

Resolution on Requested Waivers to Implement the FCC's Lifeline Reform Order

WHEREAS, On April 27, 2016, the Federal Communications Commission (FCC) released a Third Report and Order, Further Report and Order, and Order on Reconsideration, *In the Matter of Lifeline & Link Up Reform & Modernization*, 31 F.C.C. Rcd. 3962 (2016) (*Lifeline Order*); *and*

WHEREAS, In the *Lifeline Order*, among other things, the FCC standardized and streamlined eligibility criteria for the Federal Lifeline Program; *and*

WHEREAS, On June 23, 2016, the United States Telecom Association (USTelecom) filed a Petition for Reconsideration and Clarification of the *Lifeline Order*; *and*

WHEREAS, On October 3, 2016, USTelecom filed a petition asking the FCC for a limited waiver to permit providers to continue enrolling consumers in the federal Lifeline program based on State-specific program and income eligibility criteria for 27 States; *and*

WHEREAS, An October 6, 2016, FCC Public Notice requested comment from State, Tribal, and Territorial authorities on the US Telecom waiver petition; *and*

WHEREAS, Several State commissions and industry associations agreed with the USTelecom request's concerns about the effective date of the new federal eligibility criteria and the unavoidable impact on State programs that were based on the prior FCC policy; *and*

WHEREAS, The Lifeline Order will require some State commissions to revise their regulations and some State legislatures to update State lifeline laws; *and*

WHEREAS, In some States, significant technological upgrades—upgrades that cannot be completed by December 2016—are necessary for State eligibility databases to conform them with the new FCC rules; *and*

WHEREAS, Many affected stakeholders, including several State commissions (Missouri, Michigan, Utah, Puerto Rico, Vermont, Wisconsin, Oregon, California, and New York), filed supporting USTelecom's request and/or filed their own separate waiver requests with the FCC; *and*

WHEREAS, Additional waiver requests seem likely; *and*

WHEREAS, Absent such waivers, eligible telecommunication carriers (ETCs) and State administrators in affected States will face significant confusion and increased administrative overhead, which could undermine efficiencies intended by the *Lifeline Order*; *and*

WHEREAS, Such confusion about the applicable eligibility rules has the potential to result in denial or, at a minimum, delay of Lifeline benefits to qualifying low-income subscribers, defeating the goal of the Lifeline program; *and*

WHEREAS, The deadline for implementation of the eligibility criteria, as well as the Lifeline Broadband Internet Access Service (BIAS) offering, imposes severe time constraints on both State administrators and ETCs; *and*

WHEREAS, Granting the requested waivers would serve the public interest, given the significant misalignment between the federal eligibility requirements and those in affected States; *and*

WHEREAS, Such misalignment significantly complicates the application and intake process, eligibility determinations, re-certifications, customer counts, rate plans, and every other aspect of managing the Lifeline program; *and*

WHEREAS, It is unlikely that most or all affected States will be able to change their rules prior to the current effective date of the new federal rules as some State commissions and legislatures will have to complete specific procedures to make the necessary changes; *and*

WHEREAS, The challenge facing some States is exacerbated by an additional layer of technological complexity associated with the implementation of State administered eligibility processes – particularly in States where Lifeline providers rely on State eligibility determinations, and the State does not provide ETCs with customer eligibility specifics, *now, therefore be it*

RESOLVED, That the National Association of Regulatory Utility Commissioners, convened at its 128th Annual Meeting in La Quinta, California, urges the FCC to grant the requested waivers of the effective date of the federal eligibility criteria to allow the parties to resolve the eligibility differences between State and federal Lifeline programs, obtain answers to the numerous questions that still remain, and ensure a smooth, efficient, and effective transition.

Sponsored by the Committee on Telecommunications

Recommended by the NARUC Board of Directors on November 15, 2016

Adopted by the NARUC Committee of the Whole on November 16, 2016