

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

Petition For Waiver of NTCA – The Rural
Broadband Association

COMMENTS OF THE
PUBLIC UTILITY COMMISSION OF OREGON

The Public Utility Commission of Oregon (“OPUC”), pursuant to the Public Notice released on July 30, 2019 (DA 19-722), hereby respectfully submits its comments on the Petition for Waiver filed by NTCA - the Rural Broadband Association (“NTCA”) on July 29, 2019, in the above-captioned proceedings. NTCA requests a waiver of the minimum service standard that is scheduled to change for Lifeline-supported fixed broadband internet access service (“BIAS”) on December 1, 2019.¹ The OPUC supports NTCA’s petition for a temporary waiver and requests that the Federal Communications Commission (“FCC”) consider whether minimum service standards are necessary for Lifeline-eligible fixed BIAS and take action on its own motion, as it finds appropriate.

In its petition, NTCA explains that if the requested relief is granted, Lifeline customers would be able to choose to either maintain their existing fixed BIAS or

¹ See *Wireline Competition Bureau Announces Updated Lifeline Minimum Service Standards and Indexed Budget Amount*, WC Docket No. 11-42, DA 19-704 (WCB Jul. 25, 2019).

subscribe to fixed BIAS at the new increased speed standard. If the requested relief is not granted, the increase in speed standard will likely result in higher monthly rates that will force current subscribers to discontinue service altogether and be left with no affordable alternatives. As noted in its comments filed with the FCC on a separate, but related petition, the OPUC has observed and continues to observe the detrimental effect of annual speed standard increases for fixed BIAS on Lifeline subscribers.² Eligible low-income customers are being “priced out” of the Lifeline program, which defeats the program’s objective of affordability. Therefore, the OPUC agrees with NTCA that good cause exists for the FCC to waive application of the regulation governing service standards for fixed BIAS to minimize financial harm and lack of access to fixed BIAS for low-income customers.

In considering the merits of NTCA’s petition in which Lifeline customers can continue their existing service on a voluntary basis, the OPUC requests that the FCC also take into account the wider concern that even current minimum service standards for fixed BIAS are counter to the accessibility and affordability goals of the program and take action on its own motion, as it finds appropriate. Under NTCA’s grandfathering proposal, current customers would be able to keep their BIAS plans that meet this year’s minimum standards, but that will not help future Lifeline customers receive the discount on the same plans. Therefore, the OPUC, as an alternate solution to NTCA’s proposal, recommends that the FCC consider removing the minimum speed standard for fixed BIAS plans eligible for Lifeline support and permit Lifeline customers to use their discount on any speed service that fits their individual needs and budgets. Such

² See Comments of the Oregon Public Utility Commission on Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket No. 11-42 (filed July 31, 2019).

an approach would benefit low-income customers much more than the current approach that only permits them to receive a discount on high speed services with high price tags.

NTCA states that approval of its waiver request will also resolve an issue related to the exception in 47 C.F.R. § 54.408(d), which, according to NTCA, allows eligible low-income subscribers to apply their Lifeline discount to lower speeds if the ETC does not offer fixed BIAS that meets or exceeds the minimum service standards. However, this is only possible if the ETC takes advantage of the exception as the OPUC noted in its comments on a joint petition to pause implementation of scheduled updates to the Lifeline minimum service standards and support amounts.³ In Oregon, not all ETCs choose to employ this exception and therefore some low-income customers have been precluded from obtaining Lifeline benefits.⁴ This result seems contrary to the reasons for why the FCC adopted the exception.⁵ Allowing eligible consumers to use the Lifeline discount on fixed BIAS regardless of speed would address this concern as well.

Respectfully submitted,

THE PUBLIC UTILITY COMMISSION
OF OREGON



Megan Decker
Chair

³ See Comments of the Oregon Public Utility Commission on Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket No. 11-42 (filed July 31, 2019).

⁴ See attached email from an eligible customer in Oregon affected by an ETC's discretion to not offer Lifeline-supported fixed BIAS despite the exception.

⁵ *Lifeline and Link Up Reform and Modernization et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, ¶ 108 (2016).

From: [REDACTED]@gmail.com>

Sent: Friday, May 11, 2018 12:50 PM

To: PUC.RSPF <PUC.RSPF@puc.state.or.us>

Subject: Otap Lifeline

Hello

I have had Otap/Lifeline Assistance for more than 12 years. I recently applied for the lifeline program program for internet.

I received a letter denying me the service due to insufficient broadband internet speed. I live in a rural area where the fastest available speed is 12 MBPS. I should be qualified of the broadband assistance if there is no faster speed available.

I am extremely low income. Can you tell me how to get this service.

Thank you

[REDACTED]
[REDACTED]@gmail.com