be eligible for public assistance under one of the following or its successor programs:

- 1. Medicaid;
- 2. Supplemental Nutrition Assistance Program (SNAP or Food Stamps);
- 3. Supplemental Security Income (SSI);
- 4. Federal Public Housing Assistance (Section 8);
- 5. Low-Income Home Energy Assistance Program (LIHEAP);
- 6. Temporary Assistance to Needy Families (TANF); or
- 7. National School Lunch Program's Free Lunch Program.~~[~~or~~~~
- 8. ~~Head Start (if income eligibility criteria are met).~~

B. Tribal Residents -- ~~[For an individual who could qualify for Tribal programs, but who wishes to receive (non-Tribal) Lifeline service instead of Tribal Lifeline service, the following programs may be used to determine eligibility in addition to any of the above listed programs.]~~ A consumer who lives on Tribal lands is eligible for Lifeline service as a "qualifying low-income consumer" as defined by Section 54.400(a) and as an "eligible resident of Tribal lands" as defined by Section 54.400(e) if that consumer meets the qualifications for Lifeline specified Section A, or if the consumer, one or more of the consumer's dependents, or the consumer's household participates in one of the following Tribal-specific federal assistance programs:

- 1. Bureau of Indian Affairs General Assistance;
- 2. Tribally-Administered Temporary Assistance for Needy Families (TTANF);
- 3. ~~Head Start (if income eligibility criteria are met); or~~

~~[3]~~4. Food Distribution Program on Indian Reservations (FDPIR).

C. Initial Income-Based Criteria -- An ETC shall provide Lifeline telephone service to an applicant who certifies via supporting documentation (to either the ETC for federal ETC customers, or the program administrator for state ETC customers), under penalty of perjury, that the applicant's household income is 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, an applicant shall certify, under penalty of perjury, the number of individuals residing in the household.

2. An applicant shall certify, under 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 within the previous twelve months;

- c. Social Security statement of benefits;
- d. Veterans Administration statement of benefits;
- e. Retirement/pension statement of benefits;

- f. Unemployment/Workers 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.

D. In order to be approved as a qualifying low-income consumer, an applicant must not already be receiving a Lifeline service, and there must not be anyone else in the applicant's household subscribed to a Lifeline service.

~~(D)~~E. Eligibility Certification -- The application form for participation shall be supplied by the ETC or the program administrator and shall be consistent with both the federal requirements, then in effect, and any additional information requirements of the program administrator, and shall include:

1. a statement, under penalty of perjury, as to whether the person is participating in one of the programs listed in Subsection R746-341-3(A) or qualifies under other federal eligibility criteria; or a statement, under penalty of perjury, as to whether the person's household income is at or below 135 percent of the current Federal Poverty Guidelines;
2. 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;
3. a statement that if the applicant is later shown to have submitted false information in an attempt to qualify for the Lifeline program, the applicant shall be responsible to re-pay the benefits received; and
4. the signature of applicant, either physical or electronic.

~~(E)~~F. False Certification Penalties -- A participant who does not qualify, but who has submitted false documentation or statements to qualify for the Lifeline program, is responsible to re-pay the value of the benefits received to the state Lifeline program, and is subject to whatever penalties are then current for the federal Lifeline program.

~~(F)~~G. Tribal Land Lifeline Discounts - This rule does not govern or otherwise affect the Tribal Land Lifeline Discount program.

R746-341-4. Duties of the Program Administrator.

A. Initial Eligibility

1. The program administrator shall process all applications submitted for participation in the state Lifeline telephone service program. The program administrator shall ~~(after-)~~check[ing] the NLAD for pre-existing participation if possible. The program administrator shall inform the applicant and the state ETC of the results of the application process.

B. Annual Eligibility Verification

1. The program administrator shall verify on an annual basis the continuing eligibility status of state ETC Lifeline telephone service participants. The annual eligibility verification shall be performed on the 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 shall be performed by the program administrator using the same process as outlined in the de-enrollment process in R746-341-4.C. and in accordance with 47 CFR Section 54.410(f)(3).

3. The program administrator shall provide results of the annual recertification efforts to the ETCs pursuant to 47 CFR Section 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. ~~(on a participant list current as of December 31, and shall be conducted in the month following the deadline for submission of Federal Communication Commission Form 497.)~~

C. De-Enrollment Process

1. The program administrator shall manage the de-enrollment process for state ETC Lifeline telephone service participants who are no longer eligible for the program. Upon an initial finding that a Lifeline recipient is no longer eligible to participate in the state the Lifeline program, the program administrator shall send a notice to the participant explaining the participant's Lifeline telephone service benefit will be discontinued after 30 days unless the participant verifies continuing eligibility before that date. The notice shall include the reason(s) for the recipient being ineligible and a description of the options available to the recipient to demonstrate eligibility.

2. At the end of thirty days, if the participant has not demonstrated continuing eligibility, the program administrator shall notify the relevant state ETC to discontinue the ineligible participant's Lifeline telephone service benefit. The benefit must be discontinued in the month following notification; thus the next month's benefit cannot be provided.

3. Ineligible past participants may reapply for the Lifeline program, but must do so by submitting a completed application to the program administrator for state program participation, or to a federal ETC for federal only participation, in accordance with the application process in R746-341-3.

D. Participants Switching Between ETCs -- When a current Lifeline telephone service participant desires to change to a different ETC's Lifeline telephone service, the participant and ETCs shall follow the established NLAD procedures. A participant who is not able to complete the switch due to unresolved problems may seek the assistance of the Division of Public Utilities requesting help in resolving the issue.

E. Documentation Retention -- The program administrator shall retain income and program eligibility certification documentation, in electronic format, for as long as required by then current federal Lifeline policies. Copies of the relevant documentation shall be made available on request to auditors from either the federal Lifeline telephone service program or the state Lifeline telephone service program.

R746-341-5. Duties of ETCs.

A. State ETCs

1. Each state ETC shall, ~~at least~~ monthly, send to the program administrator changes in the status of the Lifeline participants to whom the state ETC provides Lifeline telephone service, including:

- a. participants changing residence locations (addresses);
- b. participants switching carriers; or
- c. customers who no longer receive telephone service.

2. The records sent shall contain the full identifying information for each participant as required by the program administrator's policies.

3. Each state ETC shall provide information to potential applicants regarding how to receive an application from the program administrator. This information shall be provided in person, on the phone, in written format at the ETC's offices, and online at the ETC's website.

4. Each state ETC shall add the Lifeline discount to a customer's account, as directed by the program administrator, within five business days.

5. Each state ETC shall remove the Lifeline discount from a participant's account as directed by the program administrator ~~[beginning with the next month's billing cycle following]~~ within five days of notification of the participant's ineligible status.

6. Each state ETC shall update the NLAD whenever it implements changes in a participants' Lifeline status in accordance with the requirements for NLAD updates found in 47 CFR Section 54.404.

7. If a Lifeline participant seeks to switch service to a different ETC, the program administrator shall be notified by ~~the ETC to which the participant switches. The~~ the participant of their desire to switch Lifeline providers. Once informed by the program administrator of the applicant's eligibility, the involved ETCs shall follow all applicable NLAD procedures to accomplish the participant's desired switch. ~~[The new benefit may not be applied until the following month. Each ETC shall update the NLAD to reflect the change in the participant's status.]~~

8. Annually, each state ETC shall send the program administrator ~~[a full list of all Lifeline participants, and qualifying individuals if necessary, current as of December 31 of the preceding year]~~ the participant list as defined by the FCC in its May 22, 2013 Public Notice in Docket No. 11-42 and any subsequent FCC guidance. The list shall be provided to the program administrator when the ETC submits the Federal Communication Commission Form 497 for the year in question or March 31, whichever is earlier. The list shall contain the identifying information as required by the program administrator's policies.

9. If a state ETC has a reasonable basis to believe a Lifeline telephone service participant no longer qualifies for Lifeline service, the ETC shall promptly inform the program administrator and provide the documentation, or reason, for its belief.

10. A state ETC shall cooperate with the Division of Public Utilities to resolve Lifeline service complaints the Division brings to the state ETC's attention.

B. Federal ETCs

Each designated federal ETC shall operate in the State of Utah subject to the conditions outlined in the commission order granting ETC status, the applicable provisions of this rule, and in accordance with the federal Lifeline program requirements.

1. Each federal ETC shall update the NLAD to reflect the ETC's initial eligibility verification decision and the participant's Lifeline status whenever the federal ETC adds or removes a Lifeline customer.

2. Each federal ETC shall update the NLAD with all changes in the ETC's participants' Lifeline status.

3. If a Lifeline participant seeks to switch service to a different ETC the ~~[program administrator shall be notified by the ETC to which the participant switches. The]~~ ETCs shall follow all applicable NLAD procedures to accomplish the participant's desired switch. ~~[The new benefit may not be applied until the following month. Each ETC shall update the NLAD to reflect the change in the participant's status.]~~

4. A federal ETC shall cooperate with the Division of Public Utilities to resolve Lifeline service complaints the Division of Public Utilities brings to a federal ETC's attention.

R746-341-6. State Lifeline Telephone Service Features.

A. Discounts -- Lifeline telephone service provided by state ETCs shall consist of dial tone line, usage charges or their equivalent, and authorized Extended Area Service (EAS) charges, less a discount of \$3.50 and all other matching funds established by the Federal Communication Commission.

B. Service Characteristics -- State Lifeline telephone service shall include all features listed in Utah Code Ann. Section 54-8b-2(2).

C. Deposits -- When customer security deposits are otherwise required they shall be waived for Lifeline telephone service participants if the customer voluntarily elects to receive toll blocking.

D. Nonrecurring Charge Waiver -- Lifeline telephone service participants shall 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 a given 12-month period.

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

F. Restrictions -- Lifeline telephone service shall be subject to the following restrictions:

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

2. A Lifeline telephone service participant shall only receive a Lifeline discount on one single residential access line.

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

R746-341-7. Federal Lifeline Telephone Service Features.

Federal Lifeline telephone service consists of those features and conditions set forth in the applicable commission docket in which the federal ETC status was granted, as modified by subsequent orders and R746-341.E

R746-341-8. State ETC Reporting Requirements.

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

- A. the forgone revenue resulting from the discounts provided to Lifeline participants, if any;
- B. the amounts of administrative expenses;
- C. interest accrual amounts on Lifeline funds, if any;
- D. the number of Lifeline telephone service participants by exchange area per month; and
- E. a detailed report of outreach efforts.

R746-341-9. Funding of Lifeline.

Cost Recovery -- The total cost of providing the state portion of Lifeline telephone service, including commission approved administrative costs of the state ETCs and the costs incurred by the program administrator, shall be recovered and funded as provided in Utah Code Ann. Section 54-8b-15.

R746-341-10. Collection and Disbursement of Lifeline Funds.

State ETC Payment -- Within 30 days after the review audit of a state ETC's semi-annual report by the Division of Public Utilities results in a favorable recommendation, the Public Service Commission shall disburse an amount equal to the ETC's semi-annual Lifeline program expenses and Lifeline discounts granted. For amounts the Division of Public Utilities disallows, the state ETC may petition the Commission to open a docket to examine the reasonableness of the denied amounts.

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

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