

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

<i>In the Matter of</i>	)	
	)	
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

**GENERAL COMMUNICATION, INC. REPLY IN SUPPORT OF PETITION FOR  
RECONSIDERATION AND/OR CLARIFICATION**

**I. INTRODUCTION**

General Communication, Inc. (“GCI”) hereby replies to comments filed with respect to its petition for reconsideration and/or clarification of the new rolling recertification requirement adopted in the Commission’s Third Report and Order (“*Order*”).<sup>1</sup> The record reflects consensus that the Commission lacked notice to adopt a rule requiring rolling recertification by eligible telecommunications carriers (“ETCs”) and broad agreement that this requirement will harm Lifeline subscribers and ETCs. The Commission should reconsider the rule and defer rolling recertification until the National Verifier is fully functional.

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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, FCC 16-38, 31 FCC Rcd. 3962 (2016) (“*Order*”).

## **II. THERE IS BROAD AGREEMENT THAT THE NEW “ROLLING RECERTIFICATION” PROCESS IS PREMATURE AND HARMFUL**

In an attempt to improve the administration of the Lifeline program, the Commission adopted new recertification requirements that greatly reduce subscriber-friendly flexibility in obtaining recertifications. Under the current recertification regime, ETCs recertify their subscribers annually at any time during the calendar year following a subscriber’s initial enrollment.<sup>2</sup> This allows ETCs such as GCI to obtain recertifications in the course of other interactions with a subscriber, such as when a subscriber comes to a GCI store or when GCI has staff visiting a remote village that does not have a permanent GCI store. The flexibility of the current process allows the recertification process to be administered efficiently and in a way that minimizes customer inconvenience.

Under the new rolling recertification rule, ETCs that are responsible for handling recertification must recertify their subscribers’ eligibility “12 months after the subscriber’s service initiation date and every 12 months thereafter.”<sup>3</sup> The need to follow a rigid recertification schedule<sup>4</sup> greatly reduces flexibility to obtain recertifications, and would require

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<sup>2</sup> The rule currently in place requires that ETCs “must annually re-certify all subscribers” unless a state agency handles recertifications; ETCs “must recertify each new subscriber in the calendar year following the year in which the subscriber initially enrolled in the Lifeline program,” and each calendar year thereafter between January 1 and December 31. 47 C.F.R. § 54.410(f)(1) (2015); *Wireline Competition Bureau Provides Guidance Regarding the 2013 Lifeline Recertification Process*, Public Notice, DA 13-1188, 28 FCC Rcd. 7503, 7504 ¶ 4 & n.9 (Wireline Comp. Bur. 2015).

<sup>3</sup> 47 C.F.R. § 54.410(f)(1) (as amended).

<sup>4</sup> If the Commission declines to reconsider a delay in rolling recertification despite the record showing the harm it will cause, GCI urges the Commission at a minimum to interpret the new requirements to permit recertification at any time in the 12 months preceding a subscriber’s service initiation anniversary date. *See* Petition of General Communication, Inc. for Reconsideration and/or Clarification at 9-10, WC Docket Nos. 11-42, 09-197, 10-90 (filed June 23, 2016).

GCI to force a separate customer interaction rather than taking advantage of, for example, an occasion when a customer that lives in a village comes to Anchorage, when GCI staff goes to a village, or when customers come into the GCI store. It is premature and harmful to change the recertification process before the National Verifier is fully functional and able to assume responsibility for recertification. Changing the process before then has no apparent benefit, yet will increase the burdens on ETCs, inconvenience and confuse subscribers, and cause unnecessary de-enrollments. Lifeline subscribers who enrolled at a time of year when they typically are engaged in seasonal migratory work—which is common in Alaska—could be disadvantaged disproportionately.

The record reflects nearly unanimous agreement that the Commission should reconsider mandatory rolling recertification for ETCs that recertify their own subscribers. First, there is broad agreement that the Commission lacked the notice required under the Administrative Procedure Act to adopt a mandatory rolling recertification requirement, as it sought no comment on changing the ETC recertification process.<sup>5</sup> Second, mandatory rolling recertification will increase the burdens on ETCs, which will have to modify existing systems and procedures to accommodate this temporary requirement. Sprint, for example, explains that revising its internal recertification systems and procedures to accommodate rolling recertification would cost \$481,000 per year; others point to the need to modify existing systems to accommodate an

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<sup>5</sup> Opposition of GVNW Consulting, Inc. to Petitions for Reconsideration at 4, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 29, 2016) (“GVNW Opposition”); Petition of NTCA—The Rural Broadband Association and WTA—Advocates for Rural Broadband for Reconsideration/Clarification at 12-14, WC Docket Nos. 11-42, 09-197, 10-90 (filed June 23, 2016) (“NTCA/WTA Petition”); Petition of United States Telecom Association for Reconsideration and Clarification at 2-3, WC Docket Nos. 11-42, 09-197, 10-90 (filed June 23, 2016) (“USTelecom Petition”).

interim requirement and the burden on smaller carriers with limited staff to conduct recertifications throughout the year on a set schedule.<sup>6</sup> Third, commenters echoed GCI's concerns that consumers will be confused and inconvenienced by the new process, especially as it will require more frequent recertification by mail than by more convenient methods such as when the subscriber comes to a retail store to pay a bill or replace a broken handset.<sup>7</sup>

One filer opposes reconsideration of mandatory rolling recertification, but in very broad terms that likely reflect a misunderstanding of GCI's proposal. Greenlining states that reconsideration would result in consumers recertifying "multiple times a year" or whenever they switch providers.<sup>8</sup> Reconsideration, as GCI has proposed it, will not cause consumers to have to address their eligibility more frequently than through rolling recertification before the National Verifier is operational or as compared with today. GCI simply proposes to retain the single, once-per-calendar-year recertification of the current rules as an option for ETCs until the National Verifier is operational. To the extent that subscribers must prove eligibility for the Lifeline benefit to their first ETC or when switching providers, until the National Verifier is operational this is required whether or not rolling recertification is in place.<sup>9</sup> Greenlining also

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<sup>6</sup> Comments of Sprint Corporation at 9, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 28, 2016) ("Sprint Comments"); *see also* GVNW Opposition at 4; Joint Lifeline ETC Respondents' Opposition to Petitions for Reconsideration at 16-17, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 29, 2016) ("Joint Lifeline ETC Respondents' Opposition"); Comments of NCTA at 4, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 29, 2016) ("NCTA Comments"); NTCA/WTA Petition at 14-16; USTelecom Petition at 3-4.

<sup>7</sup> *See* NCTA Comments at 5; Sprint Comments at 8.

<sup>8</sup> Consolidated Opposition of the Greenlining Institute, et al. at 4-5, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 29, 2016).

<sup>9</sup> *See Order*, 31 FCC Rcd. at 4115 ¶ 418. It is possible that Greenlining is confusing GCI's proposal with the Joint Lifeline ETC Petitioners' proposal to require recertification when a subscriber changes providers and to reset the subscriber's anniversary date for rolling

asserts that rolling recertification would simplify the recertification process for consumers and for the community-based organizations that serve them, but that demonstrably is not the case, at least not before the National Verifier is operational: instead of being able to recertify at any time during the calendar year, the subscriber will be subject to more bureaucratic processes often involving forms sent by U.S. Mail and are more likely to be de-enrolled despite continuing eligibility. The record is clear that consumers will not benefit from requiring ETCs to use rolling recertification.

### III. CONCLUSION

Given the procedural flaws and substantive harms with the Commission's rolling recertification requirement, GCI urges the Commission to grant reconsideration and permit ETCs to continue to use the current calendar-year method of recertification until the National Verifier is ready to handle recertification in states where ETCs are currently responsible for that process.

Respectfully submitted,



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recertification accordingly. *See* Joint Lifeline ETC Petitioners' Petition for Partial Reconsideration and Clarification at 20-22, WC Docket Nos. 11-42, 09-197, 190 (filed June 23, 2016). The Joint Lifeline ETC Petitioners' subsequent filing supports a delay in requiring rolling recertification. *See* Joint Lifeline ETC Respondents' Opposition at 15-16.