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BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH

In the Matter of the Resolution of Certain
Issues Related to the Designation of a
Common Carrier as an Eligible
Telecommunications Carrier

DOCKET NO. 10-2528-01

**TRACFONE WIRELESS, INC.'S
RESPONSE**

Pursuant to the Notice of Deadline to File List of Questions and Information Sought at Technical Conference to be Scheduled at a Later Date on eREP System (“Notice”), issued by the Commission on July 31, 2012, TracFone Wireless, Inc. (“TracFone”) files its response. The Notice refers to a technical conference with the Department of Workforce Services (“DWS”) on the eREP system discussed in the Division of Public Utilities’ Memorandum, filed with the Commission on July 23, 2012.

The Division of Public Utilities advised the Commission in its July 23, 2012 Memorandum that it had begun working with DWS to develop a process that will enable carriers and customers to access account information through a state system known as eREP. As described by the Division of Public Utilities, eREP is an online portal where customers, Eligible Telecommunications Carriers (“ETCs”), and state agencies can access DWS databases to verify the accuracy of information about a particular customer. In addition, eREP can be used to notify ETCs about customers’ initial and annual

eligibility for Lifeline benefits and whether a customer's household is already receiving Lifeline benefits from the inquiring ETC or another ETC. TracFone requests that the following issues be addressed during the technical conference with DWS regarding the eREP system.

1. Customer Data Required for ETCs to Utilize eREP

The Division of Public Utilities contemplates that ETCs will use eREP to access DWS databases to verify whether a Lifeline applicant is enrolled in a public assistance program that entitles the applicant to Lifeline benefits. ETCs will also use eREP to verify the continued Lifeline eligibility of Lifeline customers on an annual basis. The Division of Public Utilities has not identified the customer data that ETCs will need to provide to utilize eREP.

ETCs are currently required to collect certain information from Utah Lifeline applicants. The State of Utah Lifeline Assistance Program Application (UTAP Rev. 7/2012) requires an applicant to provide his or her name, address, Social Security Number ("SSN"), and date of birth. In addition, ETCs are required to periodically provide the Division of Public Utilities with a list of Lifeline participants, including each participant's address, SSN, and date of birth. TracFone disagrees that requiring applicants to provide their full SSNs or ETCs to report applicants' full SSNs is necessary to ensure that only qualified households receive Lifeline-supported services or that no qualified household receives more than one supported service. Moreover, there is no basis for requiring a full SSN to query DWS databases to confirm an applicant's participation in a Lifeline-qualifying program. Obtainment of the last four digits of Lifeline applicants' SSNs, combined with other required information (name, address, and

date of birth), has proven sufficient to prevent improper Lifeline enrollment without unnecessarily compromising consumer privacy rights and expectations.

Lifeline applicants have legitimate privacy concerns and expectations regarding disclosure of full SSNs on Lifeline applications. The Utah Lifeline Assistance Program Application requires Lifeline applicants to provide names, addresses, dates of birth, and full nine digit SSNs. This information, if intercepted by a third party, exposes applicants to the risk of identity theft or other unauthorized uses of the applicants' SSNs. However, the risk of identity theft or another unauthorized use of applicants' SSNs is minimized by requiring Lifeline applicants to provide only the last four digits of SSNs. Requiring Lifeline applicants to disclose full nine digit SSNs needlessly compromises applicants' privacy rights and expectations and is not necessary to accurately verify eligibility.

The Federal Communications Commission ("FCC") only requires each Lifeline applicant to provide his or her name, address, telephone number, date of birth, and last four digits of the SSN on the Lifeline application form.¹ The FCC also requires only the last four digits of a Lifeline applicant's SSN to check a National Lifeline Accountability Database established by the FCC in the Lifeline Reform Order to ensure that each household only receives one Lifeline benefit.² The Division of Public Utilities notes in its July 23, 2012 Memorandum that it will be working with the FCC to ensure that its database access process meets the FCC's requirements for certifying Lifeline eligibility and for checking the national accountability database. Given that the FCC requires an applicant to provide only the last four digits of an applicant's SSN, the same information

¹ 47 C.F.R. § 54.410(d)(2); see Lifeline and Link Up Reform and Modernization et al., Report and Order and Further Notice of Proposed Rulemaking, WC Dkt. No. 11-42 et al., FCC 12-11 (rel. Feb. 6, 2012) ("Lifeline Reform Order"), ¶ 118.

² See 47 C.F.R. § 54.404(b).

should also be sufficient for an ETC to access DWS databases to confirm an applicant's participation in a Lifeline-qualifying program.

The technical conference should include a discussion of the customer data that ETCs will need to provide to utilize eREP and gain access to information to verify the initial Lifeline eligibility applicants and continued Lifeline eligibility of customers.

2. Scope of DWS Databases Accessed Via eREP

TracFone has extensive experience working with states to gain access to state databases to verify whether an individual is a participant in a Lifeline-eligible assistance program. TracFone has found that state eligibility databases are most effective when all programs that qualify an individual for Lifeline can be checked through a central database. TracFone requests that DWS identify all programs that can be accessed through eREP.

3. Attributes of eREP

TracFone currently has access to several state databases that allow it to verify whether an individual is eligible to receive Lifeline benefits. In TracFone's experience, the most effective portals to state databases permit ETCs to access databases with current information on a real time basis to check whether a Lifeline applicant is eligible for Lifeline service and whether a Lifeline customer continues to be eligible for Lifeline service. TracFone also has found that systems that permit ETCs to interface directly with databases (solely to confirm whether Lifeline applicants are enrolled in a participating eligible program) as compared to systems that require an individual to manually input an individual's name, address, date of birth and SSN, enable ETCs to more quickly and

efficiently provide Lifeline service to those low-income consumers who qualify for Lifeline benefits.

TracFone requests that DWS provide additional details regarding the attributes of eREP, including how quickly ETCs can certify whether an applicant is eligible for Lifeline, how frequently the DWS databases will be updated, and how ETCs will interact with the DWS databases (i.e., automatically or manually).

4. Expected Date of Availability of eREP to ETCs

TracFone is hopeful that the Division and DWS continue to work together to ensure that ETCs can access state databases of enrollment in Lifeline-qualifying programs. In the Lifeline Reform Order, the FCC properly concluded that the most accurate and reliable evidence of Lifeline enrollment eligibility is the original source of eligibility -- government databases of enrollment in qualifying programs. In this regard, the FCC has mandated that a national database of enrollment in at least some Lifeline-qualifying programs be made available by year-end 2013. As an interim measure pending the national Lifeline eligibility database, the FCC has adopted a requirement that, commencing June 1, 2012, in states where ETC access to state eligibility databases is not available, ETCs must require applicants for Lifeline enrollment to produce documentation of enrollment in qualifying programs. This mandatory documentation requirement is often referred to as “full certification.” TracFone has learned from its experience as an ETC providing Lifeline service that many prospective applicants for Lifeline enrollment do not have readily available documentation of their enrollment in

qualifying programs. Of those who do possess such documentation, most have no means of delivering the documentation to their preferred ETC.³

TracFone urges the Division of Public Utilities and DWS to promptly complete the tasks necessary to enable ETCs offering Lifeline services to access DWS eligibility databases, thereby allowing low-income Utah households who qualify for Lifeline support, but are unable to receive that support due to a full certification requirement, to receive Lifeline benefits. TracFone requests that DWS disclose the date that it expects to make the eREP online portal available to ETCs.

Respectfully submitted,

HATCH, JAMES & DODGE

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³ TracFone has petitioned the FCC to reconsider its full certification requirement and has separately requested postponement of the June 1 effective date to afford states a reasonable opportunity to make their databases available to ETCs and thereby obviate the need for full certification. The June 1 effective date has not been postponed. However, TracFone's petition for reconsideration of the full certification requirement remains pending. TracFone has also petitioned the FCC to require that ETCs retain copies of all program-based eligibility documents which they have viewed. That request also remains pending.

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of August, 2012, a true and correct copy of the foregoing was served upon the following as indicated below:

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