

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20544

In the Matter of)	
)	
Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization - Comments of the)	
New York Public Service)	
Commission on the Waiver)	
Request of the United States)	
Telecom Association)	

**MOTION OF THE NEW YORK STATE PUBLIC SERVICE COMMISSION
FOR A FURTHER WAIVER**

INTRODUCTION

Pursuant to Section 1.46 of the Federal Communications Commission's (Commission) rules, the New York State Public Service Commission (NYPSC) requests an extension of time to implement changes to the Commission's Lifeline Eligibility rules, 47 C.F.R. §§ 54.400 (j) and 54.409(a), that were adopted in the 2016 Lifeline Modernization Order.¹ On December 1, 2016, (See, Waiver Order),² the Commission granted the NYPSC's request³ to extend the implementation date of these rules from December 2, 2016 to October 31, 2017. Due to the unforeseen challenges associated with modifications to New York's Lifeline verification systems and the need for additional time to make reasoned public policy decisions, the NYPSC hereby requests

¹ See, WC Docket No. 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd. 3962 (issued April 27, 2016) (Lifeline Modernization Order).

² See, WC Docket No. 11-42, Order (issued December 1, 2016) (Waiver Order).

³ See, WC Docket No. 11-42 et al., Comments of The NYPSC Supporting USTA Waiver Request (filed October 21, 2016).

additional time, until June 29, 2018, to implement changes to the federal eligibility rules.

DISCUSSION & CONCLUSION

In its October 21, 2016 Comments supporting the waiver request of the United States Telecom Association, the NYPSC requested an extension of time to implement changes to federal Lifeline eligibility rules. The Commission granted this request in the Waiver Order until December 1, 2017. New York requested the waiver in order to 1) allow the New York Office of Temporary and Disability Assistance (OTDA) to modify its verification system for ETC-designated carriers and so that 2) NYPSC may consider whether or not the state program would continue to provide benefits to Home Energy Assistance Program (HEAP) recipients following their loss of federal benefits and at what level.

Other state considerations included whether OTDA's existing system should be replicated in order to administer the new federal changes. Modifying this system is a challenge and additional time would ensure that New York's Lifeline verification process is working and in compliance with federal standards.

The NYPSC requests additional time to implement these changes due to unforeseen challenges in OTDA's rollout of its modified system, which will not be ready on December 1, 2017, and to allow the NYSPC additional time to consider making

changes to New York State's support system for Lifeline customers.⁴

Postponing the effective date for implementation of the federal eligibility criteria will provide a better opportunity for NYPSC to investigate and resolve these issues. It intends to work diligently to address the outstanding issues and, in light of that effort, the NYPSC respectfully requests a delay in the effective date of the new federal eligibility criteria, until June 29, 2018. This will allow New York the opportunity to make reasoned decisions regarding any necessary changes to the state eligibility verification system and processes, NYPSC rules and regulations, and service provider tariffs which may be affected by the Commission's Lifeline Modernization Order. The NYPSC respectfully requests that the Commission act on this motion before November 16, 2017 in order for New York State to have sufficient time before the current December 1, 2017 expiration, to implement contingency plans should the Commission not grant a further waiver.

Respectfully submitted,

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On Behalf of:
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⁴ The NYPSC notes that California was granted a similar additional waiver on October 25, 2017, due in part to challenges in implementing required federal changes to state systems, which if not allowed additional time to be modified may result in potential false positives regarding eligibility. See, Docket No. 11-42, Order (issued October 25, 2017).