

Resolution on ETC Designations for Lifeline Broadband Service

WHEREAS, The National Association of Regulatory Utility Commissioners (NARUC) has previously demonstrated its commitment to advancing the availability and adoption of broadband services in low-income communities across the United States in resolutions adopted at the February 2008 Winter Meetings, February 2009 Winter Meetings, and July 2011 Summer Meetings; *and*

WHEREAS, Several States have implemented policies to promote the availability of affordable broadband services to low-income consumers; *and*

WHEREAS, States have a long history of managing Lifeline Service programs to make telephone service more affordable for the nation's low-income consumers by designating Eligible Telecommunications Carriers (ETCs) to provide a discount on local telephone service; *and*

WHEREAS, On June 22, 2015, the Federal Communications Commission (FCC) released a *Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order* (WC Docket Nos. 11-42, 09-197, and 10-90 (Second FNPRM and Report and Order)), that seeks comments on "our efforts to modernize the Lifeline program so that all consumers can utilize advanced networks"; *and*

WHEREAS, The Second FNPRM and Report and Order seeks comments on whether the national designation of ETCs for Broadband Lifeline Service would be preferable to the State-by-State ETC designation process used currently for Lifeline Services (see para. 140, pg. 51); *and*

WHEREAS, Section 214 of the Telecommunications Act of 1996 and the FCC rules (47 C.F.R. §54.210) provide that States have the primary authority to designate ETCs; *and*

WHEREAS, The FCC has a backlog of 38 pending wireless carrier ETC designation petitions for default States dating from December 29, 2010; *and*

WHEREAS, This backlog of pending wireless carrier ETC designation petitions for default States has limited the competitive market for Lifeline Services; *now, therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2015 Summer Meetings in New York, New York, urges the FCC to refrain from disrupting the existing Federal-State partnership in the provision of Lifeline Services by preempting the authority of States to designate ETCs for the provision of advanced telecommunications services to low-income consumers in their States.

Sponsored by the Committee on Telecommunications
Adopted by the Board of Directors July 15, 2015