



July 24, 2019

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Communication: WC Docket Nos. 17-287, 11-42, 09-197

Dear Ms. Dortch:

On July 22, 2019, Mike Jacobs and the undersigned of ITTA, along with ITTA members (all of whom participated by telephone) Ann Morrison of Consolidated Communications, Tiffany Smink of CenturyLink, Michelle Owens of Blackfoot, and Kevin Mann of Cincinnati Bell met with Nirali Patel of the Office of Chairman Pai regarding the development and implementation by the Universal Service Administrative Company (USAC) of a Lifeline Representative Accountability Database (RAD). We raised concerns regarding the potential impacts of implementation of the RAD on the privacy and security of ITTA members' employees' personally identifiable information (PII), expressed that the scope of who may have to register with the RAD and the information they may have to provide is overbroad, and noted procedural shortcomings in how implementation is scheduled to occur.

In directing USAC to develop the RAD, Chairman Pai referenced an FCC Inspector General finding "that the payment structure that many Lifeline resellers use to compensate sales agents can create substantial incentives for fraud," and directed USAC to "require each sales agent to register with USAC with sufficient information so that USAC can verify the agent's identity and determine the ETC(s) he or she works for."¹ The subsequent *2017 Lifeline NPRM* specifically distinguished company "employees" from "agents."² The ITTA member companies participating in the meeting are facilities-based carriers that use company employees to handle Lifeline enrollments and do not offer those employees sales incentives for Lifeline enrollments. Companies such as these handling Lifeline enrollments in this manner are not the intended targets of the safeguards the RAD will put in place and therefore should be exempted from its requirements.

¹ Letter from Ajit V. Pai, Chairman, FCC, to Vickie Robinson, Acting CEO and General Counsel, USAC, at 4 (July 11, 2017).

² *Bridging the Digital Divide for Low-Income Consumers: Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support*, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, 32 FCC Rcd 10475, 10506, ¶ 91 (2017) (*2017 Lifeline NPRM*).

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In the event company employees are required to register with the RAD, we stated that they should not be required to register using PII. We urged the required registration information for company employees be limited to employee name, employee's business email address and unique telephone number, and/or company-issued identification number.

We expressed concern regarding how USAC will store and safeguard information submitted to the RAD. In a time when massive data breaches are a routine occurrence, requiring company employees to provide PII to another repository that could be breached is an undue risk when the employee can provide sufficient non-PII to be traced to the employee's ETC. We also expressed concern that some members' union contracts may not permit those members from requiring their employees who engage in Lifeline enrollments to submit PII to the RAD.

Finally, we noted the procedural irregularities associated with the contemplated implementation of the RAD. It does not appear that the Commission has obtained approval under the Paperwork Reduction Act (PRA) for this information collection and the use of the information in the RAD. In addition, the Commission specifically sought comment on critical RAD implementation issues in the *2017 Lifeline NPRM* but has not yet resolved these issues in an order.³ Implementing the RAD before resolving these issues would raise significant questions regarding compliance with the Administrative Procedure Act.

Please do not hesitate to contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Genevieve Morelli
President

cc: Nirali Patel

³ Such issues include how to define an "ETC enrollment representative" required to register with the RAD, what information would be necessary for creation of the RAD, and what privacy and security practices should be used to safeguard this information. See *2017 Lifeline NPRM*, 32 FCC Rcd at 10507, ¶ 92.