Congress of the United States
Washington, DC 20515

June 16, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Wheeler:

We write to express our concern about the Federal Communications Commission's (FCC) recent actions on the universal service Lifeline program, namely its decision to drastically curtail the important state role in preventing waste, fraud, and abuse. We recognize the value of the Lifeline program for those people who are truly in need of assistance, and we appreciate the FCC's efforts to ensure that qualified low-income consumers can obtain access to affordable voice and broadband services.

In its order, the FCC creates a new category of Eligible Telecommunications Carrier (ETC), called "Lifeline Broadband Providers," and adopts a designation process by which Lifeline providers are to be certified by the FCC. To create this new category of ETCs, the FCC expressly preempts the authority of state public service commissions to conduct the ETC designation process for providers of Lifeline broadband service. Though the FCC goes to great lengths to explain the legal basis for its decision, the fact remains that this rule directly contravenes the language of section 214(e) of the Communications Act. The plain language of that law gives state commissions the primary responsibility for designating carriers to participate in the universal service programs. The FCC may only perform this function where a carrier is not subject to the jurisdiction of a state commission. Any change to this framework must be made by Congress.

As 96 state public service commissioners noted in a recent letter to the FCC, when it comes to designating ETCs to participate in the Lifeline program, states are still the best cops on the beat.[1] Several states have refused to grant ETC designations or have revoked designations for carriers that violate program rules or provide substandard services to consumers. While the FCC's order stresses that it does not preempt the state ETC designation process for Lifeline voice service, this seems like a distinction without a difference. With the phase out of support for standalone voice service, the state role in designating ETCs will no longer exist by the end of that process. And in the meantime, nothing prevents providers from forum shopping to seek designation from the regulator with the more lenient requirements. As such, we worry this rule change could increase the risk of waste, fraud, and abuse in the program, as well as the chance that consumers will lose the vital check on service quality that existed prior to the FCC's decision.

We are similarly concerned about the FCC's proposal to implement a National Verifier to verify consumer eligibility for the program. We share the FCC's goal of preventing enrollment by consumers who do not meet the eligibility criteria or have signed up for multiple phones. Establishing an automated eligibility verification system is paramount to preventing waste, fraud, and abuse in the program. That said, more than twenty states have implemented processes for determining the Lifeline eligibility of consumers in their states. The Lifeline order provides little guidance on how the National Verifier will coordinate with those states, or to what extent states will be permitted to continue using their own automated eligibility systems.

[1] Letter to FCC Chairman Tom Wheeler and FCC Commissioners Mignon Clyburn, Jessica Rosenworcel, Ajit Pai, and Michael O'Rielly, from National Association of State Regulatory Commissioners (NARUC) (March 20, 2016).

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Given that data about program eligibility for Lifeline is typically housed at the state level, it could be more efficient and cost-effective to allow states to continue serving as the primary verifiers of applicant eligibility. The FCC should focus on working with the states to ensure they have the information needed to perform robust checks of applicant eligibility and, if it implements a National Verifier, clarify whether states will be permitted to opt out or otherwise maintain their processes to check applicant eligibility.

As the FCC moves forward with implementing changes to the Lifeline program, we ask that you keep in mind the integral work that states have done in preventing waste, fraud, and abuse and ensuring the availability of high quality services for all consumers.

Sincerely,

Deb Fischer
United States Senator

Steve Daines
United States Senator

Kevin Cramer
United States Representative

Roger F. Wicker
United States Senator

Orrin Hatch
United States Senator

Michael B. Enzi
United States Senator

John Barrasso, M.D.
United States Senator

Marco Rubio
United States Senator

David Perdue
United States Senator

Thom Tillis
United States Senator

Ben Sasse
United States Senator

Steve Russell
United States Representative

Ryan Zinke
United States Representative

Frank D. Lucas
United States Representative

Reid Ribble
United States Representative

Steve Womack
United States Representative

Gus M. Bilirakis
United States Representative

Bruce Westerman
United States Representative

Jeff Miller
United States Representative

Cynthia Lummis
United States Representative

Kristi Noem
United States Representative

Rick Crawford
United States Representative

Markwayne Mullin
United States Representative

Brad Ashford
United States Representative

Austin Scott
United States Representative

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Brad Ashford
U.S. House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Ashford:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

The Lifeline Modernization Order we recently adopted takes the next major step in fostering the Commission's commitment to universal service. The Order modernizes the program to support broadband and refocuses it to meet the 21st century's communications challenges. At the same time, the *Order* puts in place a number of key programmatic reforms designed to protect the integrity of the Lifeline program and build on the Commission's recent efforts to root out waste, fraud, and abuse in the program. By dramatically improving Lifeline's management and design, and putting the program on sound fiscal footing moving forward, we will help low-income Americans all across our nation connect to the internet and the opportunities of the broadband revolution.

One of the key components of this modernization was an increased emphasis on competition within the Lifeline marketplace. To increase participation by broadband providers and thereby increase availability and consumer choice for this interstate service, the Order enables streamlined, nationwide entry to the Lifeline program for broadband providers.

At the same time, the Order notes that states will continue to play an important role in the Lifeline program. States maintain their authority to designate Lifeline voice and high-cost ETCs within the state. The Order also specifically notes that it does not preclude state commissions from policing the providers operating in their states, including Lifeline providers, to the extent state law has granted them such authority. This partnership between the FCC and states will ensure that Lifeline subscribers receive a choice of services that meet their modern needs while allowing the states and the FCC to work together to protect the integrity of the program.

The Order also establishes a National Eligibility Verifier as neutral third-party entity that will take the Lifeline eligibility determination out of the hands of providers once and for all. The Commission recognizes that existing state efforts will provide a way to more efficiently and cost-effectively determine eligibility. We seek to cooperate with such state efforts as we jointly continue to protect the integrity of the program and the subscriber experience. The Order specifically directs the Universal Service Administrative Company, the Administrator of the Universal Service Fund, to consider opportunities to coordinate and partner with states as part of its development and operation of the National Eligibility Verifier. Such partnerships will serve to promote the objectives of the National Eligibility Verifier to improve administrative efficiency, better the subscriber experience, and prevent waste, fraud, and abuse in the program.

I appreciate your interest in this matter. Your views are very important and will be included in the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable John Barrasso
United States Senate
307 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Barrasso:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Gus Bilirakis
U.S. House of Representatives
2112 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Bilirakis:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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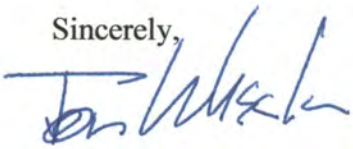

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Kevin Cramer
U.S. House of Representatives
1032 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Cramer:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

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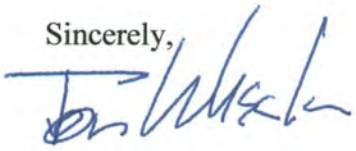

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Rick Crawford
U.S. House of Representatives
1711 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Crawford:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Steve Daines
United States Senate
320 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Daines:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Michael B. Enzi
United States Senate
379A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Enzi:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
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July 11, 2016

The Honorable Deb Fischer
United States Senate
454 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Fischer:

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OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Orrin G. Hatch
United States Senate
104 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Hatch:

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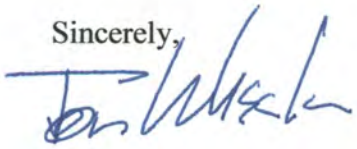

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U.S. House of Representatives
2405 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Lucas:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

The Lifeline Modernization Order we recently adopted takes the next major step in fostering the Commission's commitment to universal service. The Order modernizes the program to support broadband and refocuses it to meet the 21st century's communications challenges. At the same time, the *Order* puts in place a number of key programmatic reforms designed to protect the integrity of the Lifeline program and build on the Commission's recent efforts to root out waste, fraud, and abuse in the program. By dramatically improving Lifeline's management and design, and putting the program on sound fiscal footing moving forward, we will help low-income Americans all across our nation connect to the internet and the opportunities of the broadband revolution.

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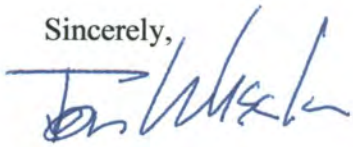
I appreciate your interest in this matter. Your views are very important and will be included in the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,



Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Cynthia M. Lummis
U.S. House of Representatives
2433 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman Lummis:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Jeff Miller
U.S. House of Representatives
336 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Miller:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Markwayne Mullin
U.S. House of Representatives
1113 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Mullin:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Kristi Noem
U.S. House of Representatives
2422 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Noem:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable David Perdue
United States Senate
383 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Perdue:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Reid Ribble
U.S. House of Representatives
1513 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Ribble:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Marco Rubio
United States Senate
284 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Rubio:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Steve Russell
U.S. House of Representatives
128 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Russell:

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Ben Sasse
United States Senate
386A Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Sasse:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Austin Scott
U.S. House of Representatives
2417 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Scott:

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Thom Tillis
United States Senate
185 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Tillis:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

Broadband has evolved to become a necessity. Broadband is essential to connect individuals to employment opportunities, to complete an education, and to access important services online. At a time when our economy and lives are increasingly moving online, Lifeline must do the same. That is why transforming Lifeline for the 21st century is key to the future of this vital program.

The Lifeline Modernization Order we recently adopted takes the next major step in fostering the Commission's commitment to universal service. The Order modernizes the program to support broadband and refocuses it to meet the 21st century's communications challenges. At the same time, the *Order* puts in place a number of key programmatic reforms designed to protect the integrity of the Lifeline program and build on the Commission's recent efforts to root out waste, fraud, and abuse in the program. By dramatically improving Lifeline's management and design, and putting the program on sound fiscal footing moving forward, we will help low-income Americans all across our nation connect to the internet and the opportunities of the broadband revolution.

One of the key components of this modernization was an increased emphasis on competition within the Lifeline marketplace. To increase participation by broadband providers and thereby increase availability and consumer choice for this interstate service, the Order enables streamlined, nationwide entry to the Lifeline program for broadband providers.

At the same time, the Order notes that states will continue to play an important role in the Lifeline program. States maintain their authority to designate Lifeline voice and high-cost ETCs within the state. The Order also specifically notes that it does not preclude state commissions from policing the providers operating in their states, including Lifeline providers, to the extent state law has granted them such authority. This partnership between the FCC and states will ensure that Lifeline subscribers receive a choice of services that meet their modern needs while allowing the states and the FCC to work together to protect the integrity of the program.

The Order also establishes a National Eligibility Verifier as neutral third-party entity that will take the Lifeline eligibility determination out of the hands of providers once and for all. The Commission recognizes that existing state efforts will provide a way to more efficiently and cost-effectively determine eligibility. We seek to cooperate with such state efforts as we jointly continue to protect the integrity of the program and the subscriber experience. The Order specifically directs the Universal Service Administrative Company, the Administrator of the Universal Service Fund, to consider opportunities to coordinate and partner with states as part of its development and operation of the National Eligibility Verifier. Such partnerships will serve to promote the objectives of the National Eligibility Verifier to improve administrative efficiency, better the subscriber experience, and prevent waste, fraud, and abuse in the program.

I appreciate your interest in this matter. Your views are very important and will be included in the record of the proceeding. Please let me know if I can be of any further assistance.

Sincerely,

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Bruce Westerman
U.S. House of Representatives
130 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Westerman:

Thank you for sharing your concerns regarding the Commission's recent decisions to create a streamlined federal Lifeline Broadband Provider (LBP) designation process and to establish a National Eligibility Verifier.

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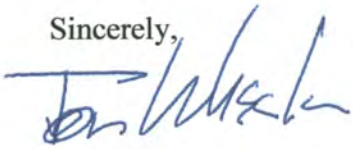

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Roger Wicker
United States Senate
555 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Wicker:

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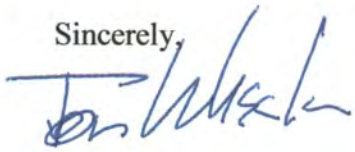

Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Steve Womack
U.S. House of Representatives
1119 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Womack:

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Tom Wheeler

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

July 11, 2016

The Honorable Ryan Zinke
U.S. House of Representatives
113 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Zinke:

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