

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Lifeline and Link Up Reform and) WC Docket No. 11-42
Modernization)
)

**PETITION OF
THE FLORIDA PUBLIC SERVICE COMMISSION
FOR TEMPORARY WAIVER**

CHAIRMAN ART GRAHAM
COMMISSIONER JULIE I. BROWN
COMMISSIONER DONALD J. POLMANN
COMMISSIONER GARY F. CLARK
COMMISSIONER ANDREW GILES FAY

October 30, 2018

I. INTRODUCTION

Pursuant to Section 1.3 of the Federal Communications Commission's (FCC) rules, the Florida Public Service Commission (FPSC) requests a temporary waiver of the FCC's Lifeline recertification and non-usage rules for subscribers affected by Hurricane Michael in Florida.¹ The recertification rules require Lifeline subscribers to recertify their eligibility every twelve months to continue receiving Lifeline support.² The non-usage rules require subscribers to use their phone service for 30 consecutive days, or otherwise risk being de-enrolled from the program.³

On October 10, 2018, Hurricane Michael made landfall on the Florida Panhandle as a high-end Category 4 hurricane, with maximum sustained winds of 155 mph. The damage from Hurricane Michael affected residents in Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Taylor, Wakulla, and Washington counties (Affected Counties). Residents in these counties are now eligible for Federal Emergency Management Agency (FEMA) Individual Assistance. The hurricane destroyed thousands of homes and businesses and forced the ordered evacuation of roughly 375,000 residents. The FPSC, working with Universal Service Administrative Company, estimates 21,000 Lifeline subscribers reside in the Affected Counties. In this Petition, the FPSC requests a four-month waiver of the recertification and non-usage rules to provide temporary relief to those subscribers residing in the Affected Counties. The request period is October 10, 2018 to February 10, 2019.

II. DISCUSSION

Hurricane Michael caused significant destruction to property and utility facilities causing loss of power and essential communication services. Prior to landfall, Governor Scott declared a state of emergency for 35 counties and requested that President Trump issue an emergency disaster

¹ See 47 C.F.R. § 1.3 – “The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”

² See 47 C.F.R. §§ 54.405(e)(4) and 54.410(f).

³ See 47 C.F.R. §§ 54.405(e)(3) and 54.407(c)(2).

declaration. President Trump approved the request on October 9, 2018. FEMA declared the Affected Counties as major disaster areas on October 11, 2018.⁴ Currently there are 29 deaths in Florida attributed to Hurricane Michael and hundreds of people who are missing.⁵

A. Lifeline Non-Usage Rules

In this Petition, the FPSC requests a four-month suspension of the FCC's non-usage rules for subscribers residing in the Affected Counties. In their rush to evacuate, some Lifeline customers may have forgotten to bring their phones. In other instances, the lack of power for an extended period of time prohibits use of their phones. The hurricane has also destroyed cellular hubs causing major disruption in telecommunication services. This temporary waiver would provide support and assistance to those hurricane victims in need of replacement mobile devices or the reestablishment of phone services.

B. Suspension of the Renewal/Recertification Process

The FPSC also requests a temporary waiver of the FCC's renewal/recertification requirements for Lifeline subscribers residing in the Affected Counties. The FPSC is concerned that recertification packets will not be received by subscribers whose homes have been destroyed or rendered uninhabitable. Thousands of residents lost their homes in the hurricane and have been forced to relocate. As a result, it will be difficult, if not impossible, for many subscribers to receive mail at their original service address to complete the renewal process. Furthermore, subscribers wishing to complete recertification online may lack access to broadband services.

Accordingly, the FPSC requests that renewal/recertification rules be suspended for subscribers residing in the Affected Counties whose service anniversary dates fall between October 10,

⁴ United States Department of Homeland Security, Federal Emergency Management Agency, *Florida Hurricane Michael (DR-4399)*, Major Disaster Declaration, October 11, 2018, <https://www.fema.gov/disaster/4399>, accessed on October 24, 2018.

⁵ Associated Press, *Hurricane Michael killed at least 29 in Florida, 39 total*, October 22, 2018, <https://www.apnews.com/bca698d342d74390ba2c97f83b9fab65>, accessed October 24, 2018.

2018, and February 10, 2019. This waiver should apply to subscribers in the following categories:

1. Subscribers that have already begun the renewal process;
2. Subscribers that have not yet begun the renewal process; and
3. Subscribers that have received a denial decision for non-response. Since the hurricane may have destroyed the renewal forms, these subscribers should be provided another opportunity to renew their eligibility after the waiver ends.

III. CONCLUSION

For the foregoing reasons, the FPSC requests a temporary waiver of the FCC's Lifeline non-usage and recertification rules for subscribers residing in the Affected Counties. The de-enrollment of eligible subscribers from the Lifeline program during this emergency would subject already vulnerable Lifeline subscribers to unnecessary endangerment resulting from the termination of essential communications services to which they have willfully subscribed. Granting the FPSC's waiver request would ensure that the affected subscribers have continued access to communications services during this difficult time, as they attempt to rebuild their lives, find new housing, and mourn the loss of their loved ones and friends.

Respectfully submitted,

/s/

Cayce Hinton, Director
Office of Industry Development and Market Analysis
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-9650