

KIRA M. SLAWSON (7081)
BLACKBURN & STOLL, LC
Attorneys for Utah Rural Telecom Association
257 East 200 South, Suite 800
Salt Lake City, Utah 84111
Telephone: (801) 521-7900

BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

<p>In the Matter of:</p> <p>Investigation into Potential Amendments to Utah Administrative Code R746-8-403, Lifeline Support</p>	<p>COMMENTS OF THE UTAH RURAL TELECOM ASSOCIATION</p> <p>Docket 21-R008-02</p>
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The Utah Rural Telecom Association (“URTA”) on behalf of its members All West Communications, Inc., Bear Lake Communications, Inc., Beehive Telephone Company, Carbon/Emery Telecom, Inc., Central Utah Telephone, Inc., Direct Communications Cedar Valley, LLC, Emery Telephone, Gunnison Telephone Company, Hanksville Telcom, Inc. Manti Telephone Company, Skyline Telecom, South Central Utah Telephone Association, Inc., UBTA-UBET Communications Inc. (dba Strata Networks), and Union Telephone Company, appreciate the opportunity to file comments in response to the Notice of Comment Period issued April 30, 2021 (“Notice”) by the Utah Public Service Commission (the “Commission”).

I. INTRODUCTION AND BACKGROUND

In the Notice, the Commission seeks Comments on whether Utah Administrative Code R746-8-403 needs to be modified in light of evolving Federal Lifeline Rules. Specifically, as the Commission notes, Utah Code Ann. Section 54-8b-15(3)(b) provides that the Commission shall “fund a lifeline program . . . consistent with the Federal Communications Commission’s (“FCC”)

lifeline program for low-income consumers.” The Commission rules on Lifeline Eligibility are contained in R746-8-403, and provide “support, not to exceed \$3.50 per Lifeline Subscriber per month” for service that:

- Provides service over landlines;¹ or
- Meets the FCC broadband Lifeline requirements as set forth in 47 C.F.R. 54.408; and for wireless Lifeline, allows, at no charge beyond the basic monthly fee, unlimited texting and at least 750 voice minutes per month;² or
- Meets FCC broadband Lifeline requirements as set forth in 47 C.F.R. 54.408 and does not include a voice component.³

Federal Lifeline rules, adopted in the 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, 3987, ¶ 66 (2016) (“2016 Lifeline Order”) provide that on December 1, 2021, standalone voice service, or voice service not bundled with broadband which meets the minimum standards set forth in Section 54.408, will not be eligible for Lifeline support except in census blocks where there is only one Lifeline provider,⁴ or the FCC has previously determined otherwise.⁵

II. URTA COMMENTS

A. States are Permitted to Enact Rules to Preserve and Advance Universal Service Within the State.

At the outset, URTA notes that the purpose of the Lifeline program is and has been to promote universal service. “Congress authorized the Lifeline program in 1985 to ensure that

¹ *Utah Admin Code R746-8-403(2)(a)(i)*.

² *Utah Admin Code R746-8-403(2)(a)(ii)(A) and (B)*.

³ *Utah Admin Code R746-8-403(2)(a)(iii)(A) and (B)*.

⁴ *47 CFR §54.403(a)(2)(v)*

⁵ *47 CFR §54.403(a)(2)(iv)*.

telecommunications services are available to all citizens of the United States, regardless of their financial status.”⁶ Many, states, including Utah, established their own Lifeline programs as contemplated and permitted by Federal law. Specifically, 47 U.S.C. § 254(f) provides that “a State may adopt regulations not inconsistent with the Commission’s rules to preserve and advance universal service . . . A State may adopt regulations to provide for additional definitions and standards to preserve and advance universal service within that State only to the extent that such regulations adopt additional specific, predictable, and sufficient mechanisms to support such definitions and standards that do not rely on or burden Federal universal service support mechanism.”⁷

As indicated above, Utah’s rules have been consistent with and not inconsistent with Federal Lifeline rules. However, with the Federal phase out of Lifeline support for voice services (except in census blocks where there is only one Lifeline provider) scheduled for December 1, 2021, the Commission has asked stakeholders to comment on whether a rule change in Utah is needed for Utah’s State Lifeline program to remain consistent with Federal law as required by Utah Code §54-8b-15.

URTA believes that it is not inconsistent with the Federal Lifeline program for Utah to continue to support voice only lifeline services. Continued support of voice only Lifeline services preserves and advances universal service in the State of Utah. Even with the increase in broadband availability and adoption, as discussed in more detail below, there are many customers in Utah who qualify for and rely on voice only Lifeline service. URTA believes Utah

⁶ National Regulatory Research Institute (NRRI), *Lifeline and the States: Designating and Monitoring Eligible Telecommunications Carriers*, Report Number 13-12, November 2013, Executive Summary, p. 4.

⁷ 47 U.S.C. §254(f)

should continue to support such low-income qualified customers in their choice of connection to preserve universal service in Utah. Additionally, continued support of voice only Lifeline in Utah does not burden Federal universal support mechanisms in any way, and is therefore specifically permitted pursuant to 47 U.S.C. §254(f).

B. FCC is Considering Whether to Complete the Phase Out of Voice Only Lifeline Support.

In addition to adopting the rules to phase out Lifeline support of voice only services, the FCC's 2016 Lifeline Order, also directed the Wireline Competition Bureau ("WCB") to submit a State of the Lifeline Marketplace Report by June 30, 2021 and to make a recommendation to the FCC regarding whether the Lifeline program's transition to broadband services should be completed as set forth in the 2016 Lifeline Order. The WCB issued a Public Notice on March 19, 2021, in Docket WC 11-42, *In the Matter of Federal State Joint Board on Universal Service Lifeline and Link Up Reform Modernization*,⁸ seeking comment on the state of the Lifeline Market Place. The WCB has asked for comment on:⁹

- the prevalence of subscriptions to various service offerings in the Lifeline program;
- the affordability of both voice and broadband services;
- the pace since adoption of the 2016 Lifeline Order at which voice and data usage has changed, minimum service standards; and
- **the net benefits of continuing to support voice service as a standalone option.**

Comments were filed April 19, 2021 and Reply Comments were filed by May 4, 2021.

The Comments and Reply Comments filed overwhelmingly support retaining or reinstating full

⁸ See, *WCB Public Notice, DA 21-336 (rel. March 19, 2021)*, <https://docs.fcc.gov/public/attachments/DA-21-336A1.pdf>

⁹ 2016 Lifeline Order, ¶66.

Lifeline support for voice service, and the National Association of State Utility Consumer Advocates (NASUCA) has asked the FCC to reconsider the phase down in Lifeline support for voice only services.¹⁰ It does not appear that any stakeholder who filed comments in the Docket has argued for the phase out of Lifeline support of voice only services. In fact, Acting Chairwoman Rosenworcel recently said “We’ve become a nation that calls like never before. . . We are craving a human voice.”¹¹ Stakeholders argue that both voice and broadband services are critical services for universal service, but one is not a substitute for the other. Stakeholders are urging the FCC to let consumers decide for themselves which service or services will best meet their needs and the data shows that many low-income consumers still choose voice services.

In the 2020 Universal Service Monitoring Report, USAC reports approximately 1,000 voice-only Lifeline subscribers in Utah as of March 2020, which is 12% of all Lifeline subscribers in the State; and approximately 850,000 nationwide.¹² This is one thousand low-income consumers in Utah who choose voice as their preferred method of communication and the universal service that connects them to the world. URTA believes that the FCC and the State of Utah should continue to support these consumers and their preferred method of universal service. Why should the federal and state agencies determine what method of communication works best for these low-income consumers? So long as only one method of communication is being supported for each household, the low-income support should be agnostic as to method of communication.

¹⁰ *Petition of NASUCA for Reconsideration, WC Docket No. 11-42, at 3-4 (filed June 23, 2016), https://ecfsapi.fcc.gov/file/1062324901351/WC%2011_42_NASUCA_Pet_for_Recon_Final.pdf.*

¹¹ *Comments of Next Century Cities, WC Docket No. 11-42, 5(Apr. 19, 2021) (Next Century Cities Comments)(citing Celia Kang, The Humble Phone Call Has Made a Comeback (April 9, 2020), <https://www.nytimes.com/2020/04/09/technology/phone-calls-voice-virus.html>).*

¹² Universal Service Monitoring Report 2020, prepared by Federal and State Staff for the Federal-State Joint Board on Universal Service, <https://docs.fcc.gov/public/attachments/DOC-369262A1.pdf>.

III. CONCLUSION

URTA believes that Utah's continued support of voice only services is consistent with 47 U.S.C. §254(f) so that no rule change is needed in Utah. Even if the FCC completes the phase out of the support of voice only service, Utah's implementation of its State Lifeline program including support of voice only service remains fully consistent with 47 U.S.C. §254(f) and does not burden the Federal Lifeline program. Further, given the caveats expressed by the FCC in its proposed change, Utah's current State Lifeline program implementation would remain consistent with FCC Lifeline policies and goals.

At a minimum, URTA urges the Commission to delay any action before the WCB has issued its report and the FCC has determined whether it will complete the phase out of Lifeline support for voice only services. The industry and stakeholder support for continued federal support of voice only service and the reliance on voice only services by over 850,000 American's argue strongly in favor of discontinuing the phase out of voice only Lifeline support. URTA and its members believe the Commission should delay consideration of any rule change in Utah until after the FCC has determined whether it will complete the phase out of Lifeline support for voice only service. URTA appreciates the opportunity to provide these Comments.

Dated this 24th day of June, 2021.

Respectfully submitted,

UTAH RURAL TELECOM ASSOCIATION



Kira M. Slawson
Blackburn & Stoll, LC
Attorneys for Utah Rural Telecom Association

CERTIFICATE OF SERVICE

I hereby certify that on the 24th of June, 2021, I served a true and correct copy of URTA's Comments In the Matter of Investigation into Potential Amendments to Utah Administrative Code R746-8-403, Lifeline Support via e-mail transmission to following persons at the e-mail addresses listed below:

Division of Public Utilities

Chris Parker

Brenda Salter

chrisparker@utah.gov

bsalter@utah.gov

dpudatarequest@utah.gov

Office of Consumer Services

Michelle Beck

mbeck@utah.gov

Assistant Utah Attorneys Generals

Justin Jetter

Robert Moore

jjetter@agutah.gov

rmoore@agutah.gov

/s/Kira M. Slawson