

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Resolution of Certain)
Issues Related to the Designation of a) DOCKET NO. 10-2528-01
Common Carrier as an Eligible)
Telecommunications Carrier) NOTICE OF INTERIM COMPLIANCE
) PROCESSES TO ADDRESS NATIONAL
) LIFELINE ACCOUNTABILITY
) DATABASE (NLAD), NEW
) APPLICATIONS, AND ANNUAL
) ELIGIBILITY CERTIFICATION
) COMPLIANCE PROCESSES
)

ISSUED: December 20, 2013

By The Commission:

NOTICE OF INTERIM COMPLIANCE PROCESSES

Notice is given of the procedures the Public Service Commission (“Commission”) is undertaking on an interim basis to comply with the federal requirements relating to the Lifeline program. The need for an interim compliance plan is driven by: 1) the Federal Communication Commission’s (“FCC”) establishment of deadlines for the NLAD, requiring Utah’s carriers to begin entering information during the first quarter of 2014, 2) pending expiration of Utah’s temporary waiver, and 3) the process of developing a plan for the administration of the Lifeline program (application processing and on-going eligibility certification) with the Department of Work Force Services (“DWS”). The Commission wishes to express thanks to the DWS for its willingness to participate in the Lifeline program’s administration and for helping to design a robust process for doing so.

Specifically, this notice will address the following compliance aspects of implementing the federal Lifeline requirements and describe the Commission's interim approach to both meet the federal requirements and administer the state program:

- I. The processes by which eligible telecommunication carriers ("ETC") will enter data into the National Lifeline Accountability Database ("NLAD") for both the initial loading of the NLAD and the required ongoing updates.
- II. The processes the Commission will adopt, in concert with the DWS and the Division of Public Utilities ("DPU"), to either process new participants' applications or verify the eligibility of new participants.
- III. The processes the Commission will use to undertake the required annual eligibility certification on a going-forward basis.
- IV. The Commission's plans to bring Administrative Rule R746-341 into harmony with the federal requirements and to promulgate additional changes and additions to various pertinent administrative rules.

I. INITIAL NLAD DATA ENTRY

The FCC has published deadlines for Utah ETCs to: 1) begin entering data into the NLAD, 2) complete all data reconciliation efforts, and 3) to go live (for the NLAD) for Utah ETCs. These deadlines are February 10, 2014; March 10, 2014; and March 13, 2014, respectively. Prior to February 10, 2014, all ETC carriers must complete the registration process and be prepared to begin data entry on February 10, 2014, per FCC requirements. All Utah ETCs will need to comply with the NLAD's requirements and procedures regarding data entry, information requirements, and conflict resolution.

For the ETCs participating in the Utah Lifeline program (typically the incumbent local exchange carriers) the DPU and DWS will shortly deliver an electronic file to each such ETC which contains a list of current eligible participants, and all of the required NLAD information fields. Note: Under the “Qualifying” field in the NLAD, Utah ETC carriers shall use the code E14 (qualified by a State Administrator) unless the ETC has separate documentation of the customer’s eligibility. Information regarding the carrier NLAD registration processes and required information can be found at: <http://www.usac.org/li/tools/nlad/nlad-migration.aspx>. In the interim (between March 13, 2014 when the NLAD goes live and when final Rules with respect to Lifeline are adopted) all Utah ETCs will be responsible to enter all required updates into the NLAD database. There will be two different procedures depending on whether or not a given ETC participates in the Utah Lifeline program. For ETCs that participate in the Utah Lifeline program, the DWS will provide eligibility verification services both for new applications and for continuing participant eligibility. For ETCs that only participate in the federal program, the DWS will provide monthly verification services. The Commission has informed the FCC it intends to pursue the option of having the DWS (as the state administrator) eventually take over the NLAD update function. Currently, FCC staff has explained that the database protocols do not allow such a role to be assumed by the state administrator, but that the FCC intends to allow such a role in the future.

II. NEW CUSTOMER APPLICATIONS AND NLAD UPDATES

A. State Participating ETCs

ETCs that participate in the State’s Lifeline program (i.e., provide a state discount to participants in addition to the federal discount) must submit (or have the customer submit) completed applications to the DWS for processing (consistent with current practice). The DWS

will determine whether the applicant is eligible or not eligible and must report its determination to the ETC and customer. The DWS will retain (in scanned electronic format stored on a secure internal server) all applications and supporting documents; these will be available to Universal Service Administrative Company (“USAC”) auditors as needed. We note that Utah currently has a temporary waiver allowing this procedure and that the Commission is in the process of applying for a permanent waiver.

State participating ETCs will update the NLAD to reflect each successful applicant concurrent with extending the Lifeline discounts to the applicant.

B. Federal Only ETCs

For ETCs that do not participate in the State’s Lifeline program (i.e., they do not provide a state discount) the application process is the responsibility of the ETCs. Federal only ETCs are responsible to comply with the FCC’s requirements and the following state procedures, including checking the NLAD for existing service prior to granting a new participant the Lifeline discount. Federal only ETCs are required to update the NLAD to reflect the added customer concurrent with extending the Lifeline discounts to the customer.

Federal only ETCs are requested to submit all changes in participant status to the DPU at least once per month (carriers may elect to submit more frequently if desired). A change of status will be deemed to occur whenever: 1) a new applicant qualifies for the discount, 2) a participant is removed from the program, 3) a change of address occurs, or 4) a participant switches carriers. The customer identification information accompanying each change of status notification to the DPU must include:

1. Full social security number, 9 characters, format as special, social security (actual data has no “-” between numbers) example “529999999”;

2. Date of Birth, 8 characters, format date MM/DD/YYYY, example “01/01/1901” for January 1, 1901;
3. First Name, 25 characters, format as text, example “GEORGE”;
4. Middle Name or Initial, 10 characters, format as text, example “M” or “MARIE”;
5. Last Name, 25 characters, format as text, example “SMITH, JR”;
6. Physical Residence Address, 30 characters (house number, direction, street, apt, trailer, etc.), format as text, example “160 E BROADWAY APT 410”;
7. Physical City, 20 characters, format as text, example “SALT LAKE CITY”;
8. Physical State, 2 characters, format as text, example “UT”;
9. Physical Zip Code Plus, 9 characters, format as special, Zip Code + 4, example “841116751”;
10. Billing/Mailing Address, 30 characters (to include P O Box), format as text, example “P O BOX 146751”;
11. Billing City, 20 characters, format as text, example “SALT LAKE CITY”;
12. Billing State, 2 characters, format as text, example “UT”;
13. Billing Zip Code Plus, 9 characters, format as special, Zip Code + 4, example “841146751”;
14. Telephone Carrier Name, 25 characters, format as text, example “QWEST”; and
15. Telephone Number, 10 characters, format as special, telephone number (include area code, prefix or NXX and identifier) example “8019999999”.

Any participant record without the complete information listed above will be returned to the ETC with a “not-eligible” status, and a notice will be sent to the customer requesting either proof of

eligibility by filling out an application to be submitted to the DWS, or confirmation of cessation of eligibility.

Federal only ETCs should contact Shauna Benvegnu-Springer (sbenvegn@utah.gov) prior to March 1, 2014 to retrieve the exact format and file type requirements to be followed to submit the monthly change of status updates. Monthly change of status update files should be submitted to the DPU beginning in March 2014 (when the NLAD goes live for Utah carriers).

On an interim basis, until the DWS completes computer coding required to fully implement the administration of the program in-house, the DPU will collate the federal only ETC's files into one submission file which will be forwarded to the DWS on a monthly basis. The DPU will also parse the completed eligibility file back into the separate ETCs' files to return the results of the monthly update eligibility to the ETCs. The DWS will verify the eligibility status of each participant and return the result to the DPU.

For participants found not to be eligible a notice will be sent to the customer (as detailed above) requesting resolution of the customer's eligibility status. Carriers must act promptly to remove participants found to be ineligible by the DWS.

III. ANNUAL ELIGIBILITY CERTIFICATION

The FCC requirement to annually certify the continued eligibility of existing participants has been modified for 2013/2014. The new requirements move the eligibility certification requirement from June of each year to a calendar year basis. For the upcoming certification cycle, the FCC requirement is that the participant list to be verified will be the customers-of-record as of December 31, 2013. We encourage all ETCs -- both federal only and state participating ETCs -- to develop procedures that will allow them to record and save an accurate list of Lifeline customers as of December 31, 2013. (We note that this requirement is an FCC requirement and has been generally known by the telecommunication industry for some time.) We request that all ETCs (both state participating and federal only ETCs) send the DPU their respective full list of year-end customers by February 28, 2014 (lists may be submitted anytime between January 1, 2014 and February 28, 2014 but should be clearly labeled as Annual Eligibility Certification lists, so as not to be confused with the required monthly update lists).

The lists must contain the full participant identification information as follows:

1. Full social security number, 9 characters, format as special, social security (actual data has no "-" between numbers) example "529999999";
2. Date of Birth, 8 characters, format date MM/DD/YYYY, example "01/01/1901" for January 1, 1901;
3. First Name, 25 characters, format as text, example "GEORGE";
4. Middle Name or Initial, 10 characters, format as text, example "M" or "MARIE";
5. Last Name, 25 characters, format as text, example "SMITH, JR";
6. Physical Residence Address, 30 characters (house number, direction, street, apt, trailer, etc.), format as text, example "160 E BROADWAY APT 410";

7. Physical City, 20 characters, format as text, example “SALT LAKE CITY”;
8. Physical State, 2 characters, format as text, example “UT”;
9. Physical Zip Code Plus, 9 characters, format as special, Zip Code + 4, example “841116751”;
10. Billing/Mailing Address, 30 characters (to include P O Box), format as text, example “P O BOX 146751”;
11. Billing City, 20 characters, format as text, example “SALT LAKE CITY”;
12. Billing State, 2 characters, format as text, example “UT”;
13. Billing Zip Code Plus, 9 characters, format as special, Zip Code + 4, example “841146751”;
14. Telephone Carrier Name, 25 characters, format as text, example “QWEST”; and
15. Telephone Number, 10 characters, format as special, telephone number (include area code, prefix or NXX and identifier) example “8019999999”.

ETCs should contact Shauna Benvegna-Springer (sbenvegn@utah.gov) to retrieve the exact format and file type requirements.

IV. RULE MAKING

On December 19, 2013, the Commission submitted a Notice of Proposed Rule Amendment to the Utah Department of Administrative Services, Division of Administrative Rules to repeal some language in Rule R746-341 that conflicts with the current federal requirements. Early in 2014, the Commission intends to submit proposed amendments to Rule R746-341 to codify and amplify the procedures outlined in this Notice. All interested parties will be able to participate in that rulemaking process which will result in a new set of rules to govern the Lifeline programs (both state and federal) in Utah.

DATED at Salt Lake City, Utah, this 20th day of December, 2013.

/s/ Ron Allen, Chairman

/s/ David R. Clark, Commissioner

/s/ Thad LeVar, Commissioner

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DW#249496

CERTIFICATE OF SERVICE

I CERTIFY that on the 20th day of December, 2013, a true and correct copy of the foregoing was served upon the following as indicated below:

By U.S. Mail:

Peter Lurie
Elaine Divelbliss
Virgin Mobile USA, L.P.
10 Independence Blvd.
Warren, NJ 07059

By Electronic Mail:

Tricia Cox (tcx@utah.gov)
Susan Kolthoff (skolthoff@utah.gov)
Department of Workforce Services

Sherman Roquero (sroquier@utah.gov)
Department of Community and Culture

Mitchell Brecher (brecherm@gtlaw.com)
Greenberg Traurig, LLP

Gary A. Dodge (gdodge@hjdllaw.com)
Hatch, James & Dodge

Stanley K. Stoll (sstoll@blackburn-stoll.com)
Kira Slawson (kslawson@blackburn-stoll.com)
Blackburn & Stoll, LC

Lance J.M. Steinhart (lsteinhart@telecomcounsel.com)
Lance J.M. Steinhart, P.C.

Timothy J. Funk (funk@crossroads-u-c.org)
Crossroads Urban Center

James Farr (james.farr@centurylink.com)
Torry R. Somers (Torry.r.somers@centurylink.com)
CenturyLink

Brett L. Tolman (btolman@rqn.com)
Ray Quinney & Nebeker P.C.

James L. Messenger (james.messenger@leclairryan.com)
Leclairryan

Eric Seguin (sequin@solixinc.com)
Solix, Inc.

Sonya L. Martinez (smartinez@slcap.org)
Betsy Wolf (bwolf@slcap.org)
Salt Lake Community Action Program

Sharon M. Bertelsen (bertelsens@ballardspahr.com)
Ballard Spahr

Robin Enkey (robine@budgetprepay.com)
Budget PrePay, Inc.

Thorvald A. Nelson (tnelson@hollandhart.com)
Sara Kerkhoff Rundell (sakrundell@hollandhart.com)
James A. Holtkamp (jholtkamp@hollandhart.com)
Holland & Hart LLP

Utah Assistant Attorneys General
Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Brent Coleman (brentcoleman@utah.gov)

By Hand-Delivery:

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant