

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

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
Connect America Fund	)	WC Docket No. 10-90

**PUERTO RICO TELEPHONE COMPANY, INC.  
EMERGENCY PETITION FOR TEMPORARY SUSPENSION AND WAIVER**

Pursuant to section 1.3 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>1</sup> Puerto Rico Telephone Company, Inc. (“PRTC”) respectfully submits this Emergency Petition for Temporary Suspension and Waiver of the USAC-elected recertification process for Lifeline customers with anniversary dates in January, February and March 2018 until April 1, 2018. These subscribers are being affected by network and power outages and significant displacement in the wake of Hurricane Maria.<sup>2</sup> This limited suspension and waiver will protect consumers who are unlikely to receive and respond to USAC’s recertification notifications, which would cause their Lifeline service to be discontinued at a time when it is most needed. Non-willful and unwanted de-enrollment of eligible subscribers from the Lifeline program in Puerto Rico during this emergency would subject already vulnerable consumers to unnecessary endangerment resulting from the termination of essential

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<sup>1</sup> 47 C.F.R. § 1.3.

<sup>2</sup> The White House, *President Donald J. Trump Approves Puerto Rico Disaster Declaration* (Sept. 21, 2017) available at <https://www.whitehouse.gov/the-press-office/2017/09/21/president-donald-j-trump-approves-puerto-rico-disaster-declaration> (last visited Oct. 3, 2017).

communications services. Thus, PRTC respectfully requests that the Wireline Competition Bureau (“Bureau”) expeditiously grant this Petition.

## **I. BACKGROUND**

On September 20, 2017, Hurricane Maria made landfall in Puerto Rico with sustained winds of 155 miles per hour, causing catastrophic flooding, destroying homes, and leaving the island with no power and very limited water.<sup>3</sup> On September 21, 2017, President Trump declared that a major disaster exists in Puerto Rico.<sup>4</sup> The Commission indicated the storm put 95.2 percent of cell sites in Puerto Rico out of service.<sup>5</sup> The government of Puerto Rico has estimated that it will take as much as *six months* to restore power to the island.<sup>6</sup> With virtually no power and severe disruption to communications and U.S. mail, the overwhelming majority of Lifeline subscribers in Puerto Rico will not be able to receive and respond to USAC’s recertification notifications within the required 60-day period.

Under the Commission’s rolling recertification process, a customer’s eligibility for Lifeline benefits must be recertified every 12 months, as measured from the customer’s service initiation date.<sup>7</sup> For ETCs – such as PRTC – that elected to have USAC conduct the rolling

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<sup>3</sup> Rodriguez, Erika, *Hurricane Maria Updates: In Puerto Rico, the Storm ‘Destroyed Us,’* The New York Times, Sept. 21, 2017, available at <https://www.nytimes.com/2017/09/21/us/hurricane-maria-puerto-rico.html> (last visited Oct. 4, 2017).

<sup>4</sup> The White House, *President Donald J. Trump Approves Puerto Rico Disaster Declaration*, Sept. 21, 2017, available at <https://www.whitehouse.gov/the-press-office/2017/09/21/president-donald-j-trump-approves-puerto-rico-disaster-declaration> (last visited October 16, 2017).

<sup>5</sup> FCC, *Communications Status Report for Areas Impacted by Hurricane Maria*, September 21, 2017, available at [http://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2017/db0921/DOC-346840A1.pdf](http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0921/DOC-346840A1.pdf) (last visited Oct. 4, 2017).

<sup>6</sup> Frances Robles, Lizette Alvarez and Mary Williams Walsh, *Facing Months in the Dark, Ordinary Life in Puerto Rico Is ‘Beyond Reach,’* the New York Times, Sept. 22, 2017, available at <https://www.nytimes.com/2017/09/22/us/hurricane-maria-puerto-rico-power.html> (last visited Oct. 4, 2017).

<sup>7</sup> *Lifeline and Link Up Reform and Modernization*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, ¶ 416 (2016) (“2016 Lifeline Modernization Order or Order”). Subscribers enrolled on or after January 1, 2017 are subject to recertification requirements at the end of the 12-

recertification process on their behalf,<sup>8</sup> USAC sends a letter to subscribers informing them they have sixty (60) days to recertify their continued eligibility to receive Lifeline service.<sup>9</sup> The letter explains the recertification process and instructs subscribers to recertify their eligibility by U.S. mail, a toll-free number, or online. Subscribers may also receive a call or text message during the 60-day period to prompt a response. During this period, PRTC engages in an outreach campaign that includes calling and sending text messages to subscribers to remind them about the recertification requirement, USAC's process, and the required response period. At the end of the 60-day response window, USAC sends the results of the recertification process to PRTC, which is required to de-enroll failed and non-responsive subscriber within five (5) business days of receiving notice from USAC that the subscribers failed to recertify.

Pursuant to the 2018 Recertification Schedule, the 60-day recertification window for Lifeline customers with anniversary dates in January 2018 is September 27 through November 25, 2017, and Lifeline customers with anniversary dates in February 2018 is October 20 through December 18, 2017.<sup>10</sup> USAC's website indicates that the 60-day recertification window for Lifeline customers with anniversary dates in March 2018 is "TBD" (to be determined).<sup>11</sup> However, the 60-day recertification window typically starts three months prior to the month in

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month period that begins with their service initiation date. For subscribers enrolled prior to January 1, 2017, rolling recertification began on July 1, 2017. *Id.* ¶ 418.

<sup>8</sup> In the 2012 *Lifeline Reform Order*, the Commission gave eligible telecommunications carriers ("ETCs") the option of having USAC conduct the annual recertification process on their behalf. *Lifeline and Link Up Reform and Modernization et al.*, WC Docket. No. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, ¶ 133 n.346 (2012) ("*Lifeline Reform Order*"). PRTC elected this option for 2017 and 2018. See USAC-elected Recertification: Study Area Codes (SACs) that Elected USAC, available at <http://www.usac.org/res/documents/li/pdf/2017-recertification-elections.pdf> (last visited Oct. 16, 2017).

<sup>9</sup> 47 C.F.R. § 54.405(e)(4). See also USAC, Presentation, *USAC-Elected Recertification*, Mar. 16, 2017, available at <http://www.usac.org/res/documents/li/training/2017/USAC-LI-Elected-Recertification-Webinar.pdf> (last visited Oct. 4, 2017).

<sup>10</sup> USAC, *USAC-Elected Recertification*, 2018 Recertification Schedule, available at <http://www.usac.org/li/tools/usac-elected-recertification.aspx> (last visited Oct. 16, 2017).

<sup>11</sup> *Id.*

which the subscribers have their anniversary date. Thus, for subscribers with anniversary dates in March 2018, the recertification process is expected to begin in November 2017.

On September 21, 2017, USAC sent an email to ETCs, including PRTC, indicating that: (a) the Commission had released two orders waiving the recertification requirement for certain subscribers in Puerto Rico, the U.S. Virgin Islands and Florida; (b) USAC would soon provide “more official information on how this will impact USAC-elected recertification;” and (c) USAC would not be sending the October recertification results for the company’s Study Area Codes.<sup>12</sup> On September 28, 2017, PRTC had a conference call with USAC and Commission staff regarding a potential waiver of the recertification process for Lifeline customers with anniversary dates in early 2018 because of the disruption to telecommunications services caused by Hurricane Maria.

## **II. REQUEST FOR TEMPORARY SUSPENSION**

PRTC requests the temporary suspension of the 60-day response window for customers with anniversary dates in January, February and March 2018 until April 1, 2018 to avoid the likely de-enrollment of thousands of subscribers in Puerto Rico.

As previously noted, under USAC’s 2018 Recertification Schedule, the 60-day recertification window for Lifeline customers with anniversary dates in January 2018 was supposed to start on September 27, 2017.<sup>13</sup> The 60-day recertification window for customers with anniversary dates in February 2018 is scheduled to start on October 20, 2017. In addition, the 60-day recertification window for customers with anniversary dates in March 2018 is

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<sup>12</sup> Email from Kevin Risser, Program Analyst, Lifeline, USAC, subject “USAC-elected recertification - Irma Recertification Waivers,” dated September 21, 2017.

<sup>13</sup> USAC, *USAC-Elected Recertification*, 2018 Recertification Schedule, available at <http://www.usac.org/li/tools/usac-elected-recertification.aspx> (last visited Oct. 16, 2017).

expected to start in November 2017. Suspension of the 60-day response window for these subscribers until April 1, 2018 will allow USAC to delay the recertification process until there has been significant progress in the restoration of essential services in Puerto Rico. Disruptions to the power grid, telephone, Internet and U.S. Mail services resulting from Hurricane Maria will make it difficult, if not impossible, for Lifeline subscribers to receive and respond to USAC's recertification requests and reminders. Similarly, it will be difficult, if not impossible, for PRTC to remind subscribers about the recertification requirement. These are exceptional circumstances that warrant deviation from the 60-day response window process.<sup>14</sup>

PRTC is aware that the Commission granted a temporary waiver of the Lifeline Program's non-usage and recertification rules for customers in the *Telrite Order*<sup>15</sup> (for customers residing in Puerto Rico and the U.S. Virgin Islands) and in the *iWireless Order*<sup>16</sup> (for customers residing in Florida), and that on October 6, 2017, the Commission extended those waivers through February 28, 2018.<sup>17</sup> The relief in these orders was limited to a waiver of the non-usage and recertification rules, not suspension of the recertification process. Without a Bureau directive instructing USAC to temporarily suspend the recertification process being conducted by USAC on behalf of PRTC for customers with anniversary dates in January, February and March 2018, PRTC may be forced to de-enroll customers that were not able to receive and respond to USAC's recertification efforts on behalf of PRTC. In fact, USAC already indicated that PRTC will be receiving "a file for each of your SACs that includes a list of subscribers in

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<sup>14</sup> See *Ne. Cellular Tel. Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990) (*Ne. Cellular*).

<sup>15</sup> *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Order, DA 17-860 (WCB Sept. 7, 2017) ("*Telrite Order*").

<sup>16</sup> *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Order, DA 17-860, (WCB Sept. 8, 2017) ("*i-Wireless Order*").

<sup>17</sup> *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42 *et al.*, Order, DA 17-984 (WCB Oct. 6, 2017) ("*Lifeline Waiver Extension Order*").

the January 2018 batch that have not yet attempted to recertify at the halfway point of the batch” and encouraging PRTC to conduct “additional outreach to your subscribers during the 60-day recertification window.”<sup>18</sup>

Given the damage caused by the Hurricanes, including severe disruption to power, telephone, Internet and U.S. mail service, it is not in the public interest for USAC to continue with the recertification process on PRTC’s behalf. The extraordinary circumstances at hand justify a temporary suspension of the USAC-elected recertification process on behalf of PRTC’s Lifeline customers with anniversary dates in January, February and March 2018 until April 1, 2018.

### **III. CONCLUSION**

For the foregoing reasons, PRTC respectfully requests the Bureau issue a temporary suspension and waiver of the USAC-elected recertification process for PRTC Lifeline customers in Puerto Rico with anniversary dates in January through March 2018 until April 1, 2018.

Respectfully submitted,

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<sup>18</sup> Email from USAC, Subject “2018 USAC-Elected Recertification Update,” dated October 13, 2017.