

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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

**COMMENTS OF CALIFORNIA LIFELINE COALITION AND TRUCONNECT
COMMUNICATIONS, INC. ON SPRINT CORPORATION’S PETITION FOR
RECONSIDERATION**

The California LifeLine Coalition (Coalition)¹ and TruConnect Communications, Inc. (collectively with the Coalition, the Companies), by their attorneys, hereby submit comments to the Federal Communications Commission (Commission) in response to the Petition for Reconsideration filed by Sprint Corporation (Sprint) seeking reconsideration of the California Waiver Extension Order.² The Companies support Sprint’s request that the Commission reconsider the provision in the California Waiver Extension Order that “holds [eligible telecommunications carriers (ETCs)] responsible for eligibility determinations of California Lifeline applicants and for recertification of Lifeline subscribers in the event that the California PUC is unable to comply with federal eligibility rules by April 30, 2018.”³ However, Sprint’s

¹ The members of the California LifeLine Coalition are Telrite Corporation d/b/a Life Wireless, i-wireless, LLC, Boomerang Wireless, LLC, and AmeriMex Communications Corp. dba SafetyNet Wireless.

² See Petition for Reconsideration of Sprint Corporation, WC Docket No. 11-42 (filed Nov. 22, 2017) (Sprint Petition), *Wireline Competition Bureau Seeks Comment on Sprint Petition for Reconsideration*, WC Docket No. 11-42, Public Notice, DA 17-1185 (WCB rel. Dec. 7, 2017) (Public Notice), *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Order, DA 17-1047 (WCB rel. Oct. 25, 2017) (California Waiver Extension Order or Order) (granting California an extension until April 30, 2018 to align its eligibility criteria for the federal Lifeline program with the Commission’s rules).

³ Sprint Petition at 1.

suggestion that the National Verifier should be responsible for Lifeline eligibility determinations and recertifications if the deadline is not met raises serious logistical concerns.⁴ Therefore, the Commission instead should coordinate closely with California and ETCs operating in California during the coming months as California works to align its eligibility criteria with the federal Lifeline program rules, and, if necessary, grant additional short-term waivers to ensure minimal disruptions to consumers during the process.

In the California Waiver Extension Order, the Bureau found that there was good cause to extend the prior deadline of October 31, 2017 for California to match the federal Lifeline eligibility criteria because “California indicates that it needs additional time to transition its mailing processes, to hire and train a new California Lifeline Administrator, and to complete additional work to implement the federal eligibility criteria, including revising its Lifeline forms, training manuals, and mailing processes; changing carrier exchange reporting formats; and updating its websites.”⁵ The Bureau makes clear that the new deadline of April 30, 2018 “provides California sufficient additional time to make the changes necessary to implement the federal eligibility criteria while ensuring the eligibility changes are not unreasonably delayed.”⁶ The Order then states that if California fails to meet the deadline, “ETCs will be responsible for ensuring that subscribers enrolled or recertified after that date are eligible under the Commission’s revised eligibility criteria.”⁷ The Companies support Sprint’s request for reconsideration of this latter determination.

⁴ *See id.* at 6.

⁵ California Waiver Extension Order ¶ 6.

⁶ *Id.* ¶ 7.

⁷ *Id.* ¶ 8.

I. THE COMPANIES AGREE WITH SPRINT THAT IT IS UNREASONABLE FOR THE COMMISSION TO SHIFT THE RESPONSIBILITY TO ETCs FOR LIFELINE ELIGIBILITY DETERMINATIONS AND RECERTIFICATIONS IN CALIFORNIA

The Sprint Petition correctly observes that as a general matter, “it is highly unusual – perhaps unprecedented – for the FCC to hold a third party responsible in the event that the party at which an order is directed is unwilling or unable to comply with such order, especially when the third party has no control over the second party.”⁸ The Companies agree with Sprint that shifting the responsibility to ETCs for Lifeline eligibility determinations and recertifications in California will be particularly problematic because “such responsibility would entail numerous process and system changes” that “cannot be implemented overnight.”⁹ Indeed, the Companies would have to take substantially the same steps as those described in the Sprint Petition in order to make eligibility determinations that are currently the sole responsibility of the California LifeLine Administrator.¹⁰ Such an undertaking would require considerable time and investment for ETCs serving Lifeline consumers in California, especially because “[t]here are currently no fully defined operational processes and specifications from the FCC or the California PUC as to what might be required for ETCs to take over responsibility for Lifeline eligibility determinations in California.”¹¹ For example, the customer-facing application materials are tightly controlled and regulated by the California PUC, but the application materials would need to reflect the new federal eligibility qualifications and be approved by the PUC. Alternatively,

⁸ Sprint Petition at 2.

⁹ *Id.* at 3-5.

¹⁰ *See id.* at 3-4. ETCs currently submit all subscriber information to the California LifeLine Administrator for a final eligibility determination. While ETCs work to ensure that subscribers are eligible, the Administrator has sole responsibility for determining eligibility today.

¹¹ *Id.* at 3.

applicants would have to complete two applications (one federal, one state), which would be confusing.

It is simply unreasonable to require ETCs to devote resources to make these extensive process and system changes by April 30, 2018, even if the necessary changes were clear, particularly in light of the fact that, as Sprint notes, “[i]f it turns out that California does successfully meet the April 30 deadline, these significant efforts and costs will have been wasted.”¹² To even make this obligation potentially applicable imposes costs and uncertainty on ETCs, whether the obligation comes or not. The Companies therefore agree with Sprint that the Commission should take this potential obligation off the table.

II. REQUIRING THE NATIONAL VERIFIER TO TAKE OVER LIFELINE ELIGIBILITY DETERMINATIONS AND RECERTIFICATIONS IN CALIFORNIA BY APRIL 30, 2018 IS NOT FEASIBLE AND WOULD RAISE SERIOUS LOGISTICAL CONCERNS

The Companies oppose Sprint’s suggestion to shift responsibility for eligibility determinations to the National Verifier in the event that California does not meet the April 30, 2018 deadline.¹³ This “solution” presents a number of logistical challenges in California that cannot be addressed before the deadline. Perhaps the most obvious issue is that it is unlikely that the National Verifier could launch in California before April 30, 2018. Indeed, the Bureau recently postponed the soft launch of the National Verifier in the first six states, which did not include California, and has not yet announced a new launch date.¹⁴ In addition, the National Verifier implementation process in California will be more difficult than any of the first six

¹² *Id.* at 5.

¹³ *See id.* at 6.

¹⁴ *See Wireline Competition Bureau Announces Postponement of Initial Launch Date of the National Lifeline Eligibility Verifier*, WC Docket No. 11-42, Public Notice, DA 17-1167 (rel. Dec. 1, 2017).

states.

Moreover, there are many difficult and unresolved questions about how the National Verifier will interact and coexist with the California LifeLine Administrator. For example, the Companies anticipate that the California PUC will continue to rely on the California LifeLine Administrator's processes for enrollments in the state LifeLine program, or at least it would as of April 2018. It is unclear at this time how the California Administrator, which does not currently interact with the National Lifeline Accountability Database (NLAD), would coordinate with the National Verifier for purposes of verifying Lifeline eligibility and running duplicate checks, and what systems or protocols need to be built to enable such interactions. For instance, if the National Verifier confirmed an applicant's eligibility, it is unclear how it would be determined whether the applicant was a duplicate or required an independent economic household worksheet, since the NLAD could not make that determination and no communications channels (e.g., APIs) have been set up between the National Verifier and the California LifeLine Administrator. Shifting the responsibility to the National Verifier for federal Lifeline program eligibility determinations prior to resolving these issues would be highly inefficient and cause widespread confusion for consumers who currently receive benefits through both the state and federal programs.

III. CONTINUED COLLABORATION BETWEEN THE COMMISSION, CALIFORNIA, AND ETCS OPERATING IN CALIFORNIA IS THE BEST OPTION FOR ENSURING MINIMAL DISRUPTION TO CONSUMERS WHILE CALIFORNIA WORKS TO MATCH THE FEDERAL LIFELINE ELIGIBILITY CRITERIA

For the reasons explained above, the Companies agree with Sprint's suggestion that a better approach would be for the Commission to "monitor the situation carefully, and continue to

work closely with California to help ensure that the April 30 deadline is met,”¹⁵ but not completely foreclose the possibility of granting additional short-term waivers if appropriate. While the Companies appreciate the Bureau’s interest in “ensuring that the eligibility changes are not unreasonably delayed,”¹⁶ Sprint is correct that there may be “extenuating circumstances” that would warrant another waiver extension in the coming months.¹⁷ Continued collaboration between the Commission, the California PUC, and California ETCs to resolve any ongoing or new issues related to California’s efforts to match the federal Lifeline eligibility criteria is preferable to hastily shifting the burden for federal Lifeline eligibility determinations and recertifications away from the California LifeLine Administrator, which could cause potentially serious disruptions to Lifeline service for low-income consumers in California.

CONCLUSION

Therefore, the Commission should grant the Sprint Petition insofar as it urges the Commission to reconsider requiring ETCs to take over Lifeline eligibility and recertification responsibilities if California fails to meet the deadline and instead “continue to work closely with California to help ensure that the April 30 deadline is met,”¹⁸ and if “good cause” exists, consider

¹⁵ Sprint Petition at 5.

¹⁶ California Waiver Extension Order ¶ 7.

¹⁷ Sprint Petition at 5. Indeed, the California PUC has already indicated that it “is interested in extending the implementation due date beyond April 30, 201[8].” *See Ex Parte* Letter from Martha Guzman Aceves, Commissioner, California Public Utilities Commission, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 11-42 et al. (filed Dec. 22, 2017).

¹⁸ Sprint Petition at 5.

granting additional short-term extensions of the deadline for California to align its eligibility criteria with the Commission's Lifeline eligibility rules.

Respectfully submitted,



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