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State of Utah  
DEPARTMENT OF COMMERCE  
Office of Consumer Services

MICHELE BECK  
*Director*

To: Utah Public Service Commission

From: Office of Consumer Services  
Michele Beck, Director

Date: July 26, 2012

Re: In the Matter of the Resolution of Issues Related to the Designation of a Common Carrier as an Eligible Telecommunications Carrier Docket No. 10-2528-01

Pursuant to the Notice of Deadline to File List of Issues and Notice of Technical Conference issued on July 19, 2012 by the Utah Public Service Commission (Commission), the Office of Consumer Services (Office) provides the following issue list.

### **Issues Arising from the FCC Transformation Order**

The Office is confident that other parties, particularly providers subject to FCC compliance, will provide a comprehensive list of Lifeline issues arising from the FCC transformation order. The Office requests that the Commission ensure that these issues are addressed within the public process afforded by this docket, rather than on an ad hoc basis. The Office notes the following two issues and recognizes that others may also exist.

1. December 1 requirements: The Office understands that processes need to be changed such that providers are given copies of Lifeline applications. The waiver for this requirement expires December 1, 2012 making it likely to be of highest priority. It will likely take several weeks for changes to be implemented at the state agency. Thus, quick action on this issue is necessary.
2. June 1, 2012 requirements: The Office understands that the FCC Transformation Order requires that all Lifeline participants be verified for eligibility by June 1, 2012. This issue is inter-related with one issue arising from recent activities (described below) and many other issues raised in the earlier phases of this docket. The Office recommends that the Commission direct a comprehensive examination of these inter-related issues rather than a standalone evaluation of how to meet the June 1 requirements.

## **Issues Arising from Recent Activities Completed Outside Docket No. 10-2528-01**

The Division of Public Utilities (Division) submitted a memo on July 18, 2012 in this docket that it described as “a status report and update of all the different activities that have transpired.” The Division indicated its expectation that the “comments will provide a foundation and understanding for all interested parties of the events that have transpired.” While the Office agrees it is important for all parties to be aware of the events that have transpired, the Office believes the memo generates more questions than understanding. Thus, the Office recommends that first two of the following issues must be further addressed within this docket to ensure that the Commission’s agency action isn’t determined outside of the docket opened to consider such issues.

1. **Lifeline Application:** The Division’s memo describes a new Lifeline application that is compliant with the FCC requirements. The Office notes that this application was developed with limited input from a subset of interested parties. The Office has been informed that some stakeholders have concerns with the new application. Therefore, the Office recommends that the application be revisited to ensure that all stakeholders have the opportunity for input.
2. **New verification process:** The Division reports that significant discussions and progress has taken place toward developing a new process for both customers and providers to use in determining eligibility for Lifeline services. The Division does not address the other inter-related issues that have previously arisen related to such a process. For example, will the Commission require all providers to use this process as part of protecting the confidentiality of potential Lifeline participants? How will the process be paid for? These questions should be addressed and culminate in a Commission Order (or rules).
3. **MOU:** Finally, the Division’s memo describes the anticipation of a new MOU between the Commission, the Division and DWS to be executed quickly. The Office does not have specific comments on the content or process of the MOU. However, the Office notes that the process for certification and verification of Lifeline eligibility should be based on good public policy and stakeholder input. The process should drive the terms of the MOU and not the reverse.

## **Other Issues from the Docket**

The Office recommends that the Commission review all of the outstanding issues within this docket to ensure an orderly conclusion to the work done to date. In particular, the Office notes the following issues, which is a sample and not a comprehensive list.

1. **Outreach and communication requirements:** The FCC Transformation Order includes some outreach requirements. This docket should review those requirements and determine whether it is sufficient to meet the needs of the state.

The Office notes that a Utah-specific fact sheet has been part of the individual orders of all of the wireless providers granted ETC status for purpose of providing Lifeline service. This issue should also be reviewed. Finally, the Office notes that current Utah rules allow recovery of Lifeline advertising from the state USF. Given the significant change in the type and quantity of such advertising, a potential rule change should be considered relatively quickly.

2. Improved information for customers: The Office has previously suggested that the Commission maintain a list of approved Lifeline providers to assist customers in comparing options. The Office would like this idea discussed so that such a list can be instituted quickly and maintained by an official state agency, either the Commission or appropriate agency.
3. Lifeline Advisory Group: The Office and other parties have recommended that a group be established to quickly address any Lifeline issues that arise, rather than using an ad hoc process that is contrary to transparent government operations and not properly inclusive of all interested stakeholders. In the alternative, the Office suggests that the docket could be used as such a forum until something else is established.