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August 29, 2019

By ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **National Lifeline Association and Q Link Wireless LLC Joint Notice
of Oral *Ex Parte* Presentation, WC Docket Nos. 17-287, 11-42, 09-197
and 10-90**

Dear Ms. Dortch:

On August 29, 2019, John Heitmann of Kelley Drye & Warren LLP, met on behalf of the National Lifeline Association (NaLA) and Q Link Wireless LLC (Q Link) with Travis Litman, Senior Legal Advisor to Commissioner Rosenworcel, to discuss the pending Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study filed by CTIA, the National Consumer Law Center, National Hispanic Media Coalition, OCA – The Asian Pacific American Advocates, and United Church of Christ, OC, Inc.,¹ and the Lifeline National Verifier. The discussion was consistent with NaLA's recent *ex parte* letters and comments filed on the Joint Petition,² and Q Link's *ex parte* letter and comments filed on the Joint Petition.³ Documents summarizing NaLA's positions on the Joint

¹ See Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket Nos. 11-42, 09-197, 10-90 (June 27, 2019) (Joint Petition).

² See National Lifeline Association Notice of Oral Ex Parte Presentations, WC Docket Nos. 17-287, 11-42, 09-197 and 10-90 at 10 (filed Aug. 16 and 22, 2019); National Lifeline Association Comments on Joint Petition to Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending Forthcoming Marketplace Study, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 31, 2019).

³ See Q Link Wireless LLC Notice of Oral Ex Parte Presentation, WC Docket Nos. 17-287, 11-42, 09-197 and 10-90 (filed Aug. 22, 2019); Q Link Wireless Comments on Joint Petition to

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Petition and National Verifier rollout, listing parties supporting grant of the Joint Petition (none were opposed) and depicting the National Verifier rollout were shared and discussed during the meeting. A copy of each of those documents is attached hereto.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.

Respectfully submitted,



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*Counsel to the National Lifeline Association and
Q Link Wireless LLC*

Enclosure

cc: Travis Litman

Pause Implementation of December 2019 Lifeline Minimum Service Standards Pending
Forthcoming Marketplace Study, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 31, 2019).



Diverse Stakeholders Unanimously Support the Joint Petition to Pause and Study Mobile the Broadband Minimum Service Standards and Voice Support Sunset

Filers representing a wide range of interests universally support the Joint Petition filed by CTIA and public interest groups to pause the **minimum service standards** and **voice support sunset**. Filers supporting or cited in support of the relief requested include:

Public Interest Groups and Consumer Advocates
A New Leaf
Access Humboldt
Advocates for Basic Legal Equality
AARP
Asian Americans Advancing Justice (AAJC)
CASH Campaign of Maryland
Center for Rural Strategies
Chicago Urban League
Common Sense Media
Communications Workers of America
Community Impact Central Valley
Consumer Action
Consumer Federation of America
Fair Housing Resource Center, Inc.
Foothill AID Project
Free Press
Green Forest Community Development, Inc. (CDC)
Housing and Family Services of Great New York, Inc.
Leadership Conference on Human Rights (LCHR)
National Association for the Advancement of Colored People (NAACP)
National Association of State Utility Consumer Advocates (NASUCA)
National Consumer Law Center
National Grange
National Hispanic Media Coalition
Next Century Cities
New America's Open Technology Institute
OCA-Asian Pacific American Advocates
Public Knowledge
The Greenlining Institute
U.S. Conference of Catholic Bishops
United Church of Christ

State Commissions
National Association of Regulatory Utility Commissioners (NARUC)
California
Florida
Michigan
Minnesota
Nebraska
Oklahoma
Oregon
Pennsylvania

ETCs and Industry Representatives
CTIA
GCI
GVNW Consluting
National Lifeline Association (NaLA)
NTCA
Q Link Wireless
Sacred Wind Communications
Sprint
TracFone
WTA

Veterans' Organizations
Korean War Veterans Association
National Association of American Veterans
National Association for Black Veterans (NABVETS)

Conservative Organizations
Free State Foundation
Phoenix Center for Advanced Legal & Economic Public Policy Studies



The FCC Should Prioritize Access and Affordability for Consumers by Granting the Joint Petition to Pause and Study Mobile Broadband Minimum Service Standards and Voice Support Sunset

The FCC should grant the Joint Petition filed by CTIA and the public interest groups to pause the **minimum service standards** and **voice support sunset** until it can study the impact of such changes on access to and affordability of Lifeline services as part of preparing the State of the Lifeline Marketplace Report.

- The December 1, 2019 formula will reduce the reimbursement for 1,000 minutes of voice to \$7.25 and increase the broadband data minimum to 8.75 GB
- If not waived, these two rule changes will undermine the program's goals of **access** (by making Lifeline service less available and by sun-setting support for voice) and **affordability** (by effectively imposing a \$30 price increase on mobile broadband Lifeline service)
- Full support for voice services should be available everywhere – not just in rural America
 - There is no support for the voice phase out in the record
 - Those specifically supporting retaining full voice support include veterans organizations (National Association of American Veterans and the Korean War Veterans Association); state commissions (NARUC, Oklahoma, Pennsylvania, Michigan, Minnesota, Missouri, Nebraska, Florida, Oregon and California); public interest groups and consumer advocates (including NASUCA, AARP, NAACP, NCLC, NHMC, Free Press, UCC, OC, New America's OTI and Public Knowledge); conservative organizations (Free State Foundation and the Phoenix Center) and ETCs and industry representatives (CTIA, TracFone, NTCA and WTA, GCI, Sacred Wind Communications and GVNW Consulting)
- The FCC should act now to prevent unintended minimum service standards-driven price increases on Lifeline broadband subscribers
 - The December 1, 2019 minimum service standard formula-based increases will require 8.75 GB of broadband data
 - Today plans that include at least 8.75 GB typically retail for \$40 and higher, making these "household" sized plans too expensive for consumers based on the current Lifeline subsidy level
 - If left unchanged, the December 2019 minimum service standards will **effectively impose a \$30/month price increase on Lifeline subscribers – a price increase that these subscribers cannot afford**
- The Lifeline minimum service standards have been a major cause of the reduced Lifeline participation, especially in states where no additional subsidies can be combined with the standard Lifeline subsidy of \$9.25
 - From 12.7 million in 2016 to 8.6 million subscribers, a decline of 4.1 million subscribers (or 32%)
 - Participation rate decline from an estimated 32% to 22% of those eligible
 - Carriers cannot see the necessary return on investment from the cost of acquiring new Lifeline subscribers and of providing prescribed levels of service to them
- Waiving automatically escalating Lifeline minimum service standards will allow consumers to choose among options of voice and data, including bundles, that strike the best balance between affordability and access



Lifeline National Verifier Implementation: Getting It Right by Putting Low-Income Consumers First

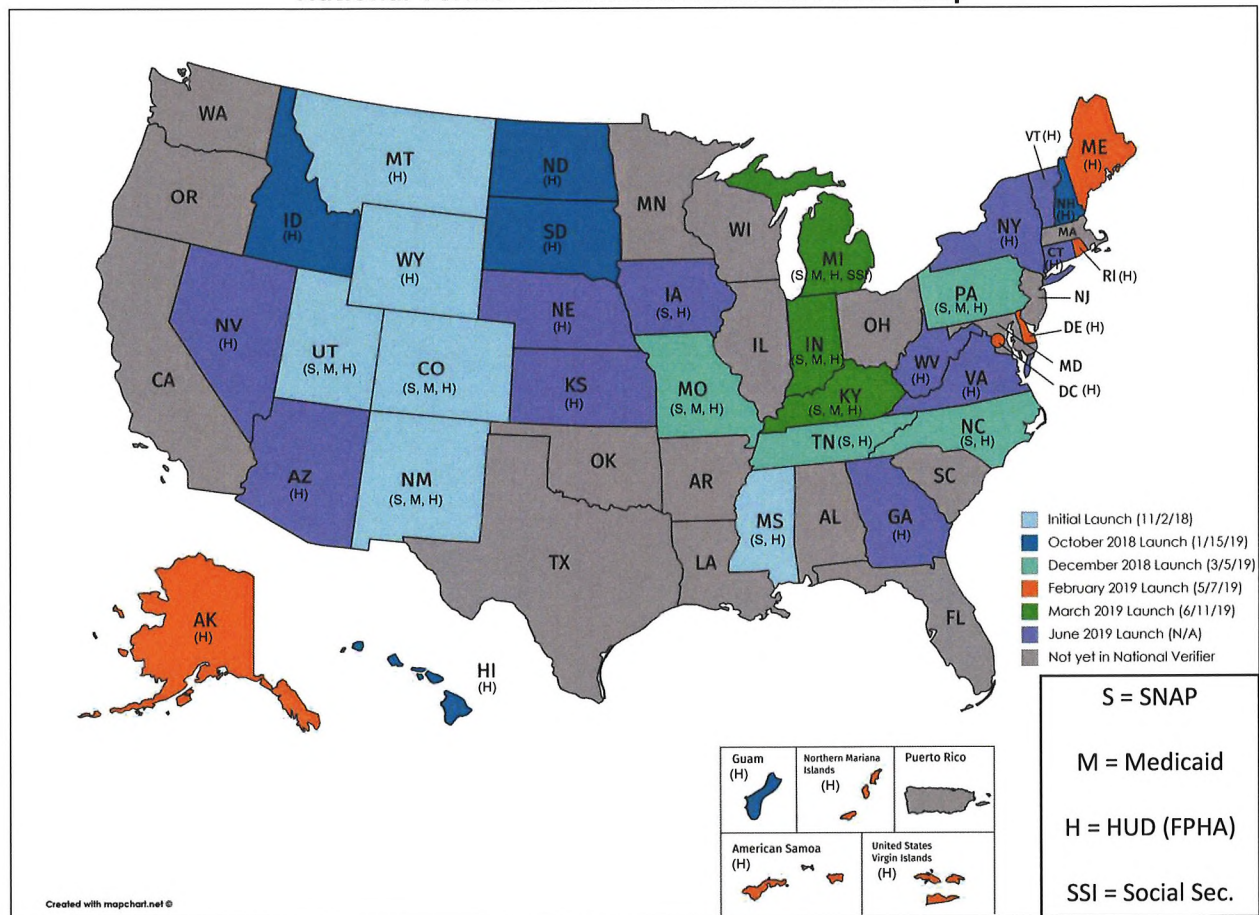
To Ensure That the National Verifier Meets its Goals to Reduce Barriers for Eligible Consumers, Minimize Program Costs and Eliminate Waste, Fraud and Abuse, it Must Maintain or Return to Soft Launch and Not Proceed to Hard Launch in Any State Until a Robust API Solution and Access to State/Federal SNAP and Medicaid Databases Are in Place

- **A service provider API** is essential to facilitating consumer access to Lifeline and minimizing waste, fraud and abuse
 - A service provider API must enable ETCs to help consumers identify and submit documentation required when any element of electronic verification is not successful
 - A service provider API is essential for both online and in-person distribution models
 - Until a service provider API solution is implemented, the FCC should grant all ETCs a waiver to enable batch submission of consumer documentation for an eligibility determination by the National Verifier
 - USAC should publish enrollment data by month and state, for periods before and after National Verifier launch to ensure that stated goals are met
- **Adequate database access** is essential to a successful National Verifier that achieves stated goals
 - Soft launch status should be maintained (or returned to) in each state until the National Verifier has implemented electronic/automated access to state/federal SNAP and Medicaid databases
 - USAC and the Commission should expedite implementation of access to the nationwide CMS/Medicaid database
 - USAC should secure access to all state SNAP and Medicaid databases that are reasonably accessible, while exploring solutions and alternatives for states in which such access will be delayed

The Reverification Should Be Adjusted Based on Lessons Learned

- Reverification should not be completed – and de-enrollments should not occur – in any state prior to gaining electronic/automated access to SNAP and Medicaid databases
- USAC should provide reverification failure cause reports to enable ETCs to improve reverification outreach efforts
- Database search criteria should be refined to guard against false negative eligibility determinations
- Recertification should be suspended for 2019 and restarted in 2020 to mitigate unnecessary burdens on and confusion for consumers
- For SNAP participants, EBT card plus current receipt showing a food transaction should be acceptable proof of eligibility where the EBT card does not have an issue or expiration date
- USAC and the FCC should study the success/failure rate of both electronic and manual reverification efforts by state and make adjustments necessary to ensure that eligible Lifeline subscribers are not de-enrolled due to inadequate database access or manual processes that are not well designed for the vulnerable class of consumers eligible for and served by the Lifeline program

National Verifier Automated Database Access Map



States with Potential Automation Challenges	
Alabama	Massachusetts
Arkansas	New Jersey
Connecticut	New York
Florida	Ohio
Illinois	Oklahoma
Louisiana	West Virginia

NLAD Opt-Out States with State Administrator
California
Oregon
Texas

States and Territories with HUD Access Only	
Alaska	New Hampshire
American Samoa	New York
Arizona	North Dakota
Connecticut	Northern Mariana Islands
Delaware	Rhode Island
District of Columbia	South Dakota
Georgia	Vermont
Guam	Virgin Islands
Hawaii	Virginia
Idaho	West Virginia
Kansas	Wyoming
Maine	
Montana	
Nebraska	
Nevada	

National Verifier Map – State Database Access

