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# Public Service Commission

October 25, 2013

**VIA ELECTRONIC FILING**

The Honorable Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20554

**Re: WC Docket No. 11-42, Lifeline and Link Up Reform Modernization**

Dear Ms. Dortch:

Forwarded herewith is the Florida Public Service Commission's Status Update of Federal Communications Commission Limited Waiver of 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e) for the State of Florida and Petition for Permanent Waiver of Federal Communications Commission Rules 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e).

Bob Casey at (850) 413-6874 is the primary staff contact on this matter.

Sincerely,

/ s /

Adam J. Teitzman  
Attorney Supervisor

AJT:tf

cc: James Bradford Ramsay, NARUC  
Best Copy

**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	)	

**FLORIDA PUBLIC SERVICE COMMISSION**

**STATUS UPDATE OF FEDERAL COMMUNICATIONS COMMISSION LIMITED  
WAIVER OF 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and  
47 C.F.R. §54.410(e) FOR THE STATE OF FLORIDA**

**AND**

**PETITION FOR PERMANENT WAIVER OF FEDERAL COMMUNICATIONS  
COMMISSION RULES 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R.  
§54.410(c)(2)(ii), and 47 C.F.R. §54.410(e)**

CHAIRMAN RONALD A. BRISÉ

COMMISSIONER LISA POLAK EDGAR

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COMMISSIONER JULIE I. BROWN

October 25, 2013

## INTRODUCTION AND SUMMARY

On February 6, 2012, the Federal Communications Commission (“FCC”) released a Report and Order and Further Notice of Proposed Rulemaking (Order) regarding Lifeline and Link Up Reform and Modernization (FCC 12-11). The Order states that eligible telecommunications carriers (ETCs) must not seek reimbursement from the Federal universal service fund unless the ETC has received from the state Lifeline administrator or other state agency, a copy of the Lifeline subscriber’s certification form.<sup>1</sup> The Order also requires state Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber’s eligibility for Lifeline to provide each ETC with a hard-copy of each of the Lifeline certification forms beginning June 1, 2012.<sup>2</sup>

Lifeline applicants in Florida have several options when applying for Lifeline. A consumer can apply directly to the Florida ETC. If consumers wish to use income criteria for Lifeline qualification, they may apply for Lifeline through the Florida Office of Public Counsel (OPC).<sup>3</sup> A Florida consumer can request Lifeline when applying for Medicaid, Supplemental Nutrition Assistance Program (SNAP), or Temporary Assistance to Needy Families (TANF)<sup>4</sup> through the Florida Department of Children and Families (DCF) which is the administrator of those programs in Florida. The Florida Public Service Commission (FPSC) Lifeline Electronic Coordinated Enrollment process with the DCF has been in place since 2007. Consumers already participating in Medicaid, SNAP, or TANF can also apply for Lifeline on the FPSC website which will confirm in real-time,

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<sup>1</sup> 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), and 47 C.F.R. §54.410(c)(2)(ii).

<sup>2</sup> 47 C.F.R. §54.410(e).

<sup>3</sup> Florida Statutes provide that the Florida Office of Public Counsel shall provide Lifeline applicant income criteria certification for each local exchange telecommunications company that has more than one million access lines and any wireless provider who elects to have OPC certify their income criteria applicants. See Section 364.10(2)(a), Florida Statutes.

<sup>4</sup> In Florida, TANF is known as Temporary Cash Assistance.

participation in a Lifeline-qualifying DCF program, without naming the particular program.<sup>5</sup> Modifications have been made to the process over the years as Lifeline requirements changed, including the attestations and certifications required by the Lifeline Reform Order. The Florida Lifeline Electronic Coordinated Enrollment process does not have the capability of printing out a hard-copy Lifeline application as required by FCC Rules 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e). Requiring hard-copy application certifications to ETCs does nothing to enhance the validity of the subscriber's eligibility when the Florida Lifeline Electronic Coordinated Enrollment process is used. It would be extremely difficult if not impossible to isolate the required certification and application information, create images of these documents and provide them to the relevant ETC.

On April 25, 2012, the United States Telecom Association (US Telecom), without consulting the FPSC, filed a Petition for Waiver of the hard-copy application requirement on behalf of twenty states including Florida.<sup>6</sup> On May 31, 2012, the FCC granted the US Telecom Waiver until December 1, 2012, for eleven states, the District of Columbia, and the U.S. Virgin Islands.<sup>7</sup> On November 28, 2012, US Telecom filed another Waiver Request asking the FCC to extend the Waiver period to June 1, 2013. On December 21, 2012, the FCC approved the US Telecom Waiver extension until June 1, 2013, for seven states and the US Virgin Islands.<sup>8</sup>

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<sup>5</sup> Applicants wishing to qualify for Lifeline using Supplemental Security Income, Federal Public Housing Assistance, Low-Income Home Energy Assistance Program, National School Lunch Free Lunch Program, or Bureau of Indian Affairs Programs can complete a hard-copy Lifeline application available on the FPSC Web site, and submit it to their telephone provider along with verification that they are currently participating in one of these programs.

<sup>6</sup> US Telecom also filed a Petition for Reconsideration and Clarification of the Lifeline Reform Order on April 2, 2012, which included in part, a request to reconsider the requirement of providing a copy of the Lifeline application form to the ETC.

<sup>7</sup> DA 12-863, Waiver Order for California, Colorado, District of Columbia, Florida, Idaho, Montana, Nebraska, Nevada, Oregon, the U.S. Virgin Islands, Utah, Vermont, and Washington .

<sup>8</sup> DA 12-2062, Waiver Order for the US Virgin Islands and the states of California, Colorado, Florida, Idaho, Oregon, Utah, and Vermont.

On May 6, 2013, US Telecom requested another Waiver extension until December 1, 2013. On August 30, 2013, the FCC approved the US Telecom Waiver extension for eight states including Florida, until the earlier of February 1, 2014, or once the state has come into compliance with the FCC's rules, or no longer requires a waiver because the ETCs in that state collect certification forms directly from consumers.<sup>9</sup> The August 30, 2013 Waiver Order stated that "...no later than November 1, 2013, each state still subject to this waiver must file a status update with the Bureau explaining the steps it has taken to bring its processes into compliance, and, if applicable, why it is unable to come into compliance by the end of the waiver period." In addition, the Waiver Order stated that "...if an ETC or state believes that it will be unable to come into compliance and seeks a permanent waiver from the rules, it must provide in its request for permanent relief an explanation for why such relief is appropriate."

During these Waiver periods, the FPSC had numerous telephone conference calls with FCC staff to describe the Florida Lifeline Electronic Coordinated Enrollment process and to explain the reason why the Florida process meets the FCC requirements, and why the obligation to provide hard-copy certifications of Lifeline applicants should not apply to Florida. As the June 1, 2013 waiver period was expiring, the FPSC again contacted the FCC and inquired if there was anything else the FPSC needed to do. The FCC recommended that the FPSC file a description of the Florida process as an Ex Parte filing in Docket No. 11-42. The FPSC prepared the requested description with screen shots of the Florida Lifeline Electronic Coordinated Enrollment process and filed the documents in Docket No. 11-42 on May 31, 2013.<sup>10</sup>

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<sup>9</sup> DA 13-1853, Waiver Order for California, Colorado, Florida, Idaho, Nebraska, Oregon, Utah, and Vermont.

<sup>10</sup> See <http://apps.fcc.gov/ecfs/document/view?id=7022419940>

**STATUS UPDATE OF FEDERAL COMMUNICATIONS COMMISSION LIMITED WAIVER OF 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e) FOR THE STATE OF FLORIDA**

Florida has put in place a streamlined, efficient, and verifiable Lifeline Electronic Coordinated Enrollment process that does not have the capability of printing out a hard-copy Lifeline application. The FPSC believes that the FCC requirement to provide hard-copy certifications is unnecessary in Florida, not cost effective, and would penalize Florida for using Lifeline Electronic Coordinated Enrollment that is efficient and streamlined. The Florida Lifeline Electronic Coordinated Enrollment process allows ETCs to adhere to the requirements of the Lifeline Reform Order without the need to require or maintain hard-copy Lifeline certification applications.

The Florida Lifeline Electronic Coordinated Enrollment process was created to simplify and streamline Lifeline enrollment and verify an applicant's participation in Medicaid, SNAP, or TANF. The FPSC believes that hard-copy documentation of a Lifeline applicant's participation in a qualifying program is not necessary when Florida's Lifeline Electronic Coordinated Enrollment process is used for initial program eligibility. A Florida ETC can easily make a note in its records that the Florida Lifeline Electronic Coordinated Enrollment process was relied upon to confirm a consumer's initial eligibility for Lifeline, or the ETC could retain a copy of the notification it receives from the FPSC when Lifeline applicants are verified and approved. The FPSC believes that a permanent waiver of FCC Rules 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e) is necessary.

**PETITION FOR PERMANENT WAIVER OF FEDERAL COMMUNICATIONS COMMISSION RULES 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e)**

The FPSC believes that the FCC requirements listed below are unnecessary, cost-prohibitive, and burdensome when the Florida Lifeline Electronic Coordinated Enrollment Process is used for

initial Lifeline enrollment. Therefore, the FPSC requests a Permanent Waiver of the following FCC rules:

**47 C.F.R. §407(d)**

In order to receive universal service support reimbursement, an eligible telecommunications carrier must certify, as part of each request for reimbursement, that it is in compliance with all of the rules in this subpart, and, to the extent required under this subpart, has *obtained valid certification and re-certification forms for each of the subscribers for whom it is seeking reimbursement.* (emphasis added)

**47 C.F.R. §410(b)(2)(ii)**

Where a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, an eligible telecommunications carrier must not seek reimbursement for providing Lifeline service to a subscriber, based on that subscriber's income eligibility, unless the carrier has received from the state Lifeline administrator or other state agency:

(i) Notice that the prospective subscriber meets the income-eligibility criteria set forth in §§ 54.409(a)(1) or (a)(3); and

(ii) *A copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.* (emphasis added)

**47 C.F.R. §410(c)(2)(ii)**

Where a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, when a prospective subscriber seeks to qualify for Lifeline service using the program-based eligibility criteria provided in §54.409, an eligible telecommunications carrier must not seek reimbursement for providing Lifeline to a subscriber unless the carrier has received from the state Lifeline administrator or other state agency:

(i) Notice that the subscriber meets the program-based eligibility criteria set forth in §§ 54.409(a)(2), (a)(3) or (b); and

(ii) *a copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.* (emphasis added)

**47 C.F.R. §410(e)**

State Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber's eligibility for Lifeline *must provide each eligible telecommunications carrier with a copy of each of the certification forms* collected by the state Lifeline administrator or other state agency from that carrier's subscribers. (emphasis added)

**FPSC AND FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES (DCF) LIFELINE ELECTRONIC COORDINATED ENROLLMENT PROCESS**

In 2010, the National Broadband Plan recommended that the FCC encourage state agencies responsible for Lifeline and Link Up to streamline benefit enrollment and suggested the use of unified online applications for social services. (FCC 12-11, ¶171) The Florida Lifeline Electronic Coordinated Enrollment Process is consistent with the vision of the FCC. Florida implemented a streamlined, efficient, and verifiable Lifeline Electronic Coordinated Enrollment process to eliminate the possibility of fraud, waste, and abuse as was recommended in the National Broadband Plan and mentioned in FCC Order 12-11.

The FCC's March 4, 2011 Notice of Proposed Rulemaking also recommended use of a coordinated enrollment process to improve administrative efficiency and protect and improve program access. In this regard, the FCC stated:

We also seek comment on ways to reduce barriers to participation in the program by service providers and low-income households, specifically through the use of coordinated enrollment with other social service assistance programs and the development of a national database that could be used for enrollment and verification of ongoing eligibility. These proposals are intended to improve administrative efficiency, improve service delivery, and protect and improve program access for eligible beneficiaries. (FCC 11-32, ¶ 151)

Moreover, the FCC stated:

While we place limitations on how states' automatic enrollment processes can be utilized, we encourage coordinated enrollment and recognize coordinated enrollment as a best practice in light of the overwhelming support in the record and the benefits of coordinated enrollment (FCC 12-11, ¶174)

The FPSC has streamlined Florida Lifeline enrollment processes using current technologies, and reduced paperwork burdens for the FPSC and ETCs, which embodies the objectives mentioned in the Lifeline Reform Order.

A number of states currently engage in or are implementing coordinated enrollment. For example, in 2007, Florida's Department of Children and Families (DCF) and the



Florida Public Service Commission (FL PSC) established a coordinated enrollment system in which applicants to three Lifeline eligible programs (Food Stamps, Medicaid, and Temporary Assistance to Needy Families) can also apply for Lifeline benefits at the same time.

When a consumer receiving benefits from DCF enrolls in one of these three DCF programs online, the consumer is also presented with the option to enroll in Lifeline. If the consumer affirmatively enrolls in Lifeline, the consumer selects an ETC from a list. The list of consumers and their ETC selections are sent to the FL PSC. The FL PSC then sends each ETC the list of consumers who selected that ETC as their Lifeline provider. (FCC 12-11 ¶175)

A Florida consumer applying for Medicaid, SNAP, or TANF must apply for the assistance through the Florida DCF which is the administrator of those programs in Florida. Included within the DCF's application is a question asking whether the applicant wants to receive a monthly discount on their phone service from the Florida Lifeline Assistance program.

If the applicants answer in the affirmative, they are asked if they presently have phone service and if so, what their phone number is and whose name is on the monthly bill. They are then asked to choose the name of their telephone provider from a drop-down menu which appears with the names of all the Florida ETCs. If an applicant checks that they do not presently have phone service but want to receive Lifeline Assistance, they are advised to contact their local provider and sign up for telephone service. The application then lists all the attestations and certifications required in the Lifeline Reform Order, and asks if the residential address listed on the application is permanent or temporary. The applicants have to check whether they have read and understand each of the attestations.

The DCF holds this information until a determination is made as to whether the applicant becomes approved for Medicaid, SNAP, or TANF. Once an applicant has been approved for one of these programs, and has indicated that he/she wants to participate in the Lifeline program, the DCF computer automatically sends a message to the FPSC computer indicating this person has been approved for a Lifeline qualifying program and has requested Lifeline Assistance.

The FPSC computer automatically queries the DCF message to retrieve the name of the applicant's ETC provider. The FPSC computer then generates an automatic message to the appropriate ETC advising them that it has a Lifeline applicant's information available for retrieval on the FPSC's confidential website. The only time an ETC receives the message from the FPSC is when an applicant has been certified that they participate in Medicaid, SNAP, or TANF. The ETC can only view the Lifeline information of applicants who have applied to that specific ETC through the coordinated enrollment process.

The ETC retrieves the Lifeline applicant's information by logging in to the confidential FPSC website to download the spreadsheet with the names, addresses and other information of the applicants. In accordance with sections C.F.R. 54.410(b)(2)(i) and C.F.R. 54.410(c)(2)(i), the confidential FPSC website includes a statement affirming "The subscribers herein have complied with the Federal Communications Commission's (FCC) Lifeline eligibility requirements and have executed a certification form as required by the FCC." The spreadsheet which the ETC downloads indicates whether the application was originated on the DCF website or the FPSC (described below) website.

Only Lifeline applicants who have been verified as currently participating in Medicaid, the SNAP, or the TANF program and who have had their identity verified by DCF are approved through the Florida Lifeline Electronic Coordinated Enrollment process. The DCF uses LexisNexis Risk Solutions to authenticate the identity of people applying online for public assistance. The LexisNexis technology helps the DCF confirm the identification of applicants before processing their benefit applications. By verifying and authenticating the identity of the applicant before processing his/her application, the DCF knows whether the person seeking benefits is truly the individual applying for them.

By Florida Statute, ETCs have 60 days to place the applicant on Lifeline.<sup>11</sup> By FPSC rule, the ETC has to apply the Lifeline credit back to the date of the FPSC e-mail message sent to them advising that an applicant has been approved for Lifeline.<sup>12</sup> Personal identifying information of Lifeline applicants must be held confidential by Florida statute.<sup>13</sup> However, the statute provides that the applicant's information may be released to the applicable ETC for purposes directly connected with eligibility for, verification related to, or auditing of a Lifeline Assistance Plan.

### **FPSC ON-LINE LIFELINE COORDINATED ENROLLMENT PROCESS**

Consumers already participating in Medicaid, SNAP, or TANF can apply for Lifeline on the FPSC website using English, Spanish, or Creole applications.<sup>14</sup> The applicants provide their name, address, telephone number, date of birth, and last four digits of their social security number. They indicate whether their address is permanent or temporary, and whether they have a different billing address. They select the name of their provider from a drop-down box listing all Florida ETCs, and then indicate whether they are participating in Medicaid, SNAP, or TANF. The application includes all the attestations and certifications required in the Lifeline Reform Order.

Once the applicant agrees to the terms and conditions at the bottom of the application and hits the submit button, the FPSC computer automatically conducts a real-time query in the DCF computer to verify the applicant is actually participating in the program(s) checked by the applicant. If the DCF computer response message confirms participation in a qualifying Lifeline program (without naming the particular program), the FPSC computer automatically generates an e-mail to the appropriate ETC that it has a Lifeline applicant's information available for retrieval on the FPSC confidential website.

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<sup>11</sup> See Section 364.10(1)(f), Florida Statutes.

<sup>12</sup> See Rule 25-4.0665(10)(b), Florida Administrative Code.

<sup>13</sup> See Section 364.107, Florida Statutes.

<sup>14</sup> See [https://secure.floridapsc.com/\(S\(ob1zlcip3q4efr45gkyhz255\)\)/public/lifeline/lifelineapplication2.aspx](https://secure.floridapsc.com/(S(ob1zlcip3q4efr45gkyhz255))/public/lifeline/lifelineapplication2.aspx).

By Florida Statute, ETCs have 60 days to place the applicant on Lifeline.<sup>15</sup> By FPSC rule, the ETC has to apply the Lifeline credit back to the date of the FPSC e-mail message sent to them advising that an applicant has been approved for Lifeline.<sup>16</sup>

If the DCF computer cannot verify current participation in the Lifeline qualifying program, the FPSC generates a letter to the applicant notifying them that the FPSC could not confirm participation in the Lifeline qualifying program they checked. The FPSC includes a hard-copy Lifeline application with the letter along with a listing of all Florida ETCs and FPSC telephone numbers if assistance is needed.

#### **THE NATIONAL LIFELINE ACCOUNTABILITY DATABASE**

The National Lifeline Accountability Database has been designed to help carriers identify and resolve duplicate claims for Lifeline Program-supported service and prevent future duplicates by conducting a nationwide real-time check if the consumer is already receiving a Lifeline Program-supported service. 47 C.F.R. §54.404 (b)(6) requires the following information for the database:

Eligible telecommunications carriers must transmit to the Database in a format prescribed by the Administrator each new and existing Lifeline subscriber's full name; full residential address; date of birth and the last four digits of the subscriber's social security number or Tribal Identification number, if the subscriber is a member of a Tribal nation and does not have a social security number; the telephone number associated with the Lifeline service; the date on which the Lifeline service was initiated; the date on which the Lifeline service was terminated, if it has been terminated; the amount of support being sought for that subscriber; and the means through which the subscriber qualified for Lifeline.

The following information is provided to the ETC when a Lifeline applicant is approved through the Florida PSC/DCF Coordinated enrollment Process: First Name; Last Name; Address 1; Address 2;

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<sup>15</sup> See Section 364.10(1)(f), Florida Statutes.

<sup>16</sup> See Rule 25-4.0665(10)(b), Florida Administrative Code.

City; Zip Code; Zip 4; State; Status (P or T) for permanent or temporary address; Telephone number; Application date; Last 4 digits of Social Security Number; Agency (DCF or FPSC); DOB; and, Qualifying Public Assistance Program(s) – this will include SNAP, Medicaid, and/or TANF. Provision of this information allows the Florida Lifeline Electronic Coordinated Enrollment process to make available all necessary information for Florida ETCs to comply with the National Lifeline Accountability Database requirements in 47 C.F.R. §54.404 (b)(6).

**DOCUMENTATION OF A LIFELINE APPLICANT'S PARTICIPATION IN A QUALIFYING PROGRAM IS NOT NECESSARY WHEN FLORIDA'S LIFELINE COORDINATED ENROLLMENT PROCESS IS USED FOR INITIAL PROGRAM ELIGIBILITY.**

The Florida Lifeline Electronic Coordinated Enrollment process uses three federal programs (Medicaid, SNAP, and TANF) to verify a Lifeline applicant's participation in a Lifeline-qualifying program. The Lifeline Reform Order specifies that documentation of an applicant's participation in a qualifying federal program is not required when a state or federal database such as in Florida is used to determine eligibility. Specifically, paragraph 98 of the Lifeline Reform Order provides that:

Where ETCs access state or federal databases to make determinations about consumer eligibility for Lifeline, we do not require ETCs to obtain from a new subscriber documentation of his or her participation in a qualifying federal program. The ETC or its representative must note in its records what specific data was relied upon to confirm the consumer's initial eligibility for Lifeline (*e.g.*, name of a state database.) This rule will reduce administrative burdens on ETCs by allowing them to leverage existing systems and processes. In states where the ETC is not responsible for the initial determination of consumer eligibility, a state agency or third-party administrator, as applicable, may query the database in lieu of the ETC doing so.

Because the Florida Lifeline Electronic Coordinated Enrollment uses the DCF database using the same vetted information as DCF, the same documentation requirements should apply. The Florida Lifeline Electronic Coordinated Enrollment process was created to streamline Lifeline enrollment and verify an applicant's participation in Medicaid, SNAP, or TANF. The FPSC believes that hard-copy

documentation of a Lifeline applicant's participation in a qualifying program is not necessary when Florida's Lifeline Electronic Coordinated Enrollment process is used for initial program eligibility. All applicant information was verified by DCF through their benefits enrollment process. A Florida ETC can easily make a note in its records that the Florida Lifeline Electronic Coordinated Enrollment process was relied upon to confirm a consumer's initial eligibility for Lifeline, or the ETC could retain a copy of the notification it receives from the FPSC when Lifeline applicants are verified and approved.

**GOOD CAUSE EXISTS TO GRANT A PERMANENT WAIVER OF FCC RULES 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e)**

The FCC may waive its rules for good cause shown. 47 C.F.R. §1.3 provides the following:

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.

Good cause includes the existence of particular facts that make strict compliance with the rule inconsistent with the public interest.<sup>17</sup> The FCC may also take into account considerations of hardship, equity, or more effective implementation of public policy on an individual basis.<sup>18</sup>

Requiring hard-copy signed applications/certifications would present an economic hardship on the FPSC, the DCF, and the Florida ETCs, and may not even be possible with Florida's streamlined Lifeline Electronic Coordinated Enrollment process which averaged

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<sup>17</sup> *Northeast Cellular Telephone Com. v. FCC*, 897 F.2d 1164,1166 (D.C. Cir. 1990).

<sup>18</sup> *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969), *cert. denied* 409 U.S. 1027 (1972); *Northeast Cellular Telephone Com. v. FCC* at 1166.

receiving over 9,000 Lifeline applications/month for the first eight months of 2013. The Lifeline application is embedded within the DCF application for assistance and cannot be retrieved and printed. Changing the present coordinated enrollment process would be cost-prohibitive and time consuming. The FPSC and the DCF have limited resources and fixed budgets dedicated to the administration of the Lifeline program. The Florida DCF also has many other programs which they administer including Adult Protective Services, Child Care, Domestic Violence, TANF, SNAP, Medicaid, Child Welfare, Homelessness, Refugee Services, and Substance Abuse and Mental Health. The Lifeline coordinated enrollment program is only one small part of their overall mission, and it took a number of years to create a process within the DCF application for consumers to request Lifeline and make all the required attestations and certifications. Any changes would be extremely costly, time consuming, and place additional administrative burdens on the FPSC, the DCF, and the Florida ETCs. Requiring hard-copy application certifications to ETCs does nothing to enhance the validity of the subscriber's eligibility when the Florida Lifeline Electronic Coordinated Enrollment process is used. It would be extremely difficult if not impossible to isolate the required certification and application information, create images of these documents and provide them to the relevant ETC.

Granting a permanent waiver of these rules would also be in the public interest. The present Florida Lifeline Electronic Coordinated Enrollment process provides easy access for consumers, and verifies in real time whether an applicant is currently participating in Medicaid, SNAP, or TANF.<sup>19</sup> Florida households are presently the number one recipients of SNAP benefits in the United States with 1,952,890 households receiving SNAP benefits in June, 2013.<sup>20</sup> Over 74 percent of Lifeline

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<sup>19</sup> Florida has an estimated 929,200 participants in Lifeline as of August 2013, according to the USAC disbursement database.

<sup>20</sup> United States Department of Agriculture SNAP program data. <http://www.fns.usda.gov/pd/SNAPmain.htm>

applicants use the SNAP program to qualify for Lifeline when using the Florida Lifeline Electronic Coordinated Enrollment process. The FPSC has streamlined Lifeline enrollment processes using current technologies, and reduced paperwork burdens for the FPSC, the DCF, and ETCs which embodies the objectives mentioned in the Lifeline Reform Order.

## **CONCLUSION**

The FPSC believes the FCC's efforts to comprehensively reform and modernize the Lifeline program substantially strengthens protections against waste, fraud, and abuse in the Lifeline program and will limit the growth of the program to reduce the burden on all who contribute to the Universal Service Fund. As a net contributor, Florida contributed \$535 million to the Universal Service Fund and received \$245 million in 2011.<sup>21</sup>

The Florida PSC has been recognized by the FCC as being at the forefront of eliminating fraud, waste, and abuse in the universal service program. Florida was one of two states personally commended by FCC Chairman Julius Genachowski for formidable efforts to identify and eliminate fraud in the Lifeline Assistance program. In his December 12, 2011 letter, Chairman Genachowski praised the states' efforts to end any potential fraud in the Universal Service Fund, specifically recognizing actions by Florida and Wisconsin, and also urged state commissions to join the FCC's national effort "to reform the Lifeline program...and to take swift and strong action when necessary to protect the program."

Florida has put in place a streamlined, efficient, and verifiable Lifeline Electronic Coordinated Enrollment process that does not have the capability of printing out a hard-copy Lifeline application. The Florida Lifeline Electronic Coordinated Enrollment process allows ETCs to adhere to the

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<sup>21</sup> 2012 Universal Service Monitoring Report.



Florida Public Service Commission  
WC Docket No. 11-42  
October 25, 2013

requirements of the Lifeline Reform Order without the need to require or maintain hard-copy Lifeline certification applications.

The FPSC believes that a Permanent Waiver for Florida of FCC Rules 47 C.F.R. §54.407(d), 47 C.F.R. §54.410(b)(2)(ii), 47 C.F.R. §54.410(c)(2)(ii), and 47 C.F.R. §54.410(e) is appropriate since there are special circumstances which warrant a deviation from these rules, and such deviation will serve the public interest. The FPSC believes that the FCC requirement to provide hard-copy certifications is unnecessary in Florida, not cost effective, and would penalize Florida's Lifeline Electronic Coordinated Enrollment process for being efficient and streamlined. The FPSC encourages the FCC to consider the facts noted in this petition and grant Florida a permanent waiver of these rules.

Respectfully submitted,

/ s /

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(850) 413-6082

DATED: October 25, 2013