

Utah Public Service Commission
Melanie A. Reif (U.S.B. #8489)
Heber M. Wells Building
160 East 300 South, 4th Flr.
Salt Lake City, Utah 84111
E-mail: mreif@utah.gov
Tel.: 801-530-6716
Facsimile: 801-530-6796

- BEFORE THE FEDERAL COMMUNICATIONS COMMISSION -
Washington, D.C. 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 Universal Service)	CC Docket No. 96-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

UTAH PUBLIC SERVICE COMMISSION'S
PETITION FOR WAIVER

Pursuant to 47 C.F.R. § 1.3 (2011), the Utah Public Service Commission (Commission) respectfully requests temporary waiver of the June 1, 2012 Federal Communications Commission's (FCC) deadline related to reforms to the Universal Service Fund's Lifeline Program.

On February 6, 2012, the FCC released the Lifeline and Link Up Reform and Modernization Report and Order and Proposed Rulemaking (Report and Order), adopting a uniform criteria for all states to utilize, at minimum, the income program criteria currently utilized by federal default states. The Report and Order establishes a compliance deadline of June 1, 2012 for adopting uniform eligibility criteria in Utah for the Lifeline program. The Commission requests a temporary waiver of the June 1, 2012 deadline until July 1, 2013. Specifically, the Commission requests a waiver with respect to the following issues:

I. Consumer Eligibility & Enrollment

A. *One-Per-Household*

The Commission is presently addressing this issue with respect to landline ETC customers; however, the Commission will not be able to implement this requirement for customers of relatively new wireless ETCs in the State. The Commission is currently in negotiations with the Utah Department of Workforce Services (DWS), which handles verification and eligibility issues for the Commission on landline carriers. The Commission anticipates a satisfactory conclusion to these negotiations and implementation of a system covering customers of both landline and wireless ETCs by early 2013. The Commission further anticipates that all aspects of eligibility and verification will be adequately addressed in the agreement with DWS.

B. *Certification of Consumer Eligibility for Lifeline*

The Commission currently has a system in place for verifying eligibility of ETC landline customers. The Commission is presently working with DWS to implement a process for verifying eligibility for wireless ETC customers, but this process is still being developed and will not be completed by June 1, 2012.

C. *Electronic Signature and Interactive Voice Response Systems*

As part of the current negotiations with DWS, the Commission and DWS are considering how customers might apply and how eligibility will be determined. The Commission anticipates that the requirements related to electronic signatures and voice response systems will be addressed in accordance with State policies governing applications for income-based benefits or programs.

D. *Audits and Enforcement*

The Commission has procedures for annual verification audits and enforcement mechanisms presently in place for landline based customers. The current negotiations between the Commission and DWS will address how to extend the existing procedures to wireless ETC customers. Therefore, the Commission will not be able to fully comply with the audits and enforcement requirement by the June 1, 2012 deadline.

II. Further Notice of Proposed Rulemaking

A. *Adding Women, Infants, and Children Program to the Eligibility Criteria*

The Commission will be adding the women, infants, and children program to the eligibility criteria, but an administrative rule amendment will be necessary before the Commission can implement this change. The Commission does not anticipate making such an amendment until the negotiations with DWS are concluded as other administrative rule amendments may be required and, for efficiency and economy of resources, the Commission desires to complete all necessary amendments at the same time.

The FCC may waive its rules for good cause shown. See 47 C.F.R. § 1.3. Granting this waiver request is in the public interest and will allow the Commission adequate time to come into compliance with the aforementioned rules. A waiver will also result in less confusion and a better, more complete program design, and Utah ETCs will not be subject to an unnecessary disruption in reimbursements.

CONCLUSION

For the foregoing reasons, a temporary waiver of the June 1, 2012 deadline to implement changes as required by the Report and Order should be granted to July 1, 2013.

RESPECTFULLY submitted this 21st day of May 2012.

/s/Melanie A. Reif, Legal Counsel

/s/Ted Boyer, Chairman

- 5 -

/s/Ric Campbell, Commissioner

/s/Ron Allen, Commissioner