



COMMONWEALTH OF  
P U E R T O R I C O

Telecommunications Regulatory Board  
Office of the Chairman

**VIA REGULAR MAIL & ECFS:**

October 21, 2016

Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W.  
Washington, D.C. 20554

**RE: Comments of the Puerto Rico Telecommunications Regulatory Board  
In Re: United States Telecom Association's Petition for Waiver  
WC Docket No. 11-42**

To the Wireline Competition Bureau:

We appear on behalf of the Telecommunications Regulatory Board of Puerto Rico (Board), to submit comments pursuant to Public Notice DA 16-1144, on the petition filed by the United States Telecom Association (USTelecom) seeking waiver of Lifeline eligibility rules 54.400(j) and 54.409(a) adopted in the 2016 Lifeline Modernization Order.<sup>1</sup> In said petition, USTelecom requests a waiver of these new eligibility requirements and any other provision that prohibit Lifeline providers from continuing to enroll consumers in the federal Lifeline program based on state-specific program and income eligibility criteria.

The PRTRB's enabling act, 27 L.P.R.A. § 265, *et seq.*, grants us authority to establish a state universal service fund, and to designate the eligible telecommunications companies (ETC) that may receive monies from the local fund and the federal universal service fund. The Board further determines the carriers' contribution factor, which ETCs may receive disbursements from the Puerto Rico fund, and the amount per line that the local fund will pay. 27 L.P.R.A. § 269e.

We must start by clarifying that federal nutrition assistance in Puerto Rico does not operate through the SNAP program, but instead is a federally-funded block grant of the U.S. Department

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<sup>1</sup> *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 (2016).

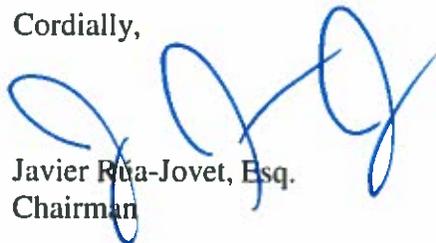
of Agriculture.<sup>2</sup> The Family Socioeconomic Development Administration of Puerto Rico's Department of the Family (ADSEF), administers the Nutritional Assistance Program (PAN) program and maintains a database of enrolled households. The ETCs have access to the PAN database to verify the client's eligibility. However, the ETC should also obtain evidence from the potential client to ascertain his/her participation in the PAN program.

Puerto Rico has close to 600,000 Lifeline beneficiaries, and about half of them have been qualified through the PAN program. In order for our PAN beneficiaries to be on an equal-footing with SNAP participants, we would need to wait for the PAN database to be populated into the National Lifeline Eligibility Verifier. Similarly, Medicaid operates through a federal block grant administered by Puerto Rico's Department of Health. Medicaid participants account for about 25% of our Lifeline beneficiaries. To that extent, we move that the Commonwealth of Puerto Rico be exempted from any limitations to use state databases to validate eligibility until after all PAN and Medicaid participants' information is populated into the National Verifier.

With regards to the elimination of participation in the LIHEAP, National School Lunch Program and TANF programs as criteria to determine a client's eligibility to enroll in Lifeline, we note that, according to the data on NLAD, no client has been enrolled using his/her participation in the LIHEAP, TANF or School Lunch programs to determine eligibility. We note, however, that all of these programs are also administered by ADSEF, and that most of the LIHEAP, TANF and School Lunch beneficiaries are also participants of the PAN program.

We hope these comments will afford the Bureau with sufficient information to grant the waiver sought by USTelecomm for the Commonwealth of Puerto Rico.

Cordially,



Javier Rúa-Jovet, Esq.  
Chairman

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<sup>2</sup> See, *In Re: Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42, COMMENTS OF THE TELECOMMUNICATIONS REGULATORY BOARD OF PUERTO RICO, dated August 28, 2015 (ID 60001198883) <https://ecfsapi.fcc.gov/file/60001223322.pdf>.