

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Utah Administrative Code
R746-8, Proposing to Repeal R746-360, R746-
341, and R 746-343

Docket No. 17-R008-01
COMMENTS OF CTIA

CTIA – The Wireless Association[®] (“CTIA”)¹ respectfully files these Comments in response to the Utah Public Service Commission’s (“Commission’s”) October 2017 *Request for Comments*² in the above-captioned dockets, which established a comment cycle for the agency’s July 2017 *Notice of Proposed Rulemaking* (“NPRM”)³ addressing the reform of Utah Universal Service Fund (“UUSF”) rules relating to the Utah Lifeline program in particular.

I. INTRODUCTION AND SUMMARY

Separate and distinct from CTIA’s comments in the above-captioned docket’s sister proceeding focused on the UUSF contribution mechanism (which we incorporate here by reference)⁴, CTIA wholeheartedly supports the Commission’s objective to simplify the Utah Lifeline rules⁵ and bring them into closer parallel with the federal rules. As discussed in more detail below, CTIA urges the Commission to avoid imposing unnecessary burdens on carriers

¹ CTIA[®] (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st-century connected life. The association’s members include wireless carriers, device manufacturers, suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry, and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984.

² *Utah Administrative Code R746-8, Proposing to Repeal R746- 360, R746-341, and R746-343*, Request for Comments, Utah PSC Docket No. 17-R008-01 (rel. Oct. 11, 2017).

³ *Utah Administrative Code R746-8, Proposing to Repeal R746- 360, R746-341, and R746-343*, Notice of Proposed Rulemaking and Request for Comments, Utah PSC Docket No. 17-R008-01 (rel. July 5, 2017) (“NPRM”).

⁴ See Reply Comments of CTIA, Docket No. 17-R360-01 (filed May 11, 2017); see also Comments of CTIA, Docket No. 17-R360-01 (filed October 17, 2017).

⁵ See, e.g., NPRM at 1 (acknowledging that “[s]ome of the rule sections needlessly duplicate statutory language[,] ... do not set forth a requirement, process, or prohibition[,] ... [are] unnecessarily complicated, repetitive, and wordy[,]” and can be “awkward and inconstant” in numbering).

that participate in the Utah Lifeline program, such as the establishment of two different benefit levels, monthly reporting, or unnecessary additional licensing requirements. Further, the Commission should implement a self-effectuating budget mechanism on the high-cost program, and evaluate the continued need for high-cost support. Per the Commission's request, CTIA includes with these Comments a redline draft of the proposed rules at Appendix A, with concrete suggestions to implement the significant, specific changes requested in these Comments.⁶ These Comments also include broader conceptual points that may need to be developed further before specific language could be offered.

II. THE COMMISSION'S LIFELINE RULES SHOULD MINIMIZE BURDENS ON ALL STAKEHOLDERS

A. The Lifeline Rules Should Mirror the Federal Rules to Promote Efficiency

Because Lifeline stakeholders, including customers, service providers, and state and federal administrators alike, are generally involved in both federal and state Lifeline programs, all parties stand to benefit significantly if state and federal rules are made consistent with one another. CTIA accordingly supports the thrust of the Commission's proposed changes to Utah's Lifeline rules, insofar as these would simplify the state's regime, removing unnecessary provisions and adding specific cross-references to the federal rules.⁷ As this proceeding progresses, the Commission should continue to strive for changes of just this variety, given their benefits to all. In the interest of providing concrete and useful input, CTIA also proposes the

⁶ See *NPRM* at 4 (“Comments that request the PSC to address a request or a concern, but that do not provide draft language, will likely not be addressed as thoroughly or accurately as those that provide draft language.”).

⁷ See, e.g., *id.* at 3 (discussing the Commission's proposal to in part eliminate the option for potential Utah Lifeline subscribers to demonstrate eligibility by providing income information to the Division of Public Utilities, and to restrict eligibility to individuals who participate in a Federal Communications Commission (“FCC”)-recognized program that offers assistance to low-income households).

attached discrete and specific changes to further simplify the Utah Lifeline rules and create greater synergies with the federal program.

B. The Utah Rules Should Not Mandate Two Different Benefit Levels

The draft rules contemplated by the Commission propose to establish two different benefit levels for Utah Lifeline support recipients – one for plans including voice, text, and data; the other for data-only plans.⁸ Despite the good intentions underpinning this proposed regime, it is unlikely that the benefits of the varying benefit levels would outweigh the additional burdens on the Administrator, providers, and the Commission of having to administer two different benefit tiers. In addition, the federal Lifeline program offers only a single benefit level, while supporting both voice-and-data and data-only plans.⁹ Thus, the contemplated proposal would only drive the Utah Lifeline system further out of sync with the federal regime. CTIA therefore proposes that the Commission establish a single benefit level for Utah Lifeline, and conform its minimum service standards as needed for that plan.¹⁰

Furthermore, establishing a single benefit level may encourage carriers to compete for customers by offering differentiated services in addition to the programmatic minimum. Given the generally low funding level for Lifeline, requiring services in excess of the federal programmatic minimums¹¹ will restrict carriers' ability to offer differentiated service plans and have the effect of stagnating competition for customers in the form of differentiated

⁸ See *NPRM* Attach. 1 at 5 (“Draft Rules”) (docket digital document “R746-8_clean.rtf,” proposing modifications to R746-7-403).

⁹ See generally 47 C.F.R. § 54.202; see also *NTCA – The Rural Broadband Association and WTA – Advocates for Rural Broadband Petition for Temporary Waiver et al.*, Order, 32 FCC Rcd 232 (clarifying that ETCs must permit Lifeline -eligible customers to apply the federal Lifeline discount to standalone broadband internet access service if the eligible telecommunications carrier (“ETC”) subject to high-cost public interest broadband obligations commercially offers such a standalone service).

¹⁰ For example, the Commission could offer \$2.00 of Utah Lifeline support for voice-and-data packages or data-only packages.

¹¹ The federal program does not require text messaging. See 47 C.F.R. § 54.408.

offers. Allowing market forces to generate unique offers is preferable to a regulatory mandate in excess of the federal programmatic minimums, and such an approach will encourage competition instead of limiting it. Thus, the Utah program should remain consistent with the federal offerings.

C. The Commission Should Not Require Monthly Reporting

The Commission does not explain why monthly reports on address changes, carrier changes, and customer drops are needed, particularly given that such data are available in the National Lifeline Accountability Database (“NLAD”).¹² Producing such reports at a state level would impose a significant additional and unnecessary burden on providers, which would just increase the administrative cost of the program and thus the burden on the Utah fund.

D. The Commission Should Not Require ETCs to Also Obtain CPCNs in Order to Participate in Lifeline

Lifeline providers in Utah already face rigorous vetting by the Commission to obtain eligible telecommunications carrier (“ETC”) status.¹³ The Commission also retains oversight authority over ETCs in Utah, including authority to certify annually regarding their use of funds. As a result, there is no apparent benefit to the proposal to require Lifeline providers in Utah also to obtain Certificates of Public Convenience and Necessity (“CPCNs”) from the Commission.¹⁴ Moreover, because wireless and broadband-only providers are not subject to certification under state law, the imposition of CPCN requirements on such providers would be inappropriate.¹⁵ As

¹² See Universal Serv. Admin. Co., *National Lifeline Accountability Database (NLAD)*, <https://usac.org/li/tools/nlad/> (last visited Nov. 11, 2017).

¹³ See generally *Lifeline and Link Up Reform and Modernization et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016).

¹⁴ Cf. *NPRM* at 3.

¹⁵ See UTAH CODE ANN. §§ 54-2-1(31), 54-21-1(21) (excluding commercial mobile radio service and “Internet service” from the definition of “telecommunications corporation,” and consequently the definition of “public utility”).

to wireless Lifeline providers, the proposal also appears inconsistent with the bar on state regulation of CMRS carriers.¹⁶ For all these reasons, the Commission should recognize that there is no reason to require Lifeline ETCs also to obtain CPCNs, to the extent that they are not otherwise required to have them.

III. THE COMMISSION SHOULD ESTABLISH A SELF-EFFECTUATING BUDGET MECHANISM FOR HIGH-COST SUPPORT AND PERIODICALLY EVALUATE CONTINUED NEED FOR HIGH-COST SUPPORT

Consistent with its past advocacy,¹⁷ CTIA urges the Commission to establish a self-effectuating budget mechanism for the high-cost program and initiate a proceeding to consider whether and to what extent high-cost support remains necessary from the UUSF. The proposed rules rightly consider rate-of-return carriers' receipt of federal support in consideration of whether additional support is needed.¹⁸ The proposed rules would only consider regulated revenues, but the Commission should consider whether it would be appropriate to consider all of a carrier's revenue in an analysis of whether it actually needs support to remain viable.

IV. CONCLUSION

For all these reasons, CTIA applauds the Commission's efforts to streamline and simplify its Lifeline rules and regulations and urges the agency to modify the UUSF programs consistent with these comments.

¹⁶ See 47 U.S.C. § 332(c); see also UTAH CODE ANN. §§ 54-2-1(31), 54-8b-9.

¹⁷ See, e.g., Reply Comments of CTIA, Docket No. 17-R360-01, at 8-9 (filed May 11, 2017).

¹⁸ See generally Draft Rules at 4-5 (contemplated alterations to R746-8-403).

Respectfully submitted,

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APPENDIX A

CTIA Suggested Redline Draft of R746-8

R746. Public Service Commission, Administration.

R746-8. Utah Universal Public Telecommunications Service Support Fund (UUSF).

R746-8-100. Authority, Purpose, and Organization.

- (1) This rule is adopted under:
 - (a) Utah Code § 54-8b-10; and
 - (b) Utah Code § 54-8b-15.
- (2) This rule:
 - (a) governs the methods, practices, and procedures by which:
 - (b) the UUSF is created, maintained, and funded; and
 - (c) funds are disbursed from the UUSF to qualifying access line providers.
- (3) This rule is organized into the following Parts:
 - (a) Part 100: Authority, Purpose and Organization;
 - (b) Part 200: Definitions;
 - (c) Part 300: UUSF Funding; and
 - (d) Part 400: UUSF Distributions.

R746-8-200. Definitions.

- (1)(a) "Access line" is defined at Utah Code Subsection 54-8b-2(1).
- (b) For purposes of applying the statutory definition of "access line," the "functional equivalent of a circuit-switched connection from an end-user to the public switched network" means equipment or technology that allows an end-user to place or receive a real-time voice communication.
- (c) Providers of access lines and functionally equivalent connections are hereafter referred to jointly as "providers."
- (2)(a) "Affordable base rate" or "ABR" means the monthly retail rate that a rate-of-return regulated provider is required to charge on a per-access line basis in order to receive ongoing disbursements from the UUSF.
 - (b) "Affordable base rate" does not include:
 - (i) the applicable UUSF surcharge;
 - (ii) municipal franchise fee(s);
 - (iii) tax(es); or
 - (iv) any other incidental surcharge(s):
 - (A) included in a Commission-approved tariff; or
 - (B) authorized under these rules.
- (3)(a) "Average revenue per line" means a provider's total revenue received from a designated support area divided by the provider's total number of access lines in the same designated support area.
- (4) "Eligible telecommunications carrier" or "ETC" means a provider that, if seeking to participate in the state Lifeline program:

~~(a) holds a certificate of public convenience and necessity from the commission; and~~

~~(b)~~ (i) is designated as an eligible telecommunications carrier by the commission in accordance with 47 U.S.C. Section 214(e); or

(ii) is designated by the FCC as a Lifeline Broadband Provider (LBP).

(4) "Designated support area" means the geographic area used to determine a provider's UUSF support distribution, including, at a minimum, the provider's entire certificated service territory located in the State of Utah.

(5) The acronym "FCC" means the Federal Communications Commission.

(6) "Facilities-based provider" means a provider that uses:

(a) its own facilities;

(b) essential facilities or unbundled network elements obtained from another provider; or

(c) a combination of its own facilities and essential facilities or unbundled network elements obtained from another provider.

(7) "Group depreciation methodology," pursuant to FCC Part 32, Subpart 32.2000(g)(1)(i), means a group plan of accounting that distributes the loss in service value of property under the straight-line method during the service life of the property.

(8)(a) "Household" means any individual or group of individuals living together at the same address as one economic unit.

(b) "Economic unit" means all adult individuals contributing to and sharing in the income and expenses of a household.

(9) "Lifeline subscriber" means an individual who qualifies for state subsidization of an access line through participation in a program for low-income individuals that is recognized by the FCC.

R746-8-300. UUSF Funding.

R746-8-301. Calculation and Application of UUSF Surcharge.

(1)(a) Unless Subsection R746-8-301(3) applies, providers shall collect from their end-user customers \$0.36 per month per access line:

(i) that has a physical endpoint within the State of Utah; or

(ii) as to which the provider has record of an associated address within the State of Utah.

(b) The surcharge shall apply directly to each end-user as a separate charge and shall not be included in, nor paid from, the provider's rates or telecommunications revenues.

(2) (a) A provider shall remit to the Commission no less than 98.69 percent of its total monthly surcharge collections.

(b) A provider may retain a maximum of 1.31 percent of its total monthly surcharge collections to offset the costs of administering this rule.

(3) (a) An end-user may petition the Commission for a waiver of the surcharge set forth in Subsection R746-8-301(1)(a). Any such petition shall be adjudicated as an informal administrative proceeding.

(b) An end-user that petitions for a waiver of the surcharge has the burden to provide billing records or other substantial documentary evidence demonstrating that, at all times and continuously during the six calendar months preceding the date of petition, the access line being assessed was not used to access Utah intrastate telecommunications services.

(4) (a) An exemption granted under Subsection R746-360-4(5) is valid for a period of one calendar year from the date of issuance.

(b) Following the expiration of an exemption, and upon notice from the Commission, the end-user's provider shall assess the surcharge each month, until such time as the provider is notified by the Commission that a renewed exemption has been granted.

(c) Any assessment remitted to the Commission between the expiration of an exemption and the approval of a petition for renewal of the exemption shall be non-refundable.

(d) (i) The end-user shall bear the sole responsibility to know the expiration date of an exemption granted to the end-user and to ensure that an application for renewal is filed at least 30 days prior to the date of expiration.

(ii) At any proceeding to review a petition for renewal of an exemption, evidence that the end-user was unaware of the expiration date shall be inadmissible.

(iii) A petition for renewal of an exemption is deemed granted unless the Commission issues an order of denial within 30 days of the date on which the petition is filed.

R746-8-302. UUSF Surcharge Remittances.

Providers shall collect and remit surcharge revenues to the Commission as follows:

(1) If, over a period of six months, the average monthly UUSF surcharge collections total \$1,000 or more, the provider shall remit the funds:

(a) on a monthly basis; and

(b) within 45 days of the last calendar day of each month.

(2) If, over a period of six months, the average UUSF surcharge collections are less than \$1,000 per month, the provider

shall accrue the UUSF surcharge collections and submit the accrued collections every six months.

R746-8-400. UUSF Distributions.

R746-8-401. Rate-of-Return Regulated Incumbent Providers.

(1) A rate-of-return regulated incumbent provider is eligible for ongoing UUSF support if the provider:

(a) meets the definition of an ETC set forth in Subsection R746-8-200;

(b) is in compliance with Commission orders and rules;

(c) unless a petition brought pursuant to Subsection R746-8-401(2) is granted after adjudication, charges, at a minimum, \$18 per access line;

(d) offers Lifeline service on terms and conditions prescribed by the Commission;

(e) operates as a facilities-based provider, not a reseller; and

(f) in compliance with R746-8-401(3), demonstrates through an adjudicative proceeding that its costs to provide access lines in its designated support area exceed its revenues from providing access lines in its designated support area.

(2)(a) A rate-of-return regulated incumbent provider may petition the Commission to deviate from the affordable base rate set forth in Subsection R746-8-401(1)(c).

(b) A rate-of-return regulated incumbent provider that files a petition to deviate from the affordable base rate shall:

(i) demonstrate that the affordable base rate is not reasonable in the provider's designated support area; or

(ii) impute income up to the affordable base rate in calculating the provider's UUSF disbursement.

(3) The calculation of a rate-of-return regulated provider's ongoing UUSF distribution shall conform to the following standards:

(a)(i) The provider's rate of return shall be equal to the weighted average cost of capital rate of return prescribed by the FCC for rate-of-return regulated carriers, as of the date of the provider's application for support, and as follows:

(A) beginning July 1, 2016: 11.0%

(B) beginning July 1, 2017: 10.75%;

(C) beginning July 1, 2018: 10.5%;

(D) beginning July 1, 2019, 10.25%;

(E) beginning July 1, 2020, 10.0%; and

(F) beginning July 1, 2021, 9.75%.

(ii) The provider's depreciation costs shall be calculated through:

(A) the single-asset straight-line methodology; or

(B) (I) a group methodology that complies with FCC Part 32, Subpart 32.2000(g) (1) (i); and

(II) regardless of the methodology used, be calculated so as to depreciate each individual unit within an asset group at an even rate and over the full period of time prescribed in the provider's Commission-approved depreciation schedules.

(4) Beginning July 2017, and yearly thereafter, unless the provider files with the Commission a petition for review of its UUSF disbursement, the Division shall adjust each provider's monthly distribution according to:

(i) the current FCC rate of return as set forth in R746-8-401(3) (a); and

(ii) the provider's financial information from its last UUSF review; and

(iii) any amount necessary to ensure that total disbursements to rate-of-return regulated incumbent providers do not exceed the annual cap set by the Commission.

R746-8-402. Non-rate-of-return Regulated Incumbent Providers.

PLACEHOLDER

R746-8-403. Lifeline Support.

(1) In addition to any disbursement calculated under R746-8-401 or R746-8-402, an ETC may receive an ongoing distribution through ongoing participation in a Commission-approved Lifeline program.

(2) The support claimed under this Subsection R746-8-403 may not exceed the following limits:

(a) ~~\$3.50~~ 2.00 per Lifeline subscriber per month of subscription to a service that:

(i) (A) meets FCC broadband Lifeline requirements; and

(B) allows, at no charge beyond the basic monthly fee, ~~unlimited texting and at least 750~~ 500 voice minutes per month; ~~;~~
or

~~(b) \$2.00 per Lifeline subscriber per month of subscription to a service that:~~

~~(ii) (A) meets FCC broadband Lifeline requirements; and~~

~~(i) (B) does not include a voice component.~~

(3) An ETC that is approved to participate in the Commission Lifeline program shall:

(a) provide potential Lifeline subscribers with application materials and information;

(b) provide service to any customer who is verified as eligible for participation through the FCC's national verifier system;

(c) waive, for Lifeline subscribers, the following charges:

- (i) customer security deposits, if the customer voluntarily elects to receive toll blocking; and
- (ii) within any 12-month period, the first nonrecurring service charge for:
 - (A) changing local exchange usage service to Lifeline service; and
 - (B) changing from flat rate service to message rate service;
- (d) (i) add the Lifeline discount to a customer's account within five business days of notification of the customer's eligibility; and;
 - (ii) remove the Lifeline discount from a Lifeline subscriber's account within five business days of notification of the Lifeline subscriber's ineligibility; and
- (e) submit the following reports to the Division:
 - (i) ~~a monthly report setting forth the number of:~~
 - ~~(A) Lifeline subscribers who have changed their residence locations (addresses);~~
 - ~~(B) Lifeline subscribers who have switched carriers; and~~
 - ~~(C) Lifeline subscribers who no longer receive telephone service;~~
 - ~~(ii) a semi-annual report, for the periods from January 1 through June 30 and from July 1 through December 31 of each year, setting forth monthly data as to:~~
 - (A) the forgone revenue resulting from the discounts provided to Lifeline subscribers, if any;
 - (B) the total administrative expenses;
 - (C) interest accrual amounts on Lifeline funds, if any;
 - (D) the number of Lifeline telephone service subscribers by exchange area per month;
 - (E) a detailed report of outreach efforts; and
 - (F) any other data required or requested by the Division;

and

- (iii) by May 1 of each year, a complete Lifeline subscriber list, as defined by the FCC.

(4) An ETC participating in the Commission Lifeline program may not:

- (a) disconnect Lifeline telephone service for nonpayment of toll service;
- (b) require a Lifeline subscriber to purchase additional services from the ETC; or
- (c) prohibit a Lifeline subscriber from purchasing additional services from the ETC, unless the participant fails to comply with the ETC's terms and conditions for those additional services.

R746-8-404. One-time UUSF Distribution.

PLACEHOLDER

R746-8-405. UUSF Support for Deaf, Hard of Hearing, or Severely Speech Impaired Person.

(1) This rule governs a program to provide telecommunication devices and services to qualifying deaf, hard of hearing, or severely speech impaired persons

(2) Definitions.

(a) "Applicant" means a person applying for:

(i) a telecommunication device for the deaf, hard of hearing, or severely speech impaired;

(ii) a signal device; or

(iii) another assistive communication device.

(b) "Audiologist" means a person who:

(i) (A) has a master's or doctoral degree in audiology; or

(B) is licensed in audiology in Utah; and

(ii) holds a Certificate of Clinic Competence in Audiology from the American Speech/Language/Hearing Association or its equivalent.

(c) "Deaf" means hearing loss that requires the use of a TDD to communicate effectively on the telephone.

(d). "Hard of hearing" means a hearing loss that requires use of a TDD to communicate effectively on the telephone.

(e) "Otolaryngologist" means a licensed physician specializing in ear, nose, and throat medicine.

(f) "Recipient" means a person who is approved to receive a TDD, signal device, personal communicator, or other assistive communication device.

(g) "Speech language pathologist" means a person who:

(i) has a master's or doctoral degree in Speech Language Pathology; and

(ii) holds a Certificate of Clinical Competence in Speech/Language Pathology from the American Speech Language Hearing Association or its equivalent.

(h) "Severely Speech Impaired" means a speech handicap or disorder that renders speech on an ordinary telephone unintelligible.

(i) "Signal device" means a mechanical device that alerts a deaf, deaf-blind, or hard of hearing person of an incoming telephone call.

(j) "Telecommunications Device for the Deaf" or "TDD" means an electrical device for use with a telephone that utilizes:

(i) a key board;

(ii) an acoustic coupler;

- (iii) a display screen;
 - (iv) a braille display; or
 - (v) a tablet device or unlocked cellular telephone that is equipped with applications that allow a user to transmit and receive messages.
- (3) Eligibility.
- (a) At a minimum, applicants shall demonstrate that they:
 - (i) live within the State of Utah;
 - (ii) are
 - (A) deaf;
 - (B) hard of hearing; or
 - (C) severely speech impaired;
 - (iii) are eligible for assistance under a low-income public assistance program; and
 - (iv) are able to send and receive messages with a TDD or other appropriate assistive device.
 - (b) Qualification under Subsection R746-8-405(3)(a)(ii) shall be established by the certification of:
 - (i) a person who is licensed to practice medicine;
 - (ii) an audiologist;
 - (iii) an otolaryngologist;
 - (iv) a speech/language pathologist; or
 - (v) qualified personnel within a state agency.
- (4) Distribution process.
- (a) If approved by the Commission to receive an assistive device, the applicant shall:
 - (i) unless Subsection R746-8-405(4)(b) applies, sign an agreement and conditions of acceptance form supplied by the Commission; and
 - (ii) report, as instructed by the Commission, for training and receipt of the approved device.
 - (b) If the recipient is a minor or is unable to sign the agreement and conditions of acceptance form, the recipient's legal guardian may sign.
- (5) Ownership and Liability.
- (a)(i) An assistive device provided under this rule remains the property of the State of Utah.
 - (ii) A recipient shall not remove an assistive device from the state of Utah for a period of time longer than 90 days unless the recipient obtains the written consent of the Commission.
 - (b) A recipient shall be solely responsible for the costs of:
 - (i) repair of an assistive device, other than for normal wear and tear;
 - (ii) replacement of an assistive device;
 - (iii) paper required by an assistive device;
 - (iv) telephone and internet service; and

(v) light bulbs required by an assistive device.

(c) If an assistive device requires repair, the recipient shall return it to the Commission and may not make private arrangements for repair.

(6) Termination of Use. A recipient, or if applicable, the recipient's guardian, shall return an assistive device to the Commission if the recipient:

(a) no longer intends to reside in Utah;

(b) becomes ineligible pursuant to R746-8-405(3); or

(c) is notified by the Commission to return the device.

R746-8-405a. New Technology Equipment Distribution Program (NTEDP) .

(1) Authority and Purpose.

(a) This rule section is promulgated pursuant to Utah Code Subsection 54-8b-10(3) (b) .

(b) The purposes of the NTEDP are:

(i) to explore the feasibility of using tablet devices and/or unlocked cellular telephones to address the telecommunication needs of the deaf, hard of hearing, and severely speech-impaired communities;

(ii) to determine how best to manage a program in which tablet devices and/or unlocked cellular telephones are provided; and

(iii) to determine the level of support services that would be required if tablet devices and/or unlocked cellular telephone devices are provided.

(2) Duration. The NTEDP shall terminate no later than December 31, 2018.

(3) Participation.

(a) An individual who wishes to participate in the NTEDP shall:

(i) submit a completed application form to the Relay Utah office;

(ii) provide medical documentation of:

(A) deafness;

(B) hardness of hearing; or

(C) severe speech impairment;

(iii) demonstrate that the individual is receiving assistance from a low-income public assistance program administered by a state agency;

(iv)(A) if applying for a tablet, certify that the individual has consistent access to a WiFi network; or

(B) if applying for an unlocked cellular telephone, certify that the individual has a service plan in place with a wireless telecommunications provider; and

(v) certify that the individual is able and willing to comply with Subsection (4).

(b) Priority may be given to applicants who have previously participated in the Commission's Relay Utah program.

(c) An applicant who is not selected to participate may request to be placed on a waiting list.

(d) Participation shall be limited as follows:

(i) From the inception of the program through June 30, 2017, no more than 25 participants, as follows:

(A) no more than 8 deaf individuals who are at least 13 years old;

(B) no more than 8 hard of hearing individuals who are at least 13 years old;

(C) no more than 8 severely speech impaired individuals who are at least 13 years old; and

(D) at least one deaf, hard of hearing, or severely speech impaired individual who is under 13 years of age.

(ii) From July 1, 2017 through the conclusion of the program, up to 10 additional participants in each six-month period.

(4) Participant obligations.

(a) An individual who is chosen to participate in the NTEDP shall:

(i) participate in an entrance interview with the Relay Utah office;

(ii) complete online surveys as instructed by the Relay Utah office;

(iii) promptly comply with all instructions from the Relay Utah office to download apps;

(iv) promptly respond to requests from the Relay Utah office for information and feedback;

(v) maintain the device in the storage case provided;

(vi) retain all original device packaging, instructions, and information;

(vii) contact the manufacturer's customer service department for assistance with technical support;

(viii) promptly report to the Relay Utah office:

(A) software and hardware failures; and

(B) damage to the device;

(ix) take financial responsibility for loss of, or damage to, the device if caused by the individual's misuse or negligence; and

(x) immediately return the device to the Relay Utah office if the individual:

(A) moves from the State of Utah;

(B) is disqualified by the Relay Utah office from further participation in the NTEDP; or

(C) chooses to terminate the individual's participation in the NTEDP.

(b) An individual who is chosen to participate in the NTEDP may not:

- (i) reformat or attempt to reformat the device;
- (ii) allow any other person to use the device, except as necessary to assist the participant with telecommunications; or
- (iii) install software, apps, or other programs not authorized by the Relay Utah office.

(c) A participant who fails to comply with this Subsection (4) may be disqualified from further participation in the NTEDP.

(5) All devices distributed as part of the NTEDP shall remain the property of the State of Utah Public Service Commission.

KEY: Utah universal service fund, surcharges and disbursements, speech/hearing challenges, assistive devices and technology

Date of Enactment or Last Substantive Amendment:

Notice of Continuation:

Authorizing, and Implemented or Interpreted Law: 54-3-1; 54-4-1; 54-8b-15; 54-8b-10

CERTIFICATE OF SERVICE

I certify that, on November 16, 2017, a true and correct copy of the foregoing Comments of CTIA in Docket No. 17-R008-01 was delivered to the following by electronic mail:

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