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Public Service Commission

February 20, 2023

Kenneth J. Plante, Coordinator
Joint Administrative Procedures Committee
Room 680, Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1400
japc@leg.state.fl.us

VIA EMAIL

Re: Docket No. 20230011-TP; Rule 25-4.0665, F.A.C.

Dear Mr. Plante:

Enclosed are the following materials concerning the above referenced proposed rule:

1. A copy of the proposed rule.
2. A copy of all materials incorporated by reference in the proposed rules.
3. A copy of the F.A.R. notice.
4. A statement of facts and circumstances justifying the proposed rule.
5. A federal standards statement.
6. Statement of Estimated Regulatory Costs for the rule.

If there are any questions with respect to this rule, please do not hesitate to call me at 413-6224.

Sincerely,

/s/ Douglas D. Sunshine
Douglas D. Sunshine
Senior Attorney

Enclosures

cc: Office of Commission Clerk

1 **25-4.0665 Lifeline Assistance.**

2 (1) Eligible Telecommunications Companies must offer Lifeline Assistance as prescribed
3 by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part
4 54, Subpart E, Universal Service Support for Low-Income Consumers, Sections 54.400
5 through 54.423 ~~54.417~~, in effect as of September 8, 2022 ~~as amended October 1, 2017~~, which
6 are hereby incorporated into this rule by reference, and which are available at
7 <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX10061>.

8 (2) Eligible telecommunications carriers may assist customers with ~~When enrolling~~
9 ~~customers~~ in the Lifeline program through the provider portal with the National Lifeline
10 Eligibility Verifier, as defined in Title 47, Code of Federal Regulations, Part 54, Subpart E,
11 Universal Service Support for Low-Income Consumers, Section 54.400(o). ~~eligible~~
12 ~~telecommunications carriers shall accept FCC Form 5629 (09/18), OMB APPROVAL~~
13 ~~EDITION 3060-0819, entitled “Lifeline Program Application Form,” which is incorporated~~
14 ~~into this rule by reference and which is available at~~
15 ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-10073> or from the Universal Service~~
16 ~~Administrative Company’s website at~~
17 ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_Application_UniversalForm.pdf. The~~
18 ~~Spanish version of this form, FCC Form 5629 (09/18), OMB APPROVAL EDITION 3060-~~
19 ~~0819, entitled “Programa de Lifeline: Formulario de Aplicación,” is also incorporated into this~~
20 ~~rule by reference and is available at [http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-10075)~~
21 ~~[10075](http://www.flrules.org/Gateway/reference.asp?No=Ref-10075) or from the Universal Service Administrative Company’s website at~~
22 ~~https://www.usac.org/_res/documents/li/pdf/nv/LI-SP_Application_UniversalForms.pdf.~~
23 ~~Eligible telecommunications carriers shall also accept Form PSC 1023 (08/18), entitled~~
24 ~~“Lifeline Florida On-line Application for Recipients of Medicaid or Supplemental Nutrition~~
25 ~~Assistance Program (SNAP),” which is incorporated into this rule by reference and which is~~

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1 available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10052> or from the
2 Commission's website at www.floridapsc.com, by selecting "Lifeline Assistance," then
3 selecting "Public Service Commission Secure On-Line Application Form."

4 ~~(3) When recertifying customers in the Lifeline program, eligible telecommunications~~
5 ~~carriers shall accept FCC Form 5630 (09/18), OMB APPROVAL EDITION 3060-0819,~~
6 ~~entitled "Lifeline Program Annual Recertification Form," which is incorporated into this rule~~
7 ~~by reference and which is available at [http://www.flrules.org/Gateway/reference.asp?No=Ref-](http://www.flrules.org/Gateway/reference.asp?No=Ref-10078)~~
8 ~~[10078](http://www.flrules.org/Gateway/reference.asp?No=Ref-10078) or from the Universal Service Administrative Company's website at~~
9 ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_Recertification_UniversalForms.pdf. The~~
10 ~~Spanish version of this form, FCC Form 5630 (09/18), OMB APPROVAL EDITION 3060-~~
11 ~~0819, entitled "Programa de Lifeline: Formulario de Recertificación," is also incorporated into~~
12 ~~this rule by reference and is available at~~
13 ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-10080> or from the Universal Service~~
14 ~~Administrative Company's website at [SP_Recertification_UniversalForms.pdf](https://www.usac.org/_res/documents/li/pdf/nv/LI-</u>
15 <u><a href=).~~

16 ~~(4) To obtain information necessary to confirm whether a customer is eligible for Lifeline~~
17 ~~assistance in instances where the customer shares an address with another Lifeline recipient,~~
18 ~~eligible telecommunications carriers shall accept FCC Form 5631 (09/18), OMB APPROVAL~~
19 ~~EDITION 3060-0819, entitled "Lifeline Program Household Worksheet," which is~~
20 ~~incorporated into this rule by reference and which is available at~~
21 ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-10081> or from the Universal Service~~
22 ~~Administrative Company's website at~~
23 ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_Worksheet_UniversalForms.pdf. The~~
24 ~~Spanish version of this form, FCC Form 5631 (09/18), OMB APPROVAL EDITION 3060-~~
25 ~~0819, entitled "Programa de Lifeline: Planilla de Hogar," is also incorporated into this rule by~~

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1 ~~reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10082> or~~
2 ~~from the Universal Service Administrative Company's website at~~
3 ~~https://www.usac.org/_res/documents/li/pdf/nv/LI-SP_Worksheet_UniversalForms.pdf.~~

4 ~~(5) Eligible telecommunications carriers must allow customers the option to submit~~
5 ~~Lifeline application and recertification forms via U.S. Mail or facsimile, and may allow~~
6 ~~applications to be submitted electronically. Eligible telecommunications carriers must also~~
7 ~~allow customers the option to submit copies of supporting documents via U.S. Mail or~~
8 ~~facsimile.~~

9 ~~(3)~~(6) All eligible telecommunications carriers shall participate in the Lifeline Promotion
10 ~~Simplified Enrollment~~ Process. For purposes of this rule, the Lifeline Promotion ~~Simplified~~
11 ~~Enrollment~~ Process is an electronic interface between the Department of Children and
12 Families ~~Family Services~~, the Commission, and the eligible telecommunications carrier to
13 provide eligible consumers information on how to apply for Lifeline assistance that allows
14 ~~low-income individuals to enroll in Lifeline~~ following enrollment in a qualifying public
15 assistance program.

16 (a) The eligible telecommunications carrier must maintain with the Commission the
17 name(s), email address(es), and telephone number(s) of at least one company representative
18 who will manage the user accounts on the Commission's Lifeline secure website.

19 ~~(b)~~(a) The Commission shall send an email to the eligible telecommunications carrier
20 informing the eligible telecommunications carrier that a list of customers enrolled in a Lifeline
21 qualifying public assistance program is applications are available for retrieval from the
22 Commission's Lifeline secure website.

23 ~~(b) The eligible telecommunications carrier shall maintain at least one current email~~
24 ~~address with the Commission, which the Commission will use to inform the eligible~~
25 ~~telecommunications carrier of the Commission's Lifeline secure website address and that new~~

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1 ~~Lifeline applications are available for retrieval.~~

2 (c) Eligible telecommunications carriers must contact customers on the list to whom they
3 provide service and that do not already participate in Lifeline, to inform them of the Lifeline
4 application process with the National Lifeline Eligibility Verifier. For customers on the list
5 that are not contacted by the eligible telecommunications carrier, within 20 calendar days of
6 receiving the Commission's email notification, the eligible telecommunications carrier must
7 provide to the Commission the customer identification number, name, address, telephone
8 number, and the Department of Children and Families application date. This information can
9 be provided via the Commission's dedicated Lifeline facsimile telephone line at (850) 717-
10 0108, an electronic response via the Commission's Lifeline secure website, or file the
11 information with the Office of Commission Clerk. The eligible telecommunications carrier
12 ~~shall maintain with the Commission the names, email addresses and telephone numbers of at~~
13 ~~least one company representative who will manage the user accounts on the Commission's~~
14 ~~Lifeline secure website.~~

15 ~~(d) Within 20 calendar days of receiving the Commission's email notification that the~~
16 ~~Lifeline application is available for retrieval, the eligible telecommunications carrier shall~~
17 ~~provide a facsimile response to the Commission via the Commission's dedicated Lifeline~~
18 ~~facsimile telephone line at (850)717-0108, or an electronic response via the Commission's~~
19 ~~Lifeline secure website, identifying the customer name, address, telephone number, and date~~
20 ~~of the application for:~~

- 21 1. ~~Misdirected Lifeline applications; or~~
- 22 2. ~~Applications for customers currently receiving Lifeline assistance.~~

23 ~~In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may~~
24 ~~file the information with the Office of Commission Clerk.~~

25 ~~(d)~~(e) Pursuant to Section 364.107(1), F.S., information filed by the eligible

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1 telecommunications carrier in accordance with paragraph ~~(3)(c)~~ ~~(6)(d)~~ of this rule is
2 confidential and exempt from Section 119.07(1), F.S. However, the eligible
3 telecommunications carrier may disclose such information consistent with the criteria in
4 Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible
5 telecommunications carrier will be presumed necessary for disclosure to the Commission
6 pursuant to the criteria in Section 364.107(3)(a)4., F.S.

7 (4) Eligible telecommunications carriers must advertise the availability of Lifeline
8 assistance. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section
9 54.405(b), all eligible telecommunications carriers are obligated to publicize the availability of
10 Lifeline assistance in a manner reasonably designed to reach those likely to qualify for the
11 assistance. Only posting the availability of Lifeline assistance on an eligible
12 telecommunications carrier's website is insufficient to meet this requirement. Advertising the
13 availability of Lifeline assistance can be achieved by using any of the following media: flyers,
14 local newspaper ads, local TV ads, mail, email, web advertisements, bill inserts, and other
15 text-based methods of advertisement or a combination of such media. Pursuant to Title 47 of
16 the United States Code, Section 214(e)(1)(B), as amended December 1, 1997, which is hereby
17 incorporated into this rule by reference, and which is available at
18 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10057>, charges must also be included
19 in the Lifeline advertisement. The company may redirect consumers to a toll free customer
20 service number and website to see applicable charges and fees in lieu of listing all charges in
21 an advertisement.

22 ~~(7) An eligible telecommunications carrier shall not impose additional verification~~
23 ~~requirements on subscribers beyond those which are required by this rule.~~

24 ~~(8) Within 20 calendar days of rejecting a Lifeline application, an eligible~~
25 ~~telecommunications carrier must provide written notice to the customer providing the reason~~

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1 ~~for rejecting the Lifeline application, and providing contact information for the customer to~~
2 ~~get information regarding the application denial. Rejected applications received by way of the~~
3 ~~Simplified Enrollment Process under subsection (6) must also be reported to the Commission~~
4 ~~via the Commission's dedicated Lifeline facsimile telephone line at (850)717-0108 or~~
5 ~~electronically via the Commission's Lifeline secure website, with the reason why the~~
6 ~~application was rejected. In lieu of a facsimile or electronic submission, the eligible~~
7 ~~telecommunications carrier may file the information with the Office of Commission Clerk.~~

8 (5)(9) An eligible telecommunications carrier or its designee must provide written notice
9 prior to the termination of Lifeline assistance pursuant to Title 47, Code of Federal
10 Regulations, Part 54, Subpart E, Section 54.405(e) Carrier obligation to offer Lifeline, De-
11 enrollment, as amended October 1, 2017. The notice of impending termination shall contain
12 the telephone number at which the subscriber can obtain information about the subscriber's
13 Lifeline assistance from the eligible telecommunications carrier. The notice shall also inform
14 the subscriber of the availability, pursuant to Section 364.105, F.S., of discounted residential
15 basic local telecommunications service.

16 (6)(10) All eligible telecommunications carriers shall provide current Lifeline program
17 company information to the Universal Service Administrative Company at
18 www.lifelinesupport.org so that the information can be posted on the Universal Service
19 Administrative Company's consumer website.

20 ~~(11) Eligible telecommunications carriers must advertise the availability of Lifeline~~
21 ~~assistance. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section~~
22 ~~54.405(b), all eligible telecommunications carriers are obligated to publicize the availability of~~
23 ~~Lifeline assistance in a manner reasonably designed to reach those likely to qualify for the~~
24 ~~assistance. Only posting the availability of Lifeline assistance on an eligible~~
25 ~~telecommunications carrier's website is insufficient to meet this requirement. Advertising the~~

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1 availability of Lifeline assistance can be achieved by using any of the following media: flyers,
2 local newspaper ads, local TV ads, mail, email, web advertisements, bill inserts and other text
3 based methods of advertisement or a combination of such media. Pursuant to Title 47 of the
4 United States Code, Section 214(e)(1)(B), as amended December 1, 1997, which is hereby
5 incorporated into this rule by reference, and which is available at
6 <http://www.flrules.org/Gateway/reference.asp?No=Ref 10057>, charges must also be included
7 in the Lifeline advertisement. The company may redirect consumers to a 1-800 customer
8 service number and website to see applicable charges and fees in lieu of listing all charges in
9 an advertisement.

10 ~~(7)~~(12) Eligible telecommunications carriers must file all reports with the Commission in
11 accordance with Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.422(c),
12 Annual reporting for eligible telecommunications carriers that receive low-income support, as
13 amended October 1, 2017, which is hereby incorporated into this rule by reference, and which
14 is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref 10058>.

15 *Rulemaking Authority 120.80(13)(d), 350.127(2), 364.10(2)(ij) FS. Law Implemented 364.10,*
16 *364.105, 364.183(1) FS. History—New 1-2-07, Amended 12-6-07, 6-23-10, 11-21-18, _____.*

This content is from the eCFR and is authoritative but unofficial.

Title 47 - Telecommunication
Chapter I - Federal Communications Commission
Subchapter B - Common Carrier Services
Part 54 - Universal Service

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, 1302, 1601-1609, and 1752, unless otherwise noted.

Source: 62 FR 32948, June 17, 1997, unless otherwise noted.

Subpart E Universal Service Support for Low-Income Consumers

54.400 Terms and definitions.

§ 54.401 Lifeline defined.

§ 54.403 Lifeline support amount.

§ 54.404 The National Lifeline Accountability Database.

§ 54.405 Carrier obligation to offer Lifeline.

§ 54.406 Activities of representatives of eligible telecommunications carriers.

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§ 54.410 Subscriber eligibility determination and certification.

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§ 54.412 Off reservation Tribal lands designation process.

§ 54.413 Link Up for rural Tribal lands.

§ 54.414 Reimbursement for Tribal Link Up.

§ 54.416 Annual certifications by eligible telecommunications carriers.

§ 54.417 Recordkeeping requirements.

§ 54.419 Validity of electronic signatures.

§ 54.420 Low income program audits.

§ 54.422 Annual reporting for eligible telecommunications carriers that receive low-income support.

§ 54.423 Budget.

Subpart E - Universal Service Support for Low-Income Consumers

54.400 Terms and definitions.

As used in this subpart, the following terms shall be defined as follows:

- (a) **Qualifying low-income consumer.** A "qualifying low-income consumer" is a consumer who meets the qualifications for Lifeline, as specified in § 54.409.

- (b) **Toll blocking service.** "Toll blocking service" is a service provided by an eligible telecommunications carrier that lets subscribers elect not to allow the completion of outgoing toll calls from their telecommunications channel.
- (c) **Toll control service.** "Toll control service" is a service provided by an eligible telecommunications carrier that allows subscribers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.
- (d) **Toll limitation service.** "Toll limitation service" denotes either toll blocking service or toll control service for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, "toll limitation service" denotes both toll blocking service and toll control service.
- (e) **Eligible resident of Tribal lands.** An "eligible resident of Tribal lands" is a "qualifying low-income consumer," as defined in paragraph (a) of this section, living on Tribal lands. For purposes of this subpart, "Tribal lands" include any federally recognized Indian tribe's reservation, pueblo, or colony, including former reservations in Oklahoma; Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688); Indian allotments; Hawaiian Home Lands - areas held in trust for Native Hawaiians by the state of Hawaii, pursuant to the Hawaiian Homes Commission Act, 1920 July 9, 1921, 42 Stat. 108, et. seq., as amended; and any land designated as such by the Commission for purposes of this subpart pursuant to the designation process in § 54.412.
- (f) **Income.** "Income" means gross income as defined under section 61 of the Internal Revenue Code, 26 U.S.C. 61, for all members of the household. This means all income actually received by all members of the household from whatever source derived, unless specifically excluded by the Internal Revenue Code, Part III of Title 26, 26 U.S.C. 101 et seq.
- (g) **Duplicative support.** "Duplicative support" exists when a Lifeline subscriber is receiving two or more Lifeline services concurrently or two or more subscribers in a household are receiving Lifeline services or Tribal Link Up support concurrently.
- (h) **Household.** A "household" is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. An "economic unit" consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians.
- (i) **National Lifeline Accountability Database or Database.** The "National Lifeline Accountability Database" or "Database" is an electronic system, with associated functions, processes, policies and procedures, to facilitate the detection and elimination of duplicative support, as directed by the Commission.
- (j) **Qualifying assistance program.** A "qualifying assistance program" means any of the federal or Tribal assistance programs the participation in which, pursuant to § 54.409(a) or (b), qualifies a consumer for Lifeline service, including Medicaid; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance; Veterans and Survivors Pension Benefit; Bureau of Indian Affairs general assistance; Tribally administered Temporary Assistance for Needy Families (Tribal TANF); Head Start (only those households meeting its income qualifying standard); or the Food Distribution Program on Indian Reservations (FDPIR).

- (k) **Direct service.** As used in this subpart, direct service means the provision of service directly to the qualifying low-income consumer.
- (l) **Broadband Internet access service.** "Broadband Internet access service" is defined as a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.
- (m) **Voice telephony service.** "Voice telephony service" is defined as voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.
- (n) **Supported service.** Voice telephony service is the supported service for the Lifeline program.
- (o) **National Lifeline Eligibility Verifier.** The "National Lifeline Eligibility Verifier" or "National Verifier" is an electronic and manual system with associated functions, processes, policies and procedures, to facilitate the determination of consumer eligibility for the Lifeline program, as directed by the Commission.
- (p) **Enrollment representatives.** An employee, agent, contractor, or subcontractor, acting on behalf of an eligible telecommunications carrier or third-party entity, who directly or indirectly provides information to the Universal Service Administrative Company or a state entity administering the Lifeline Program for the purpose of eligibility verification, enrollment, recertification, subscriber personal information updates, benefit transfers, or de-enrollment.

[77 FR 12966, Mar. 2, 2012, as amended at 80 FR 40935, July 14, 2015; 81 FR 33089, May 24, 2016; 84 FR 71327, Dec. 27, 2019; 86 FR 1021, Jan. 7, 2021]

§ 54.401 Lifeline defined.

- (a) As used in this subpart, Lifeline means a non-transferable retail service offering provided directly to qualifying low-income consumers:
 - (1) For which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in § 54.403; and
 - (2) That provides qualifying low-income consumers with voice telephony service or broadband Internet access service as defined in § 54.400. Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service. If an eligible telecommunications carrier charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.
- (b) Eligible telecommunications carriers may allow qualifying low-income consumers to apply Lifeline discounts to any residential service plan with the minimum service levels set forth in § 54.408 that includes fixed or mobile voice telephony service, broadband Internet access service, or a bundle of broadband Internet access service and fixed or mobile voice telephony service; and plans that include optional calling features such as, but not limited to, caller identification, call waiting, voicemail, and three-way calling.

- (1) Eligible telecommunications carriers may permit qualifying low-income consumers to apply their Lifeline discount to family shared data plans.
 - (2) Eligible telecommunications carriers may allow qualifying low-income consumers to apply Lifeline discounts to any residential service plan that includes voice telephony service without qualifying broadband Internet access service prior to December 1, 2021.
 - (3) Beginning December 1, 2016, eligible telecommunications carriers must provide the minimum service levels for each offering of mobile voice service as defined in § 54.408.
 - (4) Beginning December 1, 2021, eligible telecommunications carriers must provide the minimum service levels for broadband Internet access service in every Lifeline offering.
- (c) Eligible telecommunications carriers may not collect a service deposit in order to initiate Lifeline for voice-only service plans that:
- (1) Do not charge subscribers additional fees for toll calls; or
 - (2) That charge additional fees for toll calls, but the subscriber voluntarily elects toll limitation service.
- (d) When an eligible telecommunications carrier is designated by a state commission, the state commission shall file or require the eligible telecommunications carrier to file information with the Administrator demonstrating that the carrier's Lifeline plan meets the criteria set forth in this subpart and describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. To the extent the eligible telecommunications carrier offers plans to Lifeline subscribers that are generally available to the public, it may provide summary information regarding such plans, such as a link to a public Web site outlining the terms and conditions of such plans. Lifeline assistance shall be made available to qualifying low-income consumers as soon as the Administrator certifies that the carrier's Lifeline plan satisfies the criteria set out in this subpart.
- (e) Consistent with § 52.33(a)(1)(i)(C) of this chapter, eligible telecommunications carriers may not charge Lifeline customers a monthly number-portability charge.
- (f) Eligible telecommunications carriers may aggregate eligible subscribers' benefits to provide a collective service to a group of subscribers, provided that each qualifying low-income consumer subscribed to the collective service receives residential service that meets the requirements of paragraph (a) of this section and § 54.408.

[77 FR 12967, Mar. 2, 2012, as amended at 80 FR 40935, July 14, 2015; 81 FR 33090, May 24, 2016]

§ 54.403 Lifeline support amount.

- (a) The federal Lifeline support amount for all eligible telecommunications carriers shall equal:
- (1) **Basic support amount.** Federal Lifeline support in the amount of \$9.25 per month will be made available to an eligible telecommunications carrier providing Lifeline service to a qualifying low-income consumer, except as provided in paragraph (a)(2) of this section, if that carrier certifies to the Administrator that it will pass through the full amount of support to the qualifying low-income consumer and that it has received any non-federal regulatory approvals necessary to implement the rate reduction.

- (2) For a Lifeline provider offering either standalone voice service, subject to the minimum service standards set forth in § 54.408, or voice service with broadband below the minimum standards set forth in § 54.408, the support levels will be as follows:
- (i) Until December 1, 2019, the support amount will be \$9.25 per month.
 - (ii) From December 1, 2019 until November 30, 2020, the support amount will be \$7.25 per month.
 - (iii) From December 1, 2020 until November 30, 2021, the support amount will be \$5.25 per month.
 - (iv) On December 1, 2021, standalone voice service, or voice service not bundled with broadband which meets the minimum standards set forth in § 54.408, will not be eligible for Lifeline support unless the Commission has previously determined otherwise.
 - (v) Notwithstanding paragraph (a)(2)(iv) of this section, on December 1, 2021, the support amount for standalone voice service, or voice service not bundled with broadband which meets the minimum standards set forth in § 54.408, provided by a provider that is the only Lifeline provider in a Census block will be the support amount specified in paragraph (a)(2)(iii) of this section.
- (3) **Tribal lands support amount.** Additional federal Lifeline support of up to \$25 per month will be made available to a eligible telecommunications carrier providing facilities-based Lifeline service to an eligible resident of Tribal lands, as defined in § 54.400(e), if the subscriber's residential location is rural, as defined in § 54.505(b)(3)(i) and (ii), and the eligible telecommunications carrier certifies to the Administrator that it will pass through the full Tribal lands support amount to the qualifying eligible resident of Tribal lands and that it has received any non-federal regulatory approvals necessary to implement the required rate reduction.

(b) **Application of Lifeline discount amount.**

- (1) Eligible telecommunications carriers that charge Federal End User Common Line charges or equivalent Federal charges must apply Federal Lifeline support to waive the Federal End User Common Line charges for Lifeline subscribers if the carrier is seeking Lifeline reimbursement for eligible voice telephony service provided to those subscribers. Such carriers must apply any additional Federal support amount to a qualifying low-income consumer's intrastate rate, if the carrier has received the non-Federal regulatory approvals necessary to implement the required rate reduction. Other eligible telecommunications carriers must apply the Federal Lifeline support amount, plus any additional support amount, to reduce the cost of any generally available residential service plan or package offered by such carriers that provides at least one service commensurate with the requirements outlined in § 54.408, and charge Lifeline subscribers the resulting amount.
- (2) [Reserved]

[77 FR 12967, Mar. 2, 2012, as amended at 81 FR 33090, May 24, 2016; 83 FR 2084, Jan. 16, 2018; 86 FR 1021, Jan. 7, 2021]

Effective Date Note: At 83 FR 2084, Jan. 16, 2018, § 54.403(a)(3) was revised. This paragraph contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 54.404 The National Lifeline Accountability Database.

- (a) **State certification.** An eligible telecommunications carrier operating in a state that provides an approved valid certification to the Commission in accordance with this section is not required to comply with the requirements set forth in paragraphs (b) and (c) of this section with respect to the eligible telecommunications carriers' subscribers in that state. A valid certification must include a statement that the state has a comprehensive system in place to prevent duplicative federal Lifeline support that is at least as robust as the system adopted by the Commission and that incorporates information from all eligible telecommunications carriers receiving low-income support in the state and their subscribers. A valid certification must also describe in detail how the state system functions and for each requirement adopted by the Commission to prevent duplicative support, how the state system performs the equivalent functions. The certification must be submitted to the Commission no later than six months from the effective date of this section of the Commission's rules to be valid. Such certification will be considered approved unless the Wireline Competition Bureau rejects the certification within 90 days of filing.
- (b) **The National Lifeline Accountability Database.** In order to receive Lifeline support, eligible telecommunications carriers operating in states that have not provided the Commission with approved valid certification pursuant to paragraph (a) of this section must comply with the following requirements:
- (1) All eligible telecommunications carriers must query the National Lifeline Accountability Database to determine whether a prospective subscriber who has executed a certification pursuant to § 54.410(d) is currently receiving a Lifeline service from another eligible telecommunications carrier; and whether anyone else living at the prospective subscriber's residential address is currently receiving a Lifeline service.
 - (2) If the Database indicates that a prospective subscriber, who is not seeking to port his or her telephone number, is currently receiving a Lifeline service, the eligible telecommunications carrier must not provide and shall not seek or receive Lifeline reimbursement for that subscriber.
 - (3) If the Database indicates that another individual at the prospective subscriber's residential address is currently receiving a Lifeline service, the eligible telecommunications carrier must not seek and will not receive Lifeline reimbursement for providing service to that prospective subscriber, unless the prospective subscriber has certified, pursuant to § 54.410(d), that to the best of his or her knowledge, no one in his or her household is already receiving a Lifeline service. This certification may be collected by the eligible telecommunications carrier prior to initial enrollment, but the certification shall not be recorded in the Database unless the eligible telecommunications carrier receives a notification from the Database or state administrator that another Lifeline subscriber resides at the same address as the prospective subscriber.
 - (4) An eligible telecommunications carrier is not required to comply with paragraphs (b)(1) through (3) of this section if it receives notice from a state Lifeline administrator or other state agency that the administrator or other agency has queried the Database about a prospective subscriber and that providing the prospective subscriber with a Lifeline benefit would not result in duplicative support.
 - (5) Eligible telecommunications carriers may query the Database only for the purposes provided in paragraphs (b)(1) through (b)(3) of this section, and to determine whether information with respect to its subscribers already in the Database is correct and complete.
 - (6) 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.

- (7) In the event that two or more eligible telecommunications carriers transmit the information required by this paragraph to the Database for the same subscriber, only the eligible telecommunications carrier whose information was received and processed by the Database first, as determined by the Administrator, will be entitled to reimbursement from the Fund for that subscriber.
 - (8) All eligible telecommunications carriers must update an existing Lifeline subscriber's information in the Database within ten business days of receiving any change to that information, except as described in paragraph (b)(10) of this section.
 - (9) All eligible telecommunications carriers must obtain, from each new and existing subscriber, consent to transmit the subscriber's information. Prior to obtaining consent, the eligible telecommunications carrier must describe to the subscriber, using clear, easily understood language, the specific information being transmitted, that the information is being transmitted to the Administrator to ensure the proper administration of the Lifeline program, and that failure to provide consent will result in subscriber being denied the Lifeline service.
 - (10) When an eligible telecommunications carrier de-enrolls a subscriber, it must transmit to the Database the date of Lifeline service de-enrollment within one business day of de-enrollment.
 - (11) All eligible telecommunications carriers must securely retain subscriber documentation that the ETC reviewed to verify subscriber eligibility, for the purposes of production during audits or investigations or to the extent required by NLAD processes, which require, *inter alia*, verification of eligibility, identity, address, and age.
 - (12) An eligible telecommunications carrier must not enroll or claim for reimbursement a prospective subscriber in Lifeline if the National Lifeline Accountability Database or National Verifier cannot verify the identity of the subscriber or the subscriber's status as alive, unless the subscriber produces documentation to demonstrate his or her identity and status as alive.
- (c) **Tribal Link Up and the National Lifeline Accountability Database.** In order to receive universal service support reimbursement for Tribal Link Up, eligible telecommunications carriers operating in states that have not provided the Commission with a valid certification pursuant to paragraph (a) of this section, must comply with the following requirements:
- (1) Such eligible telecommunications carriers must query the Database to determine whether a prospective Link Up recipient who has executed a certification pursuant to § 54.410(d) has previously received a Link Up benefit at the residential address provided by the prospective subscriber.
 - (2) If the Database indicates that a prospective subscriber has received a Link Up benefit at the residential address provided by the subscriber, the eligible telecommunications provider must not seek Link Up reimbursement for that subscriber.

- (3) An eligible telecommunications carrier is not required to comply with paragraphs (c)(1) through (c)(2) of this section, if it receives notice from a state Lifeline administrator or other state agency that the administrator or other agency has queried the Database about a prospective subscriber and that providing the prospective subscriber with a Link Up benefit would not result in duplicative support or support to a subscriber who had already received Link Up support at that residential address.
- (4) All eligible telecommunications carriers must transmit to the Database in a format prescribed by the Administrator each new and existing Link Up recipient's full name; 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 Link Up support; and the date of service activation. Where two or more eligible telecommunications carriers transmit the information required by this paragraph to the Database for the same subscriber, only the eligible telecommunications carrier whose information was received and processed by the Database first, as determined by the Administrator, will be entitled to reimbursement from the Fund for that subscriber.
- (5) All eligible telecommunications carriers must obtain, from each new and existing subscriber, consent to transmit the information required in paragraph (c) of this section. Prior to obtaining consent, the eligible telecommunications carrier must describe to the subscriber, using clear, easily understood language, the specific information being transmitted, that the information is being transmitted to the Administrator to ensure the proper administration of the Link Up program, and that failure to provide consent will result in the subscriber being denied the Link Up benefit.

[77 FR 12968, Mar. 2, 2012, as amended at 80 FR 40935, July 14, 2015; 84 FR 71327, Dec. 27, 2019]

§ 54.405 Carrier obligation to offer Lifeline.

All eligible telecommunications carriers must:

- (a) Make available Lifeline service, as defined in § 54.401, to qualifying low-income consumers.
- (b) Publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.
- (c) Indicate on all materials describing the service, using easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, the service is non-transferable, only eligible consumers may enroll in the program, and the program is limited to one discount per household. For the purposes of this section, the term "materials describing the service" includes all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms.
- (d) Disclose the name of the eligible telecommunications carrier on all materials describing the service.
- (e) **De-enrollment** -
 - (1) **De-enrollment generally.** If an eligible telecommunications carrier has a reasonable basis to believe that a Lifeline subscriber no longer meets the criteria to be considered a qualifying low-income consumer under § 54.409, the carrier must notify the subscriber of impending termination of his or her Lifeline service. Notification of impending termination must be sent in writing separate from the subscriber's monthly bill, if one is provided, and must be written in clear, easily understood language.

A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination that requires, at a minimum, written notification of impending termination, must comply with the applicable state requirements. The carrier must allow a subscriber 30 days following the date of the impending termination letter required to demonstrate continued eligibility. A subscriber making such a demonstration must present proof of continued eligibility to the carrier consistent with applicable annual re-certification requirements, as described in § 54.410(f). An eligible telecommunications carrier must de-enroll any subscriber who fails to demonstrate eligibility within five business days after the expiration of the subscriber's time to respond. A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination must comply with the applicable state requirements.

- (2) ***De-enrollment for duplicative support.*** Notwithstanding paragraph (e)(1) of this section, upon notification by the Administrator to any eligible telecommunications carrier that a subscriber is receiving Lifeline service from another eligible telecommunications carrier or that more than one member of a subscriber's household is receiving Lifeline service and therefore that the subscriber should be de-enrolled from participation in that carrier's Lifeline program, the eligible telecommunications carrier must de-enroll the subscriber from participation in that carrier's Lifeline program within five business days. An eligible telecommunications carrier shall not be eligible for Lifeline reimbursement for any de-enrolled subscriber following the date of that subscriber's de-enrollment.
- (3) ***De-enrollment for non-usage.*** Notwithstanding paragraph (e)(1) of this section, if a Lifeline subscriber fails to use, as "usage" is defined in § 54.407(c)(2), for 30 consecutive days a Lifeline service that does not require the eligible telecommunications carrier to assess and collect a monthly fee from its subscribers, an eligible telecommunications carrier must provide the subscriber 15 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 15-day notice period will result in service termination for non-usage under this paragraph. Eligible telecommunications carriers shall report to the Commission annually the number of subscribers de-enrolled for non-usage under this paragraph. This de-enrollment information must be reported by month and must be submitted to the Commission at the time an eligible telecommunications carrier submits its annual certification report pursuant to § 54.416.
- (4) ***De-enrollment for failure to re-certify.*** Notwithstanding paragraph (e)(1) of this section, an eligible telecommunications carrier must de-enroll a Lifeline subscriber who does not respond to the carrier's attempts to obtain re-certification of the subscriber's continued eligibility as required by § 54.410(f); or who fails to provide the annual one-per-household re-certifications as required by § 54.410(f). Prior to de-enrolling a subscriber under this paragraph, the eligible telecommunications carrier must notify the subscriber in writing separate from the subscriber's monthly bill, if one is provided, using clear, easily understood language, that failure to respond to the re-certification request will trigger de-enrollment. A subscriber must be given 60 days to respond to recertification efforts. If a subscriber does not respond to the carrier's notice of impending de-enrollment, the carrier must de-enroll the subscriber from Lifeline within five business days after the expiration of the subscriber's time to respond to the re-certification efforts.
- (5) ***De-enrollment requested by subscriber.*** If an eligible telecommunications carrier receives a request from a subscriber to de-enroll, it must de-enroll the subscriber within two business days after the request.

[77 FR 12969, Mar. 2, 2012, as amended at 80 FR 35577, June 22, 2015; 81 FR 33090, May 24, 2016; 81 FR 45974, July 15, 2016; 81 FR 33090, May 24, 2016]

§ 54.406 Activities of representatives of eligible telecommunications carriers.

- (a) **Enrollment representative registration.** An eligible telecommunications carrier must require that enrollment representatives register with the Universal Service Administrative Company before the enrollment representative can provide information directly or indirectly to the National Lifeline Accountability Database or the National Verifier.
- (1) As part of the registration process, eligible telecommunications carriers must require that all enrollment representatives must provide the Universal Service Administrative Company with identifying information, which may include first and last name, date of birth, the last four digits of his or her social security number, email address, and residential address. Enrollment representatives will be assigned a unique identifier, which must be used for:
 - (i) Accessing the National Lifeline Accountability Database;
 - (ii) Accessing the National Verifier;
 - (iii) Accessing any Lifeline eligibility database; and
 - (iv) Completing any Lifeline enrollment or recertification forms.
 - (2) Eligible telecommunications carriers must ensure that enrollment representatives shall not use another person's unique identifier to enroll Lifeline subscribers, recertify Lifeline subscribers, or access the National Lifeline Accountability Database or National Verifier.
 - (3) Eligible telecommunications carriers must ensure that enrollment representatives shall regularly recertify their status with the Universal Service Administrative Company to maintain their unique identifier and maintain access to the systems that rely on a valid unique identifier. Eligible telecommunications carriers must also ensure that enrollment representatives shall update their registration information within 30 days of any change in such information.
 - (4) Enrollment representatives are not required to register with the Universal Service Administrative Company if the enrollment representative operates solely in a state that has been approved by the Commission to administer the Lifeline program without reliance on the Universal Service Administrative Company's systems. The exemption in this paragraph (a)(4) will not apply to any part of a state's administration of the Lifeline program that relies on the Universal Service Administrative Company's systems.
- (b) **Prohibition of commissions for enrollment representatives.** An eligible telecommunications carrier shall not offer or provide to enrollment representatives or their direct supervisors any commission compensation that is based on the number of consumers who apply for or are enrolled in the Lifeline program with that eligible telecommunications carrier.

[84 FR 71328, Dec. 27, 2019]

§ 54.407 Reimbursement for offering Lifeline.

- (a) Universal Service support for providing Lifeline shall be provided directly to an eligible telecommunications carrier based on the number of actual qualifying low-income customers listed in the National Lifeline Accountability Database that the eligible telecommunications carrier serves directly as of the first of the month. Eligible telecommunications carriers operating in a state that has provided the Commission with an approved valid certification pursuant to § 54.404(a) must comply with that state administrator's process for determining the number of subscribers to be claimed for each month, and in

those states Universal Service support for providing Lifeline shall be provided directly to the eligible telecommunications carrier based on that number of actual qualifying low-income customers, according to the state administrator or other state agency's process.

- (b) For each qualifying low-income consumer receiving Lifeline service, the reimbursement amount shall equal the federal support amount, including the support amounts described in § 54.403(a) and (c). The eligible telecommunications carrier's universal service support reimbursement shall not exceed the carrier's rate for that offering, or similar offerings, subscribed to by consumers who do not qualify for Lifeline.
- (c) An eligible telecommunications carrier offering a Lifeline service that does not require the eligible telecommunications carrier to assess and collect a monthly fee from its subscribers:
 - (1) Shall not receive universal service support for a subscriber to such Lifeline service until the subscriber activates the service by whatever means specified by the carrier, such as completing an outbound call; and
 - (2) After service activation, an eligible telecommunications carrier shall only continue to receive universal service support reimbursement for such Lifeline service provided to subscribers who have used the service within the last 30 days, or who have cured their non-usage as provided for in § 54.405(e)(3). Any of these activities, if undertaken by the subscriber, will establish "usage" of the Lifeline service:
 - (i) Completion of an outbound call or usage of data;
 - (ii) Purchase of minutes or data from the eligible telecommunications carrier to add to the subscriber's service plan;
 - (iii) Answering an incoming call from a party other than the eligible telecommunications carrier or the eligible telecommunications carrier's agent or representative;
 - (iv) Responding to direct contact from the eligible communications carrier and confirming that he or she wants to continue receiving Lifeline service; or
 - (v) Sending a text message.
- (d) In order to receive universal service support reimbursement, an officer of each eligible telecommunications carrier must certify, as part of each request for reimbursement, that:
 - (1) The eligible telecommunications carrier is in compliance with all of the rules in this subpart; and
 - (2) The eligible telecommunications carrier has obtained valid certification and recertification forms to the extent required under this subpart for each of the subscribers for whom it is seeking reimbursement.
- (e) In order to receive universal service support reimbursement, an eligible telecommunications carrier must keep accurate records of the revenues it forgoes in providing Lifeline services. Such records shall be kept in the form directed by the Administrator and provided to the Administrator at intervals as directed by the Administrator or as provided in this subpart.

[77 FR 12970, Mar. 2, 2012, as amended at 77 FR 38534, June 28, 2012; 80 FR 35577, June 22, 2015; 80 FR 40935, July 14, 2015; 81 FR 33091, May 24, 2016; 84 FR 71328, Dec. 27, 2019]

§ 54.408 Minimum service standards.

- (a) As used in this subpart, with the following exception of paragraph (a)(2) of this section, a minimum service standard is:
- (1) The level of service which an eligible telecommunications carrier must provide to an end user in order to receive the Lifeline support amount.
 - (2) The minimum service standard for mobile broadband speed, as described in paragraph (b)(2)(i) of this section, is the level of service which an eligible telecommunications carrier must both advertise and provide to an end user.
- (b) Minimum service standards for Lifeline supported services will take effect on December 1, 2016. The minimum service standards set forth below are subject to the conditions in § 54.401. The initial minimum service standards, as set forth in paragraphs (b)(1) through (3) of this section, will be subject to the updating mechanisms described in paragraph (c) of this section.
- (1) Fixed broadband will have minimum service standards for speed and data usage allowance, subject to the exceptions in paragraph (d) of this section.
 - (i) The minimum service standard for fixed broadband speed will be 10 Megabits per second downstream/1 Megabit per second upstream.
 - (ii) The minimum service standard for fixed broadband data usage allowance will be 150 gigabytes per month.
 - (2) Mobile broadband will have minimum service standards for speed and data usage allowance.
 - (i) The minimum service standard for mobile broadband speed will be 3G.
 - (ii) The minimum service standard for mobile broadband data usage allowance will be:
 - (A) From December 1, 2016 until November 30, 2017, 500 megabytes per month;
 - (B) From December 1, 2017, until November 30, 2018, 1 gigabyte per month;
 - (C) From December 1, 2018 until November 30, 2019, 2 gigabytes per month; and
 - (D) On and after December 1, 2019, the minimum standard will be calculated using the mechanism set forth in paragraphs (c)(2)(ii)(A) through (D) of this section. If the data listed in paragraphs (c)(2)(ii)(A) through (D) do not meet the criteria set forth in paragraph (c)(2)(iii) of this section, then the updating mechanism in paragraph (c)(2)(iii) will be used instead.
 - (3) The minimum service standard for mobile voice service will be:
 - (i) From December 1, 2016, until November 30, 2017, 500 minutes;
 - (ii) From December 1, 2017, until November 30, 2018, 750 minutes; and
 - (iii) On and after December 1, 2018, the minimum standard will be 1000 minutes.
- (c) Minimum service standards will be updated using the following mechanisms:
- (1) Fixed broadband will have minimum service standards for speed and data usage allowance. The standards will updated as follows:

- (i) The standard for fixed broadband speed will be updated on an annual basis. The standard will be set at the 30th percentile, rounded up to the nearest Megabit-per-second integer, of subscribed fixed broadband downstream and upstream speeds. The 30th percentile will be determined by analyzing FCC Form 477 Data. The new standard will be published in a Public Notice issued by the Wireline Competition Bureau on or before July 31, which will give the new minimum standard for the upcoming year. In the event that the Bureau does not release a Public Notice, or the data are older than 18 months, the minimum standard will be the greater of:
 - (A) The current minimum standard; or
 - (B) The Connect America Fund minimum speed standard for rate-of-return fixed broadband providers, as set forth in 47 CFR 54.308(a).
- (ii) The standard for fixed broadband data usage allowance will be updated on an annual basis. The new standard will be published in a Public Notice issued by the Wireline Competition Bureau on or before July 31, which will give the new minimum standard for the upcoming year. The updated standard will be the greater of:
 - (A) An amount the Wireline Competition Bureau deems appropriate, based on what a substantial majority of American consumers already subscribe to, after analyzing Urban Rate Survey data and other relevant data; or
 - (B) The minimum standard for data usage allowance for rate-of-return fixed broadband providers set in the Connect America Fund.
- (2) Mobile broadband will have minimum service standards for speed and capacity. The standards will be updated as follows:
 - (i) The standard for mobile broadband speed will be updated when, after analyzing relevant data, including the FCC Form 477 data, the Wireline Competition Bureau determines such an adjustment is necessary. If the standard for mobile broadband speed is updated, the new standard will be published in a Public Notice issued by the Wireline Competition Bureau.
 - (ii) The standard for mobile broadband capacity will be updated on an annual basis. The standard will be determined by:
 - (A) Dividing the total number of mobile-cellular subscriptions in the United States, as reported in the *Mobile Competition Report* by the total number of American households, as determined by the U.S. Census Bureau, in order to determine the number of mobile-cellular subscriptions per American household. This number will be rounded to the hundredths place and then multiplied by;
 - (B) The percentage of Americans who own a smartphone, according to the Commission's annual *Mobile Competition Report*. This number will be rounded to the hundredths place and then multiplied by;
 - (C) The average data used per mobile smartphone subscriber, as reported by the Commission in its annual *Mobile Competition Report*. This number will be rounded to the hundredths place and then multiplied by;

- (D) Seventy (70) percent. The result will then be rounded up to the nearest 250 MB interval to provide the new monthly minimum service standard for the mobile broadband data usage allowance.
- (iii) If the Wireline Competition Bureau does not release a Public Notice giving new minimum standards for mobile broadband capacity on or before July 31, or if the necessary data needed to calculate the new minimum standard are older than 18 months, the data usage allowance will be updated by multiplying the current data usage allowance by the percentage of the year-over-year change in average mobile data usage per smartphone user, as reported in the *Mobile Competition Report*. That amount will be rounded up to the nearest 250 MB.
- (d) **Exception for certain fixed broadband providers.** Subject to the limitations in paragraphs (d)(1) through (4) of this section, the Lifeline discount may be applied for fixed broadband service that does not meet the minimum standards set forth in paragraph (b)(1) of this section. If the provider, in a given area:
- (1) Does not offer any fixed broadband service that meets our minimum service standards set forth in paragraph (b)(1) of this section; but
 - (2) Offers a fixed broadband service of at least 4 Mbps downstream/1 Mbps upstream in that given area; then,
 - (3) In that given area, a fixed broadband provider may receive Lifeline funds for the purchase of its highest performing generally available residential offering, lexicographically ranked by:
 - (i) Download bandwidth;
 - (ii) Upload bandwidth; and
 - (iii) Usage allowance.
 - (4) A fixed broadband provider claiming Lifeline support under this section will certify its compliance with this section's requirements and will be subject to the Commission's audit authority.
- (e) Except as provided in paragraph (d) of this section, eligible telecommunications carriers shall not apply the Lifeline discount to offerings that do not meet the minimum service standards.
- (f) **Equipment requirement.**
- (1) Any fixed or mobile broadband Lifeline provider, which provides devices to its consumers, must ensure that all such devices provided to a consumer are Wi-Fi enabled.
 - (2) A Lifeline provider may not institute an additional or separate tethering charge for any mobile data usage that is below the minimum service standard set forth in paragraph (b)(2) of this section.
 - (3) Any mobile broadband Lifeline provider which provides devices to its consumers must offer at least one device that is capable of being used as a hotspot. This requirement will change as follows:
 - (i) From December 1, 2017 to November 30, 2018, a provider that offers devices must ensure that at least 15 percent of such devices are capable of being used as a hotspot.
 - (ii) From December 1, 2018 to November 30, 2019, a provider that offers devices must ensure that at least 20 percent of such devices are capable of being used as a hotspot.
 - (iii) From December 1, 2019 to November 30, 2020, a provider that offers devices must ensure that at least 25 percent of such devices are capable of being used as a hotspot.

- (iv) From December 1, 2020 to November 30, 2021, a provider that offers devices must ensure that at least 35 percent of such devices are capable of being used as a hotspot.
- (v) From December 1, 2021 to November 30, 2022, a provider that offers devices must ensure that at least 45 percent of such devices are capable of being used as a hotspot.
- (vi) From December 1, 2022 to November 30, 2023, a provider that offers devices must ensure that at least 55 percent of such devices are capable of being used as a hotspot.
- (vii) From December 1, 2023 to November 30, 2024, a provider that offers devices must ensure that at least 65 percent of such devices are capable of being used as a hotspot.
- (viii) On December 1, 2024, a provider that offers devices must ensure that at least 75 percent of such devices are capable of being used as a hotspot.

[81 FR 33091, May 24, 2016]

§ 54.409 Consumer qualification for Lifeline.

- (a) To constitute a qualifying low-income consumer:
 - (1) A consumer's household income as defined in § 54.400(f) must be at or below 135% of the Federal Poverty Guidelines for a household of that size; or
 - (2) The consumer, one or more of the consumer's dependents, or the consumer's household must receive benefits from one of the following federal assistance programs: Medicaid; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance; or Veterans and Survivors Pension Benefit.
- (b) A consumer who lives on Tribal lands is eligible for Lifeline service as a "qualifying low-income consumer" as defined by § 54.400(a) and as an "eligible resident of Tribal lands" as defined by § 54.400(e) if that consumer meets the qualifications for Lifeline specified in paragraph (a) of this section or if the consumer, one or more of the consumer's dependents, or the consumer's household participates in one of the following Tribal-specific federal assistance programs: Bureau of Indian Affairs general assistance; Tribally administered Temporary Assistance for Needy Families; Head Start (only those households meeting its income qualifying standard); or the Food Distribution Program on Indian Reservations.
- (c) In addition to meeting the qualifications provided in paragraph (a) or (b) of this section, in order to constitute a qualifying low-income consumer, a consumer must not already be receiving a Lifeline service, and there must not be anyone else in the subscriber's household subscribed to a Lifeline service.

[77 FR 12970, Mar. 2, 2012, as amended at 77 FR 38534, June 28, 2012; 81 FR 33093, May 24, 2016]

§ 54.410 Subscriber eligibility determination and certification.

- (a) All eligible telecommunications carriers must implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services. An eligible telecommunications carrier may not provide a consumer with an activated device that it represents enables use of Lifeline-supported service, nor may it activate service that it represents to be Lifeline service, unless and until it has:
 - (1) Confirmed that the consumer is a qualifying low-income consumer pursuant to § 54.409, and;

- (2) Completed the eligibility determination and certification required by this section and §§ 54.404 through 54.405, and completed any other necessary enrollment steps.
- (b) *Initial income-based eligibility determination.*
- (1) Except where the National Verifier, 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 using the income-based eligibility criteria provided for in § 54.409(a)(1) an eligible telecommunications carrier:
 - (i) Must not seek reimbursement for providing Lifeline to a subscriber, unless the carrier has received a certification of eligibility from the prospective subscriber that complies with the requirements set forth in paragraph (d) of this section and has confirmed the subscriber's income-based eligibility using the following procedures:
 - (A) If an eligible telecommunications carrier can determine a prospective subscriber's income-based eligibility by accessing one or more databases containing information regarding the subscriber's income ("income databases"), the eligible telecommunications carrier must access such income databases and determine whether the prospective subscriber qualifies for Lifeline.
 - (B) If an eligible telecommunications carrier cannot determine a prospective subscriber's income-based eligibility by accessing income databases, the eligible telecommunications carrier must review documentation that establishes that the prospective subscriber meets the income-eligibility criteria set forth in § 54.409(a)(1). Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workers' Compensation statement of benefit; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information. If the prospective subscriber presents documentation of income that does not cover a full year, such as current pay stubs, the prospective subscriber must present the same type of documentation covering three consecutive months within the previous twelve months.
 - (ii) Must securely retain copies of documentation demonstrating a prospective subscriber's income-based eligibility for Lifeline consistent with § 54.417, except to the extent such documentation is retained by the National Verifier.
 - (2) Where the National Verifier, 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 National Verifier, 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); and
 - (ii) If a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, a copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.

- (iii) An eligible telecommunications carrier must securely retain all information and documentation provided by the state Lifeline administrator or other state agency consistent with § 54.417.
- (c) **Initial program-based eligibility determination.**
- (1) Except in states where the National Verifier, state Lifeline administrator, or other state agency is responsible for the initial determination of a subscriber's program-based eligibility, when a prospective subscriber seeks to qualify for Lifeline service using the program-based criteria set forth in § 54.409(a)(2) or (b), an eligible telecommunications carrier:
 - (i) Must not seek reimbursement for providing Lifeline to a subscriber unless the carrier has received a certification of eligibility from the subscriber that complies with the requirements set forth in paragraph (d) of this section and has confirmed the subscriber's program-based eligibility using the following procedures:
 - (A) If the eligible telecommunications carrier can determine a prospective subscriber's program-based eligibility for Lifeline by accessing one or more databases containing information regarding enrollment in qualifying assistance programs ("eligibility databases"), the eligible telecommunications carrier must access such eligibility databases to determine whether the prospective subscriber qualifies for Lifeline based on participation in a qualifying assistance program; or
 - (B) If an eligible telecommunications carrier cannot determine a prospective subscriber's program-based eligibility for Lifeline by accessing eligibility databases, the eligible telecommunications carrier must review documentation demonstrating that a prospective subscriber qualifies for Lifeline under the program-based eligibility requirements. Acceptable documentation of program eligibility includes the current or prior year's statement of benefits from a qualifying assistance program, a notice or letter of participation in a qualifying assistance program, program participation documents, or another official document demonstrating that the prospective subscriber, one or more of the prospective subscriber's dependents or the prospective subscriber's household receives benefits from a qualifying assistance program.
 - (ii) Must securely retain copies of the documentation demonstrating a subscriber's program-based eligibility for Lifeline, consistent with § 54.417, except to the extent such documentation is retained by the National Verifier.
 - (2) Where the National Verifier, 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(a)(2) or (b), an eligible telecommunications carrier must not seek reimbursement for providing Lifeline to a subscriber unless the carrier has received from the National Verifier, 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) or (b); and
 - (ii) If a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, a copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.

- (iii) An eligible telecommunications carrier must securely retain all information and documentation provided by the state Lifeline administrator or other state agency consistent with § 54.417.
- (d) **Eligibility certification form.** Eligible telecommunications carriers and state Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber's eligibility for Lifeline must provide prospective subscribers Lifeline certification forms that provide the information in paragraphs (d)(1) through (3) of this section in clear, easily understood language. If a Federal eligibility certification form is available, entities enrolling subscribers must use such form to enroll a qualifying low-income consumer into the Lifeline program.
 - (1) The form provided by the entity enrolling subscribers must provide the information in paragraphs (d)(1)(i) through (vi) of this section:
 - (i) Lifeline is a federal benefit and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program;
 - (ii) Only one Lifeline service is available per household;
 - (iii) A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses;
 - (iv) A household is not permitted to receive Lifeline benefits from multiple providers;
 - (v) Violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the subscriber's de-enrollment from the program; and
 - (vi) Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person.
 - (2) The form provided by the entity enrolling subscribers must require each prospective subscriber to provide the information in paragraphs (d)(2)(i) through (viii) of this section:
 - (i) The subscriber's full name;
 - (ii) The subscriber's full residential address;
 - (iii) Whether the subscriber's residential address is permanent or temporary;
 - (iv) The subscriber's billing address, if different from the subscriber's residential address;
 - (v) The subscriber's date of birth;
 - (vi) The last four digits of the subscriber's social security number, or the subscriber's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a social security number;
 - (vii) If the subscriber is seeking to qualify for Lifeline under the program-based criteria, as set forth in § 54.409, the name of the qualifying assistance program from which the subscriber, his or her dependents, or his or her household receives benefits; and
 - (viii) If the subscriber is seeking to qualify for Lifeline under the income-based criterion, as set forth in § 54.409, the number of individuals in his or her household.
 - (3) The form provided by the entity enrolling subscribers shall require each prospective subscriber to initial his or her acknowledgement of each of the certifications in paragraphs (d)(3)(i) through (viii) of this section individually and under penalty of perjury:

- (i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline, provided in § 54.409;
 - (ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.
 - (iii) If the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands, as defined in 54.400(e);
 - (iv) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;
 - (v) The subscriber's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
 - (vi) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,
 - (vii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
 - (viii) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits pursuant to § 54.405(e)(4).
- (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 for that carrier's subscribers.
- (f) **Annual eligibility re-certification process.**
- (1) All eligible telecommunications carriers must annually re-certify all subscribers, except for subscribers in states where the National Verifier, state Lifeline administrator, or other state agency is responsible for the annual re-certification of subscribers' Lifeline eligibility.
 - (2) In order to re-certify a subscriber's eligibility, an eligible telecommunications carrier must confirm a subscriber's current eligibility to receive Lifeline by:
 - (i) Querying the appropriate eligibility databases, confirming that the subscriber still meets the program-based eligibility requirements for Lifeline, and documenting the results of that review; or
 - (ii) Querying the appropriate income databases, confirming that the subscriber continues to meet the income-based eligibility requirements for Lifeline, and documenting the results of that review.
 - (iii) If the subscriber's program-based or income-based eligibility for Lifeline cannot be determined by accessing one or more eligibility databases, then the eligible telecommunications carrier must obtain a signed certification from the subscriber confirming the subscriber's continued

eligibility. If the subscriber's eligibility was previously confirmed through an eligibility database during enrollment or a prior recertification and the subscriber is no longer included in any eligibility database, the eligible telecommunications carrier must obtain both an Annual Recertification Form and documentation meeting the requirements of paragraph (b)(1)(i)(B) or (c)(1)(i)(B) from that subscriber to complete the process. Eligible telecommunications carriers must use the Wireline Competition Bureau-approved universal Annual Recertification Form, except where state law, state regulation, a state Lifeline administrator, or a state agency requires eligible telecommunications carriers to use state-specific Lifeline recertification forms.

- (iv) In states in which the National Verifier has been implemented, the eligible telecommunications carrier cannot re-certify subscribers not found in the National Verifier by obtaining a certification form from the subscriber.
- (3) Where the National Verifier, state Lifeline administrator, or other state agency is responsible for re-certification of a subscriber's Lifeline eligibility, the National Verifier, state Lifeline administrator, or state agency must confirm a subscriber's current eligibility to receive a Lifeline service by:
- (i) Querying the appropriate eligibility databases, confirming that the subscriber still meets the program-based eligibility requirements for Lifeline, and documenting the results of that review; or
 - (ii) Querying the appropriate income databases, confirming that the subscriber continues to meet the income-based eligibility requirements for Lifeline, and documenting the results of that review.
 - (iii) If the subscriber's program-based or income-based eligibility for Lifeline cannot be determined by accessing one or more eligibility databases, then the National Verifier, state Lifeline administrator, or state agency must obtain a signed certification from the subscriber confirming the subscriber's continued eligibility. If the subscriber's eligibility was previously confirmed through an eligibility database during enrollment or a prior recertification and the subscriber is no longer included in any eligibility database, the National Verifier, state Lifeline administrator, or state agency must obtain both an approved Annual Recertification Form and documentation meeting the requirements of paragraph (b)(1)(i)(B) or (c)(1)(i)(B) from that subscriber to complete the certification process. Entities responsible for re-certification under this section must use the Wireline Competition Bureau-approved universal Annual Recertification Form, except where state law, state regulation, a state Lifeline administrator, or a state agency requires eligible telecommunications carriers to use state-specific Lifeline recertification forms, or where the National Verifier Recertification Form is required.
- (4) Where the National Verifier, state Lifeline administrator, or other state agency is responsible for re-certification of subscribers' Lifeline eligibility, the National Verifier, state Lifeline administrator, or other state agency must provide to each eligible telecommunications carrier the results of its annual re-certification efforts with respect to that eligible telecommunications carrier's subscribers.
- (5) If an eligible telecommunications carrier is unable to re-certify a subscriber or has been notified by the National Verifier, a state Lifeline administrator, or other state agency that it is unable to re-certify a subscriber, the eligible telecommunications carrier must comply with the de-enrollment requirements provided for in § 54.405(e)(4).
- (g) **One-Per-Household Worksheet.** If the prospective subscriber shares an address with one or more existing Lifeline subscribers according to the National Lifeline Accountability Database or National Verifier, the prospective subscriber must complete a form certifying compliance with the one-per-household rule upon

initial enrollment. Eligible telecommunications carriers must fulfill the requirement in this paragraph (g) by using the Household Worksheet, as provided by the Wireline Competition Bureau. Where state law, state regulation, a state Lifeline administrator, or a state agency requires eligible telecommunications carriers to use state-specific Lifeline enrollment forms, eligible telecommunications carriers may use those forms in place of the Commission's Household Worksheet. At re-certification, if there are changes to the subscriber's household that would prevent the subscriber from accurately certifying to paragraph (d)(3)(vi) of this section, then the subscriber must complete a new Household Worksheet. Eligible telecommunications carriers must mark subscribers as having completed a Household Worksheet in the National Lifeline Accountability Database if and only if the subscriber shares an address with an existing Lifeline subscriber, as reported by the National Lifeline Accountability Database.

- (h) **National Verifier transition.** As the National Verifier is implemented in a state, the obligations in paragraphs (b) through (g) of this section with respect to the National Verifier and eligible telecommunications carriers will also take effect.

[77 FR 12970, Mar. 2, 2012, as amended at 77 FR 38534, June 28, 2012; 78 FR 40970, July 9, 2013; 80 FR 40935, July 14, 2015; 81 FR 33093, May 24, 2016; 83 FR 2085, Jan. 16, 2018; 84 FR 71328, Dec. 27, 2019]

§ 54.411 [Reserved]

§ 54.412 Off reservation Tribal lands designation process.

- (a) The Commission's Wireline Competition Bureau and the Office of Native Affairs and Policy may, upon receipt of a request made in accordance with the requirements of this section, designate as Tribal lands, for the purposes of the Lifeline and Tribal Link Up program, areas or communities that fall outside the boundaries of existing Tribal lands but which maintain the same characteristics as lands identified as Tribal lands defined as in § 54.400(e).
- (b) A request for designation must be made to the Commission by a duly authorized official of a federally recognized American Indian Tribe or Alaska Native Village.
- (c) A request for designation must clearly describe a defined geographical area for which the requesting party seeks designation as Tribal lands.
- (d) A request for designation must demonstrate the Tribal character of the area or community.
- (e) A request for designation must provide sufficient evidence of a nexus between the area or community and the Tribe, and describe in detail how program support to the area or community would aid the Tribe in serving the needs and interests of its citizens and further the Commission's goal of increasing telecommunications access on Tribal lands.
- (f) Upon designation by the Wireline Competition Bureau and the Office of Native Affairs and Policy, the area or community described in the designation shall be considered Tribal lands for the purposes of this subpart.

[77 FR 12972, Mar. 2, 2012, as amended at 77 FR 38534, June 28, 2012]

§ 54.413 Link Up for rural Tribal lands.

- (a) For purposes of this subpart, the term "Tribal Link Up" means an assistance program for eligible residents of Tribal lands, if the subscriber's location is rural, as defined in § 54.505(b)(3)(i) and (ii), seeking telecommunications service from a telecommunications carrier that is receiving high-cost support on rural Tribal lands, pursuant to subpart D of this part, that provides:
- (1) A 100 percent reduction, up to \$100, of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber's principal place of residence imposed by an eligible telecommunications carrier that is also receiving high-cost support on rural Tribal lands, pursuant to subpart D of this part. For purposes of this subpart, a "customary charge for commencing telecommunications service" is the ordinary charge an eligible telecommunications carrier imposes and collects from all subscribers to initiate service with that eligible telecommunications carrier. A charge imposed only on qualifying low-income consumers to initiate service is not a customary charge for commencing telecommunications service. Activation charges routinely waived, reduced, or eliminated with the purchase of additional products, services, or minutes are not customary charges eligible for universal service support; and
 - (2) A deferred schedule of payments of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber's principal place of residence imposed by an eligible telecommunications carrier that is also receiving high-cost support on rural Tribal lands, pursuant to subpart D of this part, for which the eligible resident of rural Tribal lands does not pay interest. The interest charges not assessed to the eligible resident of rural Tribal lands shall be for a customary charge for connecting the telecommunications service of up to \$200 and such interest charges shall be deferred for a period not to exceed one year.
- (b) An eligible resident of rural Tribal lands may receive the benefit of the Tribal Link Up program for a second or subsequent time only for otherwise qualifying commencement of telecommunications service at a principal place of residence with an address different from the address for which Tribal Link Up assistance was provided previously.

[83 FR 2085, Jan. 16, 2018]

Effective Date Note: At 83 FR 2085, Jan. 16, 2018, § 54.413 was revised. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 54.414 Reimbursement for Tribal Link Up.

- (a) Eligible telecommunications carriers that are receiving high-cost support, pursuant to subpart D of this part, may receive universal service support reimbursement for the reduction in their customary charge for commencing telecommunications service and for providing a deferred schedule for payment of the customary charge for commencing telecommunications services for which the subscriber does not pay interest, in conformity with § 54.413.
- (b) In order to receive universal support reimbursement for providing Tribal Link Up, eligible telecommunications carriers must use the maps made available by the Administrator to determine an eligible resident of rural Tribal lands' initial eligibility for Tribal Link Up. Eligible telecommunications carriers must obtain a certification form from each eligible resident of Tribal lands that complies with § 54.410 prior to enrolling him or her in Tribal Link Up.

- (c) In order to receive universal service support reimbursement for providing Tribal Link Up, eligible telecommunications carriers must keep accurate records of the reductions in their customary charge for commencing telecommunications service and for providing a deferred schedule for payment of the charges assessed for commencing service for which the subscriber does not pay interest, in conformity with § 54.413. Such records shall be kept in the form directed by the Administrator and provided to the Administrator at intervals as directed by the Administrator or as provided in this subpart. The reductions in the customary charge for which the eligible telecommunications carrier may receive reimbursement shall include only the difference between the carrier's customary connection or interest charges and the charges actually assessed to the subscriber receiving Lifeline services.

[77 FR 12973, Mar. 2, 2012, as amended at 83 FR 2085, Jan. 16, 2018]

Effective Date Note: At 83 FR 2085, Jan. 16, 2018, § 54.414(b) was revised.. This paragraph contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

§ 54.416 Annual certifications by eligible telecommunications carriers.

- (a) **Eligible telecommunications carrier certifications.** Eligible telecommunications carriers are required to make and submit to the Administrator the following annual certifications, under penalty of perjury, relating to the Lifeline program:
- (1) An officer of each eligible telecommunications carrier must certify that the carrier has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services. Each eligible telecommunications carrier must make this certification annually to the Administrator as part of the carrier's submission of annual re-certification data pursuant to this section. In instances where an eligible telecommunications carrier confirms consumer eligibility by relying on income or eligibility databases, as defined in § 54.410(b)(1)(i)(A) or (c)(1)(i)(A), the representative must attest annually as to what specific data sources the eligible telecommunications carrier used to confirm eligibility.
 - (2) An officer of the eligible telecommunications carrier must certify that the carrier is in compliance with all federal Lifeline certification procedures. Eligible telecommunications carriers must make this certification annually to the Administrator as part of the carrier's submission of re-certification data pursuant to this section.
 - (3) An officer of the eligible telecommunications carrier must certify that the carrier is in compliance with the minimum service levels set forth in § 54.408. Eligible telecommunications carriers must make this certification annually to the Administrator as part of the carrier's submission of re-certification data pursuant to this section.
- (b) All eligible telecommunications carriers must annually provide the results of their re-certification efforts, performed pursuant to § 54.410(f), to the Commission and the Administrator. Eligible telecommunications carriers designated as such by one or more states pursuant to § 54.201 must also provide, on an annual basis, the results of their re-certification efforts to state commissions for subscribers residing in those states where the state designated the eligible telecommunications carrier. Eligible telecommunications carriers must also provide their annual re-certification results for subscribers residing on Tribal lands to the relevant Tribal governments.

- (c) States that mandate Lifeline support may impose additional standards on eligible telecommunications carriers operating in their states to ensure compliance with state Lifeline programs.

[77 FR 12973, Mar. 2, 2012, as amended at 77 FR 38534, June 28, 2012; 81 FR 33094, May 24, 2016]

§ 54.417 Recordkeeping requirements.

- (a) Eligible telecommunications carriers must maintain records to document compliance with all Commission and state requirements governing the Lifeline and Tribal Link Up program for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request. Eligible telecommunications carriers must maintain the documentation required in §§ 54.404 (b)(11), 54.410(b), 54.410 (c), 54.410(d), and 54.410(f) for as long as the subscriber receives Lifeline service from that eligible telecommunications carrier, but for no less than the three full preceding calendar years.
- (b) Prior to the effective date of the rules, if an eligible telecommunications carrier provides Lifeline discounted wholesale services to a reseller, it must obtain a certification from that reseller that it is complying with all Commission requirements governing the Lifeline and Tribal Link Up program. Beginning on the effective date of the rules, the eligible telecommunications carrier must retain the reseller certification for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request.
- (c) Non-eligible telecommunications carrier resellers that purchased Lifeline discounted wholesale services to offer discounted services to low-income consumers prior to the effective date of the rules, must maintain records to document compliance with all Commission requirements governing the Lifeline and Tribal Link Up program for the three full preceding calendar years and provide that documentation to the Commission or Administrator upon request.

[80 FR 40935, July 14, 2015]

§ 54.419 Validity of electronic signatures.

- (a) For the purposes of this subpart, an electronic signature, defined by the Electronic Signatures in Global and National Commerce Act, as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record, has the same legal effect as a written signature.
- (b) For the purposes of this subpart, an electronic record, defined by the Electronic Signatures in Global and National Commerce Act as a contract or other record created, generated, sent, communicated, received, or stored by electronic means, constitutes a record.

[77 FR 12974, Mar. 2, 2012]

§ 54.420 Low income program audits.

- (a) *Independent audit requirements for eligible telecommunications carriers.* Eligible telecommunications carriers identified by USAC must obtain a third-party biennial audit of their compliance with the rules in this subpart. Such engagements shall be agreed upon performance attestations to assess the company's overall compliance with the rules in this subpart and the company's internal controls regarding the regulatory requirements in this subpart.

- (1) Eligible telecommunications carriers will be selected for audit based on risk-based criteria developed by USAC and approved by the Office of Managing Director and the Wireline Competition Bureau.
 - (2) The initial audit must be completed one year after the Commission issues a standardized audit plan outlining the scope of the engagement and the extent of compliance testing to be performed by third-party auditors and shall be conducted every two years thereafter, unless directed otherwise by the Commission. The following minimum requirements shall apply:
 - (i) The audit must be conducted by a licensed certified public accounting firm that is independent of the carrier.
 - (ii) The engagement shall be conducted consistent with government accounting standards (GAGAS).
 - (3) The certified public accounting firm shall submit to the Commission any rule interpretations necessary to complete the biennial audit, and the Administrator shall notify all firms subject to the biennial audit requirement of such requests. The audit issue will be noted, but not held as a negative finding, in future audit reports for all carriers subject to this requirement unless and until guidance has been provided by the Commission.
 - (4) Within 60 days after completion of the audit work, but prior to finalization of the report, the third party auditor shall submit a draft of the audit report to the Commission and the Administrator, who shall be deemed authorized users of such reports. Finalized audit reports must be provided to the Commission, the Administrator, and relevant states and Tribal governments within 30 days of the issuance of the final audit report. The reports will not be considered or deemed confidential.
 - (5) *Delegated authority.* The Wireline Competition Bureau and the Office of Managing Director have delegated authority to perform the functions specified in paragraphs (a)(2) and (a)(3) of this section.
- (b) *Audit requirements for new eligible telecommunications carriers.* After a company is designated for the first time in any state or territory, the Administrator will audit that new eligible telecommunications carrier to assess its overall compliance with the rules in this subpart and the company's internal controls regarding these regulatory requirements. This audit should be conducted within the carrier's first twelve months of seeking federal low-income Universal Service Fund support, unless otherwise determined by the Office of Managing Director.

[77 FR 12974, Mar. 2, 2012, as amended at 77 FR 38534, June 28, 2012; 81 FR 33094, May 24, 2016; 84 FR 71329, Dec. 27, 2019]

§ 54.422 Annual reporting for eligible telecommunications carriers that receive low-income support.

- (a) In order to receive support under this subpart, an eligible telecommunications carrier must annually report:
 - (1) The company name, names of the company's holding company, operating companies and affiliates, and any branding (a "dba," or "doing-business-as company" or brand designation) as well as relevant universal service identifiers for each such entity by Study Area Code. For purposes of this paragraph, "affiliates" has the meaning set forth in section 3(2) of the Communications Act of 1934, as amended; and

- (2) Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for each such plan. To the extent the eligible telecommunications carrier offers plans to Lifeline subscribers that are generally available to the public, it may provide summary information regarding such plans, such as a link to a public Web site outlining the terms and conditions of such plans.
- (b) In order to receive support under this subpart, a common carrier that is designated as an eligible telecommunications carrier under section 214(e)(6) of the Act and does not receive support under subpart D of this part must annually provide:
 - (1) Detailed information on any outage in the prior calendar year, as that term is defined in 47 CFR 4.5, of at least 30 minutes in duration for each service area in which the eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect
 - (i) At least ten percent of the end users served in a designated service area; or
 - (ii) A 911 special facility, as defined in 47 CFR 4.5(e).
 - (iii) Specifically, the eligible telecommunications carrier's annual report must include information detailing:
 - (A) The date and time of onset of the outage;
 - (B) A brief description of the outage and its resolution;
 - (C) The particular services affected;
 - (D) The geographic areas affected by the outage;
 - (E) Steps taken to prevent a similar situation in the future; and
 - (F) The number of customers affected.
 - (2) The number of complaints per 1,000 connections (fixed or mobile) in the prior calendar year;
 - (3) Certification of compliance with applicable minimum service standards, as set forth in § 54.408, service quality standards, and consumer protection rules;
 - (4) Certification that the carrier is able to function in emergency situations as set forth in § 54.202(a)(2).
- (c) All reports required by this section must be filed with the Office of the Secretary of the Commission, and with the Administrator. Such reports must also be filed with the relevant state commissions and the relevant authority in a U.S. territory or Tribal governments, as appropriate.

[77 FR 38534, June 28, 2012, as amended at 81 FR 33095, May 24, 2016]

§ 54.423 Budget.

- (a) **Amount of the annual budget.** The initial annual budget on federal universal support for the Lifeline program shall be \$2.25 billion.
 - (1) **Inflation increase.** In funding year 2016 and subsequent funding years, the \$2.25 billion funding cap on federal universal service support for Lifeline shall be automatically increased annually to take into account increases in the rate of inflation as calculated in paragraph (a)(2) of this section.

- (2) *Increase calculation.* To measure increases in the rate of inflation for the purposes of paragraph (a) of this section, the Commission shall use the Consumer Price Index for all items from the Department of Labor, Bureau of Labor Statistics. To compute the annual increase as required by this paragraph (a), the percentage increase in the Consumer Price Index from the previous year will be used. For instance, the annual increase in the Consumer Price Index from 2015 to 2016 would be used for the 2017 funding year. The increase shall be rounded to the nearest 0.1 percent by rounding 0.05 percent and above to the next higher 0.1 percent and otherwise rounding to the next lower 0.1 percent. This percentage increase shall be added to the amount of the annual funding cap from the previous funding year. If the yearly average Consumer Price Index decreases or stays the same, the annual funding cap shall remain the same as the previous year.
 - (3) The Wireline Competition Bureau shall issue a public notice on or before July 31 containing the results of the calculations described in § 54.403(a)(2) and setting the budget for the upcoming year beginning on January 1.
- (b) If spending in the Lifeline program meets or exceeds 90 percent of the Lifeline budget in a calendar year, the Wireline Competition Bureau shall prepare a report evaluating program disbursements and describing the reasons for the program's growth along with any other information relevant to the operation of the Lifeline program. The Bureau shall submit the report to the Commission by July 31st of the following year.

[81 FR 33095, May 24, 2016]

Effective Date Note: At 81 FR 33095, May 24, 2016, § 54.423 was added. This section contains information collection and recordkeeping requirements and will not become effective until approval has been given by the Office of Management and Budget.

ported to the Commission; and, if the Commission shall so direct, the original cost thereof shall be estimated in such manner as the Commission may prescribe. If the carrier owning the property at the time such original cost is reported shall have paid more or less than the original cost to acquire the same, the amount of such cost of acquisition, and any facts which the Commission may require in connection therewith, shall be reported with such original cost. The report made by a carrier under this subsection shall show the source or sources from which the original cost reported was obtained, and such other information as to the manner in which the report was prepared, as the Commission shall require.

(d) Easement, license or franchise

Nothing shall be included in the original cost reported for the property of any carrier under subsection (c) of this section on account of any easement, license, or franchise granted by the United States or by any State or political subdivision thereof, beyond the reasonable necessary expense lawfully incurred in obtaining such easement, license, or franchise from the public authority aforesaid, which expense shall be reported separately from all other costs in such detail as the Commission may require; and nothing shall be included in any valuation of the property of any carrier made by the Commission on account of any such easement, license, or franchise, beyond such reasonable necessary expense lawfully incurred as aforesaid.

(e) Improvements; changes in condition

The Commission shall keep itself informed of all new construction, extensions, improvements, retirements, or other changes in the condition, quantity, use, and classification of the property of common carriers, and of the cost of all additions and betterments thereto and of all changes in the investment therein, and may keep itself informed of current changes in costs and values of carrier properties.

(f) Additional information; access to records and data

For the purpose of enabling the Commission to make a valuation of any of the property of any such carrier, or to find the original cost of such property, or to find any other facts concerning the same which are required for use by the Commission, it shall be the duty of each such carrier to furnish to the Commission, within such reasonable time as the Commission may order, any information with respect thereto which the Commission may by order require, including copies of maps, contracts, reports of engineers, and other data, records, and papers, and to grant to all agents of the Commission free access to its property and its accounts, records, and memoranda whenever and wherever requested by any such duly authorized agent, and to cooperate with and aid the Commission in the work of making any such valuation or finding in such manner and to such extent as the Commission may require and direct, and all rules and regulations made by the Commission for the purpose of administering this section shall have the full force and effect of law. Unless otherwise ordered by the Commission, with the reasons

therefor, the records and data of the Commission shall be open to the inspection and examination of the public. The Commission, in making any such valuation, shall be free to adopt any method of valuation which shall be lawful.

(g) State commissions

Nothing in this section shall impair or diminish the powers of any State commission.

(June 19, 1934, ch. 652, title II, §213, 48 Stat. 1074; Pub. L. 103-414, title III, §304(a)(3), Oct. 25, 1994, 108 Stat. 4296.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act June 19, 1934, ch. 652, 48 Stat. 1064, known as the Communications Act of 1934, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 609 of this title and Tables.

AMENDMENTS

1994—Subsecs. (g), (h). Pub. L. 103-414 redesignated subsec. (h) as (g) and struck out former subsec. (g) which read as follows: "Notwithstanding any provision of this chapter the Interstate Commerce Commission, if requested to do so by the Commission, shall complete, at the earliest practicable date, such valuations of properties of carriers subject to this chapter as are now in progress, and shall thereafter transfer to the Commission the records relating thereto."

§ 214. Extension of lines or discontinuance of service; certificate of public convenience and necessity

(a) Exceptions; temporary or emergency service or discontinuance of service; changes in plant, operation or equipment

No carrier shall undertake the construction of a new line or of an extension of any line, or shall acquire or operate any line, or extension thereof, or shall engage in transmission over or by means of such additional or extended line, unless and until there shall first have been obtained from the Commission a certificate that the present or future public convenience and necessity require or will require the construction, or operation, or construction and operation, of such additional or extended line: *Provided*, That no such certificate shall be required under this section for the construction, acquisition, or operation of (1) a line within a single State unless such line constitutes part of an interstate line, (2) local, branch, or terminal lines not exceeding ten miles in length, or (3) any line acquired under section 221 of this title: *Provided further*, That the Commission may, upon appropriate request being made, authorize temporary or emergency service, or the supplementing of existing facilities, without regard to the provisions of this section. No carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby; except that the Commission may, upon appropriate request being made, authorize temporary or emergency discontinuance, reduction, or impairment of serv-

ice, or partial discontinuance, reduction, or impairment of service, without regard to the provisions of this section. As used in this section the term "line" means any channel of communication established by the use of appropriate equipment, other than a channel of communication established by the interconnection of two or more existing channels: *Provided, however,* That nothing in this section shall be construed to require a certificate or other authorization from the Commission for any installation, replacement, or other changes in plant, operation, or equipment, other than new construction, which will not impair the adequacy or quality of service provided.

(b) Notification of Secretary of Defense, Secretary of State, and State Governor

Upon receipt of an application for any such certificate, the Commission shall cause notice thereof to be given to, and shall cause a copy of such application to be filed with, the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points), and the Governor of each State in which such line is proposed to be constructed, extended, acquired, or operated, or in which such discontinuance, reduction, or impairment of service is proposed, with the right to those notified to be heard; and the Commission may require such published notice as it shall determine.

(c) Approval or disapproval; injunction

The Commission shall have power to issue such certificate as applied for, or to refuse to issue it, or to issue it for a portion or portions of a line, or extension thereof, or discontinuance, reduction, or impairment of service, described in the application, or for the partial exercise only of such right or privilege, and may attach to the issuance of the certificate such terms and conditions as in its judgment the public convenience and necessity may require. After issuance of such certificate, and not before, the carrier may, without securing approval other than such certificate, comply with the terms and conditions contained in or attached to the issuance of such certificate and proceed with the construction, extension, acquisition, operation, or discontinuance, reduction, or impairment of service covered thereby. Any construction, extension, acquisition, operation, discontinuance, reduction, or impairment of service contrary to the provisions of this section may be enjoined by any court of competent jurisdiction at the suit of the United States, the Commission, the State commission, any State affected, or any party in interest.

(d) Order of Commission; hearing; penalty

The Commission may, after full opportunity for hearing, in a proceeding upon complaint or upon its own initiative without complaint, authorize or require by order any carrier, party to such proceeding, to provide itself with adequate facilities for the expeditious and efficient performance of its service as a common carrier and to extend its line or to establish a public office; but no such authorization or order shall be made unless the Commission finds, as to such provision of facilities, as to such establishment of

public offices, or as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension or facilities that the expense involved therein will not impair the ability of the carrier to perform its duty to the public. Any carrier which refuses or neglects to comply with any order of the Commission made in pursuance of this subsection shall forfeit to the United States \$1,200 for each day during which such refusal or neglect continues.

(e) Provision of universal service

(1) Eligible telecommunications carriers

A common carrier designated as an eligible telecommunications carrier under paragraph (2), (3), or (6) shall be eligible to receive universal service support in accordance with section 254 of this title and shall, throughout the service area for which the designation is received—

(A) offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and

(B) advertise the availability of such services and the charges therefor using media of general distribution.

(2) Designation of eligible telecommunications carriers

A State commission shall upon its own motion or upon request designate a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the State commission. Upon request and consistent with the public interest, convenience, and necessity, the State commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the State commission, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the State commission shall find that the designation is in the public interest.

(3) Designation of eligible telecommunications carriers for unserved areas

If no common carrier will provide the services that are supported by Federal universal service support mechanisms under section 254(c) of this title to an unserved community or any portion thereof that requests such service, the Commission, with respect to interstate services or an area served by a common carrier to which paragraph (6) applies, or a State commission, with respect to intrastate services, shall determine which common carrier or carriers are best able to provide such service to the requesting unserved community or portion thereof and shall order such carrier or carriers to provide such service for that

unserved community or portion thereof. Any carrier or carriers ordered to provide such service under this paragraph shall meet the requirements of paragraph (1) and shall be designated as an eligible telecommunications carrier for that community or portion thereof.

(4) Relinquishment of universal service

A State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The State commission (or the Commission in the case of a common carrier designated under paragraph (6)) shall establish a time, not to exceed one year after the State commission (or the Commission in the case of a common carrier designated under paragraph (6)) approves such relinquishment under this paragraph, within which such purchase or construction shall be completed.

(5) "Service area" defined

The term "service area" means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms. In the case of an area served by a rural telephone company, "service area" means such company's "study area" unless and until the Commission and the States, after taking into account recommendations of a Federal-State Joint Board instituted under section 410(c) of this title, establish a different definition of service area for such company.

(6) Common carriers not subject to State commission jurisdiction

In the case of a common carrier providing telephone exchange service and exchange access that is not subject to the jurisdiction of a State commission, the Commission shall upon request designate such a common carrier that meets the requirements of paragraph (1) as an eligible telecommunications carrier for a service area designated by the Commission

consistent with applicable Federal and State law. Upon request and consistent with the public interest, convenience and necessity, the Commission may, with respect to an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated under this paragraph, so long as each additional requesting carrier meets the requirements of paragraph (1). Before designating an additional eligible telecommunications carrier for an area served by a rural telephone company, the Commission shall find that the designation is in the public interest.

(June 19, 1934, ch. 652, title II, § 214, 48 Stat. 1075; Mar. 6, 1943, ch. 10, §§ 2-5, 57 Stat. 11; Pub. L. 93-506, § 1, Nov. 30, 1974, 88 Stat. 1577; Pub. L. 101-239, title III, § 3002(d), Dec. 19, 1989, 103 Stat. 2131; Pub. L. 103-414, title III, § 304(a)(4), Oct. 25, 1994, 108 Stat. 4296; Pub. L. 104-104, title I, § 102(a), Feb. 8, 1996, 110 Stat. 80; Pub. L. 105-125, § 1, Dec. 1, 1997, 111 Stat. 2540.)

Editorial Notes

AMENDMENTS

1997—Subsec. (e)(1). Pub. L. 105-125, § 1(1), substituted "(2), (3), or (6)" for "(2) or (3)".

Subsec. (e)(3). Pub. L. 105-125, § 1(2), substituted "interstate services or an area served by a common carrier to which paragraph (6) applies" for "interstate services".

Subsec. (e)(4). Pub. L. 105-125, § 1(3), inserted "(or the Commission in the case of a common carrier designated under paragraph (6))" after "State commission" wherever appearing.

Subsec. (e)(5). Pub. L. 105-125, § 1(4), inserted "(or the Commission under paragraph (6))" after "State commission".

Subsec. (e)(6). Pub. L. 105-125, § 1(5), added par. (6).

1996—Subsec. (e). Pub. L. 104-104 added subsec. (e).

1994—Subsec. (a). Pub. L. 103-414 substituted "section 221" for "section 221 or 222".

1989—Subsec. (d). Pub. L. 101-239 substituted "\$1,200" for "\$100".

1974—Subsec. (b). Pub. L. 93-506 substituted "the Secretary of Defense, the Secretary of State (with respect to such applications involving service to foreign points)," for "the Secretary of the Army, the Secretary of the Navy,".

1943—Subsec. (a). Act Mar. 6, 1943, § 2, among other changes inserted all after "no carrier shall discontinue", etc.

Subsec. (b). Act Mar. 6, 1943, § 3, among other changes provided notice should be filed with Secretary of War and the Secretary of the Navy.

Subsec. (c). Act Mar. 6, 1943, § 4, extended provisions to include discontinuance, reduction, or impairment of service.

Subsec. (d). Act Mar. 6, 1943, § 5, amended first sentence.

Statutory Notes and Related Subsidiaries

EXTENSION OF LINES; ARMIS REPORTS

Pub. L. 104-104, title IV, § 402(b)(2), Feb. 8, 1996, 110 Stat. 129, provided that: "The Commission shall permit any common carrier—

"(A) to be exempt from the requirements of section 214 of the Communications Act of 1934 [47 U.S.C. 214] for the extension of any line; and

"(B) to file cost allocation manuals and ARMIS reports annually, to the extent such carrier is required to file such manuals or reports."

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE:

25-4.0665 Lifeline Assistance

PURPOSE AND EFFECT: To clarify and update the rule and implement changes to Section 364.10, Florida Statutes, made in the 2022 Legislative Session.

Docket No. 20230011-TP

SUMMARY: Rule 25-4.0665, F.A.C., Lifeline Assistance, is amended to clarify that an eligible telecommunications carrier (ETC) must notify a Lifeline subscriber of impending termination of Lifeline service if there is reason to believe the subscriber no longer qualifies for the service and requires a subscriber to provide proof of continued eligibility for Lifeline service upon request of the ETC, the Federal Communication Commission (FCC) or its designee. The amendment also removes obsolete provisions relating to income eligibility standards inconsistent with current FCC requirements; removes references to state agencies no longer involved in the development of procedures from promoting Lifeline; clarifies that the Commission and the Department of Children and Families may exchange information with ETCs, and the FCC or its designee, in order to enroll eligible customers in Lifeline service; and requires any state agency that determines a person is eligible for Lifeline service to coordinate with the FCC or its designee to verify eligibility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and transactional cost impacts, if any, would be minimal to the individual and entities, including government entities, required to comply with the rule.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or, if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.80(13)(d), 350.127(2), 364.10(2)(i) FS.

LAW IMPLEMENTED: 364.10, 364.105, 364.183(1) FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Sunshine, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, dsunshin@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0665 Lifeline Assistance.

(1) Eligible Telecommunications Companies must offer Lifeline Assistance as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Sections 54.400 through 54.423 ~~54.417~~, in effect as of September 8, 2022 as amended October 1, 2017, which are hereby incorporated into this rule by reference, and which are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX40664>.

(2) Eligible telecommunications carriers may assist customers with ~~When enrolling customers in the Lifeline program through the provider portal with the National Lifeline Eligibility Verifier, as defined in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Section 54.400(o).~~ ~~eligible telecommunications carriers shall accept FCC Form 5629 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Application Form," which is incorporated into this rule by reference and which is~~

available at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 10073>~~ or from the Universal Service Administrative Company's website at ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_Application_UniversalForm.pdf~~. The Spanish version of this form, FCC Form 5629 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Programa de Lifeline: Formulario de Aplicación," is also incorporated into this rule by reference and is available at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 10075>~~ or from the Universal Service Administrative Company's website at ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_SP_Application_UniversalForms.pdf~~. Eligible telecommunications carriers shall also accept Form PSC 1023 (08/18), entitled "Lifeline Florida On-line Application for Recipients of Medicaid or Supplemental Nutrition Assistance Program (SNAP)," which is incorporated into this rule by reference and which is available at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 10052>~~ or from the Commission's website at ~~www.floridapsc.com~~, by selecting "Lifeline Assistance," then selecting "Public Service Commission Secure On-Line Application Form."

(3) When recertifying customers in the Lifeline program, eligible telecommunications carriers shall accept FCC Form 5630 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Annual Recertification Form," which is incorporated into this rule by reference and which is available at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 10078>~~ or from the Universal Service Administrative Company's website at ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_Recertification_UniversalForms.pdf~~. The Spanish version of this form, FCC Form 5630 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Programa de Lifeline: Formulario de Recertificación," is also incorporated into this rule by reference and is available at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 10080>~~ or from the Universal Service Administrative Company's website at ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_SP_Recertification_UniversalForms.pdf~~.

(4) To obtain information necessary to confirm whether a customer is eligible for Lifeline assistance in instances where the customer shares an address with another Lifeline recipient, eligible telecommunications carriers shall accept FCC Form 5631 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Household Worksheet," which is incorporated into this rule by reference and which is available at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 10081>~~ or from the Universal Service Administrative Company's website at ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_Worksheet_UniversalForms.pdf~~. The Spanish version of this form, FCC Form 5631 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Programa de Lifeline: Planilla de Hogar," is also incorporated into this rule by reference and is available at ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref 10082>~~ or from the Universal Service Administrative Company's website at ~~https://www.usac.org/_res/documents/li/pdf/nv/LI_SP_Worksheet_UniversalForms.pdf~~.

(5) Eligible telecommunications carriers must allow customers the option to submit Lifeline application and recertification forms via U.S. Mail or facsimile, and may allow applications to be submitted electronically. Eligible telecommunications carriers must also allow customers the option to submit copies of supporting documents via U.S. Mail or facsimile.

(3)(6) All eligible telecommunications carriers shall participate in the Lifeline Promotion Simplified Enrollment Process. For purposes of this rule, the Lifeline Promotion Simplified Enrollment Process is an electronic interface between the Department of Children and Families Family Services, the Commission, and the eligible telecommunications carrier to provide eligible consumers information on how to apply for Lifeline assistance that allows low-income individuals to enroll in Lifeline following enrollment in a qualifying public assistance program.

(a) The eligible telecommunications carrier must maintain with the Commission the name(s), email address(es), and telephone number(s) of at least one company representative who will manage the user accounts on the Commission's Lifeline secure website.

(b)(a) The Commission shall send an email to the eligible telecommunications carrier informing the eligible telecommunications carrier that a list of customers enrolled in a Lifeline qualifying public assistance program is applications are available for retrieval from the Commission's Lifeline secure website.

(b) The eligible telecommunications carrier shall maintain at least one current email address with the Commission, which the Commission will use to inform the eligible telecommunications carrier of the Commission's Lifeline secure website address and that new Lifeline applications are available for retrieval.

(c) Eligible telecommunications carriers must contact customers on the list to whom they provide service and that do not already participate in Lifeline, to inform them of the Lifeline application process with the National Lifeline Eligibility Verifier. For customers on the list that are not contacted by the eligible telecommunications carrier, within 20 calendar days of receiving the Commission's email notification, the eligible telecommunications carrier must provide to the Commission the customer identification number, name, address, telephone number, and the Department of Children and Families application date. This information can be provided via the Commission's dedicated Lifeline facsimile telephone line at (850) 717-0108, an electronic response via the Commission's Lifeline secure website, or file the information with the Office of Commission Clerk. The eligible telecommunications carrier shall maintain with the Commission the names, email addresses and telephone numbers of at least one company representative who will manage the user accounts on the Commission's Lifeline secure website.

~~(d) Within 20 calendar days of receiving the Commission's email notification that the Lifeline application is available for retrieval, the eligible telecommunications carrier shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline facsimile telephone line at (850)717-0108, or an electronic response via the Commission's Lifeline secure website, identifying the customer name, address, telephone number, and date of the application for:~~

- ~~1. Misdirected Lifeline applications; or~~
- ~~2. Applications for customers currently receiving Lifeline assistance.~~

~~In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.~~

~~(d)(e) Pursuant to Section 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph (3)(c) (6)(d) of this rule is confidential and exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible telecommunications carrier will be presumed necessary for disclosure to the Commission pursuant to the criteria in Section 364.107(3)(a)4., F.S.~~

(4) Eligible telecommunications carriers must advertise the availability of Lifeline assistance. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(b), all eligible telecommunications carriers are obligated to publicize the availability of Lifeline assistance in a manner reasonably designed to reach those likely to qualify for the assistance. Only posting the availability of Lifeline assistance on an eligible telecommunications carrier's website is insufficient to meet this requirement. Advertising the availability of Lifeline assistance can be achieved by using any of the following media: flyers, local newspaper ads, local TV ads, mail, email, web advertisements, bill inserts, and other text-based methods of advertisement or a combination of such media. Pursuant to Title 47 of the United States Code, Section 214(e)(1)(B), as amended December 1, 1997, which is hereby incorporated into this rule by reference, and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10057>, charges must also be included in the Lifeline advertisement. The company may redirect consumers to a toll free customer service number and website to see applicable charges and fees in lieu of listing all charges in an advertisement.

~~(7) An eligible telecommunications carrier shall not impose additional verification requirements on subscribers beyond those which are required by this rule.~~

~~(8) Within 20 calendar days of rejecting a Lifeline application, an eligible telecommunications carrier must provide written notice to the customer providing the reason for rejecting the Lifeline application, and providing contact information for the customer to get information regarding the application denial. Rejected applications received by way of the Simplified Enrollment Process under subsection (6) must also be reported to the Commission via the Commission's dedicated Lifeline facsimile telephone line at (850)717-0108 or electronically via the Commission's Lifeline secure website, with the reason why the application was rejected. In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.~~

~~(5)(9) An eligible telecommunications carrier or its designee must provide written notice prior to the termination of Lifeline assistance pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(e) Carrier obligation to offer Lifeline, De-enrollment, as amended October 1, 2017. The notice of impending termination shall contain the telephone number at which the subscriber can obtain information about the subscriber's~~

Lifeline assistance from the eligible telecommunications carrier. The notice shall also inform the subscriber of the availability, pursuant to Section 364.105, F.S., of discounted residential basic local telecommunications service.

~~(6)(10)~~ All eligible telecommunications carriers shall provide current Lifeline program company information to the Universal Service Administrative Company at www.lifelinesupport.org so that the information can be posted on the Universal Service Administrative Company's consumer website.

~~(11) Eligible telecommunications carriers must advertise the availability of Lifeline assistance. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(b), all eligible telecommunications carriers are obligated to publicize the availability of Lifeline assistance in a manner reasonably designed to reach those likely to qualify for the assistance. Only posting the availability of Lifeline assistance on an eligible telecommunications carrier's website is insufficient to meet this requirement. Advertising the availability of Lifeline assistance can be achieved by using any of the following media: flyers, local newspaper ads, local TV ads, mail, email, web advertisements, bill inserts and other text-based methods of advertisement or a combination of such media. Pursuant to Title 47 of the United States Code, Section 214(e)(1)(B), as amended December 1, 1997, which is hereby incorporated into this rule by reference, and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10057>, charges must also be included in the Lifeline advertisement. The company may redirect consumers to a 1-800 customer service number and website to see applicable charges and fees in lieu of listing all charges in an advertisement.~~

~~(7)(12) Eligible telecommunications carriers must file all reports with the Commission in accordance with Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.422(c), Annual reporting for eligible telecommunications carriers that receive low-income support, as amended October 1, 2017, which is hereby incorporated into this rule by reference, and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10058>.~~

Rulemaking Authority 120.80(13)(d), 350.127(2), 364.10(2)(j) FS. Law Implemented 364.10, 364.105, 364.183(1) FS. History—New 1-2-07, Amended 12-6-07, 6-23-10, 11-21-18, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Fogelman

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 48, Number 202, October 17, 2022.

STATEMENT OF FACTS AND CIRCUMSTANCES
JUSTIFYING RULE

Rule 25-4.0556, F.A.C., Lifeline Assistance, is proposed to be amended as a result of legislative changes to Section 364.10, F.S., made in the 2022 Legislative Session to conform to current federal regulations. The amendments are intended to comport with the changes to Section 364.10, F.S., and to update and clarify the rule.

STATEMENT ON FEDERAL STANDARDS

The proposed rule is no more restrictive than the federal standards.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: January 18, 2023

TO: Douglas Sunshine, Senior Attorney, Office of the General Counsel

FROM: Sevini K. Guffey, Public Utility Analyst III, Division of Economics *SKG*

RE: Statement of Estimated Regulatory Costs (SERC) for Proposed Amendments to Rule 25-4.0665, Florida Administrative Code (F.A.C.), Lifeline Assistance

Current Rule 25-4.0665, F.A.C., Lifeline Assistance, establishes the requirements prescribed by the Federal Communications Commission (FCC), which the Eligible Telecommunications Carriers (ETCs) must follow when they offer Lifeline assistance to qualified residential subscribers.

The purpose of the proposed amendments to Rule 25-4.0665, F.A.C., are to clarify and meet the requirements of the updated Lifeline rules of the FCC and to reflect the 2022 legislative changes to Section 364.10, Lifeline Service, Florida Statutes (F.S.). Specifically, the proposed amendments to Rule 25-4.0665, F.A.C., include: (1) removal of obsolete language relating to ETC approval of applications and use of specific application forms, (2) incorporate by reference, and change the program enrollment process from Lifeline Simplified Enrollment Process to Lifeline Promotion Process which facilitates the electronic transfer of eligible customer information from the Department of Children and Families and the Public Service Commission to ETCs, (3) clarify the responsibilities of ETCs and the Commission regarding the Lifeline Promotion Process, and (4) move the existing Lifeline availability advertising criteria from Section (11) to Section (4) in the proposed amended rule.

The SERC analysis indicates that none of the adverse impact/cost criteria established in Sections 120.541(2)(a), (c), (d), and (e), F.S., will be exceeded as a result of the proposed amendments. If the proposed amendments would impose any cost impacts, the incremental cost would be minimal as the electronic transfer of eligible customer information process is essentially the same process. No requests for a rule development workshop were made, and no workshop was held pursuant to Section 120.54(2)(c), F.S. No regulatory alternatives were submitted pursuant to Section 120.541(2)(g), F.S.

cc: SERC file

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
Rule 25-4.0665, F.A.C., Lifeline Assistance

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth Yes No

Private-sector job creation or employment Yes No

Private-sector investment Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes No

Productivity Yes No

Innovation Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: Rule 25-4.0665, F.A.C., is being amended to meet the Lifeline program requirements of the Federal Communications Commission (FCC) and to reflect 2022 legislative changes to Section 364.10, F.S., Lifeline Service. Specifically, the proposed amendments reflect the updated effective date of Title 47, Code of Federal Regulations (CFR) and change the program from "Lifeline Simplified Enrollment Process" to "Lifeline Promotion Process" to facilitate the electronic transfer of eligible customer information from the Department of Children and Families and the PSC to Eligible Telecommunications Carriers (ETCs). If there would be any cost impacts due to the modified enrollment process, the incremental cost would be minimal as the process is essentially the same.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

While there are 20 ETCs that would be affected by the rule, only 14 ETCs are currently offering Lifeline assistance service.

(2) A general description of the types of individuals likely to be affected by the rule.

While there are 20 ETCs that would be affected by the rule, only 14 ETCs are currently offering Lifeline assistance service.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation. Due to the increased number of consumers qualifying for Lifeline assistance, there may be an increase in the number of letters to be mailed by the PSC to eligible Lifeline consumers, which would increase postage cost.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation. The proposed amendments remove obsolete language and change the Lifeline Simplified Enrollment Process to the Lifeline Promotion Process to facilitate the electronic transfer of eligible customer information to ETCs. If there would be any cost impacts due to changing the Lifeline Simplified Enrollment Process to the Lifeline Promotion Process, the incremental cost would be minimal as the process is essentially the same.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful. [120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.
- A regulatory alternative was received from
 - Adopted in its entirety.
 - Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.