

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

Investigation into Potential Amendments to
Utah Administrative Code R746-8-405

DOCKET NO. 21-R008-02

NOTICE

ISSUED: July 19, 2021

On April 30, 2021, the Public Service Commission (PSC) issued a Notice of Comment Period inviting interested parties to address specific questions on the potential impact of changes, beginning December 1, 2021, to the Federal lifeline rules pertaining to the Federal Communications Commission's (FCC) lifeline program for low-income consumers referenced in Utah Code Ann. § 54-8b-15(3)(b). The key change in the FCC's Lifeline program is that standalone voice service, or voice service not bundled with broadband which meets the minimum standards set forth in 47 C.F.R. § 54.408, will not be eligible for Lifeline support. Thus, the PSC requested comments addressing:

1. Interpretation of the phrase "consistent with" in Utah Code Ann. § 54-8b-15(3)(b);
and
2. Whether the December 1, 2021 changes in federal eligibility require or encourage any modification to Utah Administrative Code R746-8-403.

On June 24, 2021, the Utah Rural Telecom Association (URTA), the Division of Public Utilities (DPU), and the Office of Consumer Services (OCS), filed comments addressing the PSC's request. After reviewing the December 1, 2021 changes in federal eligibility carefully and the parties' comments, the PSC gives notice of its determination that the FCC's changes to the Lifeline program do not require or encourage modification of Utah Administrative Code R746-8-403; thus, we will not modify R746-8-403.

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This determination is based on our conclusion that the phrase “consistent with” in R746-8-403 does not mean “identical to.” The state lifeline program was established to preserve and advance universal service in the state of Utah. Given that sufficient funds exist to continue to implement our state lifeline program as it currently exists, the state program will not rely on or become a burden on the Federal Lifeline program. We agree with URITA that 47 U.S.C. § 254(f) provides sufficient flexibility for any state to adopt regulations for a program that are broader in scope than those in the Federal Lifeline program, so long as the state program does not rely, or result in a burden, on the Federal Lifeline program. The PSC appreciates URITA, DPU, and OCS for submitting each of their respective comments.

DATED at Salt Lake City, Utah, July 19, 2021.

/s/ Yvonne R. Hogle
Presiding Officer

Approved and confirmed July 19, 2021 as the Notice of the Public Service Commission of Utah.

/s/ Thad LeVar, Chair

/s/ David R. Clark, Commissioner

/s/ Ron Allen, Commissioner

Attest:

/s/ Gary L. Widerburg
PSC Secretary
DW#319558

CERTIFICATE OF SERVICE

I CERTIFY that on July 19, 2021, a true and correct copy of the foregoing was served upon the following as indicated below:

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