

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Bridging the Digital Divide for Low-Income Consumers)	WC Docket No. 17-287
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	

**PETITION OF THE GEORGIA PUBLIC SERVICE COMMISSION
FOR A WAIVER OF
THE IMPLEMENTATION OF THE NATIONAL VERIFIER
PURUANT TO 47 C.F.R. § 1.3**

Lauren “Bubba” McDonald
Chairman
Georgia Public Service Commission

October 16, 2019

I. LEGAL STANDARD

Pursuant to 47 C.F.R. § 1.3, the Commission may waive its rules for good cause shown.

Section 1.3 states:

The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.

More specifically, the Commission has elaborated that it:

may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Waiver of the Commission's rules is therefore appropriate only if special circumstances warrant a deviation from the general rule, and such a deviation will serve the public interest.¹

As demonstrated below, in this case, a temporary waiver of the hard launch of the National Verifier in the State of Georgia will serve the public interest because a waiver will: (1) prevent current qualified Lifeline consumers from being de-enrolled; and (2) continue to allow qualified low-income consumers to access Lifeline benefits during the time period that Georgia and the Universal Service Administrative Co. ("USAC") work on a state database sharing agreement to allow for automated verification of a consumer's low-income status and Lifeline eligibility. Strict compliance with the hard launch is not in the public interest in this case because it would cause many otherwise eligible low-income consumers not to receive critical Lifeline benefits during this transitional period.²

¹ *In the Matter of Lifeline and Link Up Reform and Modernization*, Order 32 FCC Rcd. 10099 (F.C.C.), 32 F.C.C.R. 10099, 2017 WL 5712829 **2 (footnotes omitted).

² *See Id.* (granting New York State Public Service Commission an extension of an existing waiver to align its eligibility criteria with the Commission's Lifeline eligibility rules and update its eligibility database for good cause

II. BACKGROUND

In 2016, the Federal Communications Commission (“FCC”) directed USAC to establish a comprehensive nationwide system to determine subscriber eligibility for the FCC’s Universal Service Fund Lifeline program, the National Lifeline Eligibility Verifier (“National Verifier”). Lifeline provides critical telecommunication services and internet access to low-income households across the United States.

Unfortunately, the hard launch of the National Verifier has raised some issues regarding enrollment and reverification. Among the most significant is the fact that USAC, in many states, has not had access to a variety of state databases containing enrollment information for state administered local-income programs such as SNAP and Medicaid. Without automated access to state databases to automatically verify a Lifeline applicant’s participation in a low-income program such as SNAP and Medicaid, consumers must manually attempt to verify their low-income status, a more labor intensive, and error-prone process. Consequently, Lifeline eligibility, Lifeline reverification (reverification of the eligibility of existing Lifeline subscribers), and Lifeline participation has dropped precipitously in those states where USAC has hard launched the National Verifier and where there is no low-income database connection.

Currently, the State of Georgia is working diligently with USAC on the issue of access to state databases. The process of connecting to state databases is both technically and legally

because without an extended waiver, if an eligible telecommunications carrier relied on New York’s database it would risk enrolling customers who are eligible for a New York state subsidy, but the federal subsidy. Consequently, inefficient manual verification would be required to verify federal eligibility, and the potential harm that would result from failing to extend the waiver outweighed the benefits of immediate compliance.); *see also In the Matter of Lifeline and Link Up Reform and Modernization*, Order, 31 FCC Rcd. (F.C.C.), 31 F.C.C.R. 12718, 2016 WL 7036100 (granting Vermont, Michigan, California, Wisconsin, Washington, New York, Utah, Maryland, Oregon, Missouri, New Mexico, and the United States Telecom Association waivers of certain Lifeline requirements for good cause shown.)

complicated. Georgia anticipates executing so-called, “ Computer Matching Agreements,” with USAC by February 1, 2020.

However, if USAC were to hard-launch the National Verifier in Georgia prior to establishing connections with state databases, experience demonstrates that many of otherwise qualified low-income consumers will be unnecessarily denied Lifeline eligibility, both as initial applicants and in the re-verification process. Veterans who rely of Lifeline for access to doctors and health care provider will lose access, low-income students will lose access to internet service that enables them to complete homework assignment, single mothers will lose communications tools and internet access that allow them to search for jobs, apply for jobs, communicate with employers, and communicate with child care and health care providers.

This result, however, can be avoided by briefly delaying the hard-launch of the National Verifier in Georgia until the National Verifier’s connection to Georgia is complete. Consequently, it is in the public interest to do so. Therefore, pursuant to 47 C.F.R. § 1.3, Georgia respectfully requests that the Federal Communications Commission:

1. Grant the State of Georgia a waiver of *Lifeline and Link Up Reform and Modernization, et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4022-40, paras. 168-216 (2016), thereby waiving the hard-launch of the National Verifier until the National Verifier’s connection with state databases is complete.
2. Grant such other relief as the Commission may deem appropriate.

Respectfully Submitted,

Georgia Public Service Commission

A handwritten signature in black ink that reads "Lauren 'Bubba' McDonald". The signature is written in a cursive, flowing style.

Lauren "Bubba" McDonald
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