

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Lifeline and Link Up	)	WC Docket No. 03-109
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Advancing Broadband Availability Through Digital Literacy Training	)	WC Docket No. 12-23
	)	

**PETITION FOR WAIVER OF THE
COLORADO PUBLIC UTILITIES COMMISSION**

Joshua B. Epel
Chairman

James K. Tarpey
Commissioner

Matt Baker
Commissioner

Public Utilities Commission
State of Colorado
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The Lifeline and Link Up Reform and Modernization Report and Order and Further Notice of Proposed Rulemaking (FCC 12-11) (the “Report and Order”), released on February 6, 2012, adopted uniform eligibility criteria which require all states to utilize, at a minimum, the income program criteria currently utilized by federal default states.

The Colorado Public Utilities Commission (the “COPUC”) respectfully requests a waiver of the June 1, 2012 effective date for adopting uniform eligibility criteria in Colorado for the Lifeline program. The waiver is necessary because legislation will be required to change existing Colorado law to conform to the requirements of the Report and Order.

In 1990, Colorado enacted the Emergency Telephone Access Act. This act enabled the establishment of the Low Income Telephone Assistance Program (LITAP), which program supplements the Lifeline program and in § 40-3.4-105, C.R.S., establishes an individual’s eligibility for low-income telephone assistance if the person:

- (a) Is certified by the department of human services to receive financial assistance payments under at least one of the following programs:
 - (I) An old age pension as set forth in § 26-2-111(2), C.R.S.;
 - (II) Aid to the needy disabled as set forth in § 26-2-111(4), C.R.S.;
 - (III) Aid to the blind as set forth in § 26-2-111(5), C.R.S.;
 - (IV) Supplemental security income benefits under the federal “Social Security Act,” as amended, 42 U.S.C. § 1381;
 - (V) Colorado works assistance as set forth in § 26-2-706, C.R.S.; or
 - (VI) Low-income home energy assistance benefits under the federal “Energy Policy Act of 2005,” as amended, 42 U.S.C. § 8621 et seq.;
- (b) Is a current or prospective subscriber to basic local exchange service, as defined in § 40-15-102, C.R.S.; and
- (c) Is a citizen or legal resident of the United States and a resident of Colorado.

The new uniform eligibility requirements contained in the Report and Order are materially different from current requirements in Colorado law. Therefore, Colorado law must be changed to implement the eligibility requirements contained in the Report and Order.

As a practical matter, the timing of the release of the Report and Order makes it difficult if not impossible for Colorado to consider and adopt appropriate statutory changes in the current legislative session and to implement such changes by June 1, 2012. The deadline for initial legislative introduction of bills for the 2012 session was December 1, 2011, with a final deadline for introduction of a bill being January 27, 2012, in the Senate and February 1, 2012, in the House. These dates preceded the release date of the Report and Order, which was February 6, 2012.

In addition, the COPUC is currently in the process of evaluating the new federal rules to determine any impacts they may have on the existing state LITAP program. Colorado is one of the states with the highest state-mandated matching discount in the nation. A thorough analysis of the expanded eligibility criteria and sustainability of the state fund is required. Because this is an important policy issue, the COPUC believes it would be best to also address potential statutory changes to the LITAP program in the 2013 legislative session so that such changes can be carefully and fully considered before being enacted. Therefore, the COPUC requests that the effective date for the uniform eligibility criteria be extended until July 1, 2013, for eligible telecommunications carriers in Colorado.

The COPUC submits that it has shown good cause to waive §54.409 for a limited period of time in accordance with 47 C.F.R. §1.3. The COPUC also submits that the public interest will be best served by an extension of time to provide adequate time for the State of Colorado to carefully and fully consider and enact appropriate statutory changes.

THEREFORE, the COPUC respectfully requests that the Federal Communications Commission grant this Petition for Waiver.

DATED: April 6, 2012.

(S E A L)



ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Doug Dean".

Doug Dean,
Director

Respectfully submitted,

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

JOSHUA B. EPEL

JAMES K. TARPEY

MATT BAKER

Commissioners