

DOCKET NO. 10-2528-01
CENTURYLINK'S COMMENTS
10/03/12

CenturyLink appreciates the time and effort by the Utah Division of Public Utilities (DPU) to develop the Lifeline business proposal. CenturyLink believes the DPU has done an excellent job in putting together a business proposal that will accomplish all of the important objectives outlined in the **Program Vision** shown on page 3 of the DPU proposal, including meeting *“the requirements of the FCC Lifeline Reform Order.”*

However, there are a few areas that CenturyLink desires to address in its comments to provide additional detail and clarification.

Participants with Complete Information (page 4):

The DPU proposal anticipates that after the DPU performs the match process between the carrier's subscriber list and the Department of Workforce Services (DWS) database, the DPU will provide a file to the telecommunications carrier, denoting which participants are eligible or ineligible. Further notice will then be provided by the DPU to the ineligible participants in accordance with the Resolution Process outlined on page 5.

CenturyLink would suggest that DPU wait until after it has completed the Resolution Process to inform carriers of the ineligible customers since CenturyLink cannot de-enroll those customers from Lifeline until after the Resolution Process has been completed. To send CenturyLink a list of ineligible subscribers prior to the completion of that process may cause confusion and the possible de-enrollment of subscribers before they have been properly notified.

Eligible Participants (page 4):

The DPU proposes to notify each eligible participant that the DPU was able to verify that participant's continued eligibility for Lifeline benefits. The notice will include information informing the eligible participant that they must notify DWS immediately if their current information changes. CenturyLink suggests, at least in the interim, that the notice should also inform each participant that Lifeline benefits are only available on one phone in the household, including landline or wireless, and is non-transferrable. This will educate participants that they cannot receive duplicate benefits, which they currently may not understand. Once the National Lifeline Accountability Database is operational this notice will not be as critical since there will be other safeguards in place to minimize duplicative Lifeline benefits.

New Participants

Denied applications (page 6):

The proposal indicates that for denied applications, DWS will send a letter notifying the applicant that the applicant is ineligible, with information regarding the appeal process, and an application

and certification form, and follow the Resolution Process. CenturyLink suggests that the complete Resolution Process does not apply in this instance since this section is in reference to new participants. These applicants are not currently receiving Lifeline benefits. Since the Resolution Process only pertains to current Lifeline participants, the reference to this Process should be removed from this paragraph.

Communication with Telecommunications Companies (page 9):

In the proposal, the DPU stated the following; *“The PSC will need to receive a waiver of the requirement to provide a hard copy of the application and certification forms from the FCC with the understanding that the information will be safeguarded and maintained on behalf of the telecommunication carriers.”*

In Utah the state is responsible for doing the initial and ongoing Lifeline customer eligibility verification. Pursuant to a previous FCC waiver¹ starting on December 1, 2012, the state will need to start providing to each Eligible Telecommunications Carrier (ETC) a *“hard copy of the application and certification forms”* of each ETC’s new Lifeline customers. In lieu of doing this, the DPU is proposing that this information be maintained in the DWS eREP system and that limited access to customer information will be provided to those not a part of the Utah state government, including ETCs and the FCC. ETCs would have limited access to the information for their customers. The DPU correctly identifies that this process change will require a waiver from the FCC.

CenturyLink believes the following needs to be considered in developing a complete process and for the filing of a FCC waiver:

- Since December 1 is not far away, a FCC waiver will need to be filed quickly to allow time for the FCC to consider and rule on the waiver.
 - Utah will need a backup plan should the FCC not grant the waiver or rule on the waiver prior to December 1. (Such as start providing copies of the documentation to ETCs.)
- Customer information in eREP may need to be maintained for at least ten years² or as long as that customer receives lifeline benefits from that carrier, regardless of whether a customer remains with one Lifeline provider or changes to another provider. For example, if a Lifeline customer was initially with one ETC and later changed to another ETC, both ETCs

¹ In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, DA 12-863, WAIVER ORDER, Released: May 31, 2012. http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-12-863A1.pdf

² The FCC’s Lifeline Reform Order contains a Further Notice of Proposed rulemaking that would extend the requirement to retain these records to 10 years.

§ 54.417 Recordkeeping Requirements

(a) Eligible telecommunications carriers must maintain records to document compliance with all Commission and state requirements governing the Lifeline/Link Up programs for the ~~three~~ ten full preceding calendar years and provide that documentation to the Commission or Administrator upon request. Notwithstanding the preceding sentence, eligible telecommunications carriers must maintain the documentation required in §§ 54.409(d) and 54.410(b)(3) for as long as the consumer receives Lifeline service from that eligible telecommunications carrier.

would need the ability to access the customer information related to the time frame the customer was with that particular ETC.

- The DPU proposes “read only” access to the information. In case of a FCC audit of a carrier’s Lifeline program, it is anticipated that the FCC will request paper or electronic copies of their Lifeline subscribers’ documentation. If this happens, ETCs will need to be able to get paper or electronic copies in a timely fashion in order to be responsive to data requests from the FCC. If the state desires to maintain “read only” capability, the PSC will need to convince the FCC in the waiver request that the FCC can perform its audit of the records of an ETC by “read only” access to the eREP database.

National Lifeline Accountability Database (NLAD) (page 10):

Under this section the DPU stated; “*When a customer disconnects service from the ETC, the ETC must notify DWS within one day. DWS will notify NLAD.*”

The one business day is consistent with the current FCC requirement. However, on April 2, the United States Telecom Association (USTA) filed for a waiver³ seeking a change to three business days. If the FCC grants this waiver, CenturyLink believes the Utah requirement should mirror the FCC requirement. Additionally, if a CenturyLink Lifeline customer contacts CenturyLink to either drop their Lifeline benefit or to disconnect service, CenturyLink plans to notify both the NLAD and DWS within the specified time frame.

³ 04/02/12, Petition For Reconsideration and Clarification of the United States Telecom Association, in FCC Dockets; WC Docket No. 12-23, WC Docket No. 11-42, CC Docket No. 96-45, WC Docket No. 03-109, page 12: <http://apps.fcc.gov/ecfs/document/view?id=7021906157>

VIII. THE COMMISSION SHOULD RECONSIDER THE TIME PERIOD PERMITTED TO REMOVE DE-ENROLLED LIFELINE CUSTOMERS FROM THE DATABASE

The Commission should reconsider the one-day allowed for updating of the database within one business day of any Lifeline subscriber’s de-enrollment. This is an ambitious standard, especially when of (“SIC”) the national database is only getting started, and when Lifeline providers and the administrator have not yet had any experience with the database. To account for the inevitable technical and procedural complications that may arise on both sides of the interaction during its early stages, three business days should be permitted for notification to the database of a subscriber de-enrollment.

This minor extension of time has no impact on the Lifeline Fund’s size since the rules mandate that an ETC shall not be eligible for Lifeline reimbursement for any de-enrolled subscriber following the date of that subscriber’s de-enrollment. In the future, as the administrator and providers have more experience, the Commission could reassess whether the time period for notifying the database could practicably be shortened.