

1 **R746. Public Service Commission, Administration.**

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3 **R746-341. Lifeline Rule.**

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

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

- 13 1. Medicaid;
- 14 2. Supplemental Nutrition Assistance Program (SNAP or Food
15 Stamps);
- 16 3. Supplemental Security Income (SSI);
- 17 4. Federal Public Housing Assistance (Section 8); or
- 18 5. [~~Low Income Home Energy Assistance Program~~
19 (~~LIHEAP~~)] Veterans Pension and Survivors Pension Benefit.
- 20 [~~6. Temporary Assistance to Needy Families (TANF); or~~
- 21 ~~7. National School Lunch Program's Free Lunch Program.]~~

22 B. Tribal Residents -- A consumer who lives on Tribal lands
23 is eligible for Lifeline service as a "qualifying low-income
24 consumer" as defined by Section 54.400(a) and as an "eligible
25 resident of Tribal lands" as defined by Section 54.400(e) if that
26 consumer meets the qualifications for Lifeline specified Section
27 A. or if the consumer, one or more of the consumer's dependents,
28 or the consumer's household participates in one of the following
29 Tribal-specific federal assistance programs:

- 30 1. Bureau of Indian Affairs General Assistance;
- 31 2. Tribally-Administered Temporary Assistance for Needy
32 Families (TTANF);
- 33 3. Head Start (if income eligibility criteria are met); or
- 34 4. Food Distribution Program on Indian Reservations (FDPIR).

35 C. Initial Income-Based Criteria -- An ETC shall provide
36 Lifeline telephone service to an applicant who certifies via
37 supporting documentation (to either the ETC for federal ETC
38 customers, or the program administrator for state ETC customers),
39 under penalty of perjury, that the applicant's household income is
40 at or below 135 percent of the then applicable Federal Poverty
41 Guidelines.

42 1. Income-based eligibility is based on family size and
43 actual income; therefore, an applicant shall certify, under
44 penalty of perjury, the number of individuals residing in the
45 household.

46 2. An applicant shall certify, under penalty of perjury,
47 that the documentation presented accurately represents the

48 applicant's annual household income. The following documents, or
49 any combination of these documents, are acceptable for Lifeline
50 certification;

- 51 a. Prior year's state, federal, or tribal tax return;
- 52 b. Current year-to-date earnings statement from an employer
53 or three consecutive months of paycheck stubs within the previous
54 twelve months;
- 55 c. Social Security statement of benefits;
- 56 d. Veterans Administration statement of benefits;
- 57 e. Retirement/pension statement of benefits;
- 58 f. Unemployment/Workers Compensation statement of benefits;
- 59 g. Federal or tribal notice letter of participation in
60 Bureau of Indian Affairs General Assistance; or
- 61 h. Divorce decree or child support wage assignment
62 statement.

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

67 E. Eligibility Certification -- The application form for
68 participation shall be supplied by the ETC or the program
69 administrator and shall be consistent with both the federal
70 requirements, then in effect, and any additional information
71 requirements of the program administrator, and shall include:

72 1. a statement, under penalty of perjury, as to whether the
73 person is participating in one of the programs listed in
74 Subsection R746-341-3(A) or qualifies under other federal
75 eligibility criteria; or a statement, under penalty of perjury, as
76 to whether the person's household income is at or below 135
77 percent of the current Federal Poverty Guidelines;

78 2. if qualified by income-based criteria, a statement, under
79 penalty of perjury, that identifies the number of individuals
80 residing in the household and affirms that the documentation
81 presented to support eligibility accurately represents the
82 applicant's household income;

83 3. a statement that if the applicant is later shown to have
84 submitted false information in an attempt to qualify for the
85 Lifeline program, the applicant shall be responsible to re-pay the
86 benefits received; and

87 4. the signature of the applicant, either physical or
88 electronic.

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

95 G. Tribal Land Lifeline Discounts - This rule does not
96 govern or otherwise affect the Tribal Land Lifeline Discount
97 program.
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99 **R746-341-4. Duties of the Program Administrator.**

100 A. Initial Eligibility

101 1. The program administrator shall process all applications
102 submitted for participation in the state Lifeline telephone
103 service program. The program administrator shall check the NLAD
104 for pre-existing participation if possible. The program
105 administrator shall inform the applicant and the state ETC of the
106 results of the application process.

107 B. Annual Eligibility Verification

108 1. The program administrator shall verify on an annual basis
109 the continuing eligibility status of state ETC Lifeline telephone
110 service participants. The annual eligibility verification shall
111 be performed on the participant list as defined by the FCC in its
112 May 22, 2013 Public Notice in Docket No. 11-42 and any subsequent
113 FCC guidance.

114 2. The annual eligibility verification shall be performed by
115 the program administrator using the same process as outlined in
116 the de-enrollment process in R746-341-4.C. and in accordance with
117 47 CFR Section 54.410(f)(3).

118 3. The program administrator shall provide results of the
119 annual recertification efforts to the ETCs pursuant to 47 CFR
120 Section 54.410(f)(4) and will provide all necessary FCC Form 555
121 information to ETCs [~~by December 31 of the year in which the~~
122 ~~annual verification was performed~~]no later than the first business
123 day of the month in which the verification was last performed.

124 C. De-Enrollment Process

125 1. The program administrator shall manage the de-enrollment
126 process for state ETC Lifeline [~~telephone service~~] participants
127 who are no longer eligible for the program. Upon an initial
128 finding that a Lifeline recipient is no longer eligible to
129 participate in the state the Lifeline program, the program
130 administrator shall send a notice to the participant explaining
131 the participant's Lifeline telephone service benefit will be
132 discontinued after [~~30~~]60 days unless the participant verifies
133 continuing eligibility before that date. The notice shall include
134 the reason(s) for the recipient being ineligible and a description
135 of the options available to the recipient to demonstrate
136 eligibility.

137 2. At the end of [~~thirty~~]60 days, if the participant has not
138 demonstrated continuing eligibility, the program administrator
139 shall notify the relevant state ETC to discontinue the ineligible
140 participant's Lifeline telephone service benefit. The benefit
141 must be discontinued in the month following notification; thus the

142 next month's benefit cannot be provided.

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

148 D. Participants Switching Between ETCs -

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

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

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

166 **Date of Enactment or Last Substantive Amendment: ~~January 7, 2015~~**

167 **Notice of Continuation: October 19, 2015**

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

169 **54-8b-15(7)**