

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Bridging the Digital Divide for Low-Income Consumers)	WC Docket No. 17-287
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Telecommunications Carriers Eligible for Universal Service Support)	WC Docket No. 09-197
)	

**PETITION OF Q LINK WIRELESS, LLC FOR A LIMITED WAIVER TO PERMIT
ALTERNATIVE TRANSMISSION OF LIFELINE ELIGIBILITY INFORMATION AND
CUSTOMER CERTIFICATIONS TO THE NATIONAL VERIFIER**

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Pursuant to 47 C.F.R. § 1.3, Q Link Wireless, LLC (“Q Link”) respectfully requests that the Federal Communications Commission (“FCC” or “Commission”) grant Q Link a limited waiver that would allow Q Link to use an alternative means to obtain National Verifier confirmation of a Lifeline applicant’s eligibility in states in which “hard launch” of the National Verifier occurs prior to resolution of Q Link’s Emergency API Petition to implement APIs that permit eligible telecommunications carriers (“ETCs”) to exchange information with the Universal Service Administrative Company (“USAC”) on a machine-to-machine basis during the enrollment process.¹

Specifically, Q Link requests that the Commission permit Q Link in “hard launch” states to submit eligibility documentation to the National Verifier via bulk transfer to facilitate its review of consumer eligibility, rather than requiring exclusive use of the National Verifier’s

¹ Emergency Petition of Q Link Wireless, LLC for an Order Directing the Universal Service Administrative Company to Implement Machine-to-Machine Interfaces for the National Verifier, WC Docket Nos. 17-287 et al. (filed July 5, 2018) (“Emergency API Petition”).

existing online portals (which are impossible for Q Link to access without an API). In particular, for each customer, Q Link would dip the state eligibility database where available, and where no state eligibility database is available, Q Link would collect from the customer the relevant eligibility documentation, including the executed certification form, and the customer's required personal information, run an NLAD check, and obtain any required Household Worksheet.

Q Link would transmit to USAC in bulk the certification form, a record of the customer executing the certification form, and the proof of eligibility from the state eligibility database or the relevant eligibility documentation collected from the consumer, along with any other information required of consumers using the National Verifier web portal directly. The proof of eligibility information would include the following:

- (1) For eligibility in a qualifying program for which Q Link has access to a state database documenting either participation in a qualifying program or Lifeline eligibility, the record of Q Link's query of the state database;
- (2) For program-based applications for a consumer for which Q Link lacks access to a database that could confirm the consumer's participation in an eligible program, the documentation of program eligibility as required under Commission rules; and
- (3) For income-based applications, the subscriber provided documentation of household income.

Q Link would not complete a customer's enrollment in Lifeline and activate Lifeline service prior to receiving a determination by the National Verifier that the consumer is eligible. In all cases, the National Verifier would make the eligibility determination, and could reject Q Link's documentation if it conflicted with the National Verifier's data or was otherwise insufficient.

Q Link strongly supports the National Verifier and the role of the National Verifier as the definitive determiner of a consumer’s eligibility for Lifeline service. Q Link’s request for this waiver fully supports and does not represent any opposition to the National Verifier’s function and purpose. Q Link’s problem is that without APIs to permit it to exchange data with the National Verifier through automated means, it cannot enroll Lifeline consumers using online methods—which is necessary for Q Link, as all of its enrollments are direct-to-consumer online. Q Link does not use street agents or retail storefronts. This waiver will provide Q Link and potential Lifeline consumers, especially rural and mobility-challenged consumers, including veterans, with a bridge that maintains program integrity until the Commission completes consideration of Q Link’s Emergency API Petition and any follow-on implementation. Because this waiver will not require real-time electronic interaction with the National Verifier and functions through bulk transfer of data, there will not be any concern that National Verifier review could be evaded, and this is a process the National Verifier already is putting in place for paper mail-in applications.²

I. BACKGROUND AND SUMMARY

In the *2016 Lifeline Modernization Order*, the Commission established the National Verifier to “determine subscriber eligibility for the Lifeline program” and “perform other necessary functions,” including “enabling Lifeline providers to verify eligibility of a subscriber.”³

² It also would not be possible, with a properly designed API and security measures such as access controls, for a provider to add false accounts to the National Verifier’s underlying eligibility databases.

³ *Lifeline & Link Up Reform & Modernization*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd. 3962, 4012 ¶ 132 (2016) (“*2016 Lifeline Modernization Order*”).

A. Carrier APIs Remain a Critical Unresolved Implementation Issue for Online Enrollment through the National Verifier

APIs permitting ETCs to access the National Verifier to establish eligibility were a focal feature of the National Verifier as originally conceived by the Commission.⁴ To achieve the National Verifier’s objectives, the Commission recognized that authorized users, including ETCs, must have “access to establish or verify eligibility.”⁵ The Commission also recognized that the National Verifier would use “varying interface methods to accommodate these different groups of users,” and used “application programming interfaces” as an illustrative example.⁶ In addition, the Commission observed that numerous states already maintain eligibility databases, many of which use APIs to permit eligibility verification through automated interaction.⁷ Not only did the Commission determine that these state databases would serve as the backbone of the National Verifier,⁸ it explicitly revised Lifeline eligibility requirements with API-enabled state databases in mind.⁹ The Commission limited the assistance programs that could be used to establish Lifeline eligibility to those programs with “substantial automation and electronic process” in place to ensure that Lifeline eligibility verifications proceeded as efficiently as

⁴ APIs are standard technologies that allow different software systems to interact with each other on an automated, machine-to-machine basis. APIs power billions of transactions each day on private and public sector IT systems alike.

⁵ *Id.* ¶ 138 & n.390.

⁶ *Id.* ; *see also id.* ¶ 139 (noting that “allowing permissible queries to [an eligibility database] to verify if a subscriber is eligible” would be one of the “functions” supported by the National Verifier).

⁷ *Id.* ¶ 127; *see also id.* ¶ 135 (noting that the Commission “streamlined the programs used to determine eligibility for Lifeline to those that have substantial automation and electronic process in place”).

⁸ *Id.* ¶ 133.

⁹ *Id.* ¶ 188-197; *see id.* ¶ 135.

possible. The Commission also spoke clearly and often about the importance of leveraging technology to improve the efficiency of the program.¹⁰

While the Commission has made enormous progress developing and implementing the National Verifier since 2016, critical issues remain unresolved, especially with respect to online enrollment. Chief among them is the lack of APIs that would allow carrier enrollment systems to access the National Verifier to verify eligibility—a “necessary” Verifier “function[]” according to the *2016 Lifeline Modernization Order*.¹¹ Although USAC initially included these APIs in its draft plan for implementing the National Verifier as contemplated by the *2016 Lifeline Modernization Order*,¹² a subsequent plan revision removed them without explanation.¹³ This removal occurred even though the Commission received only support for including carrier APIs on the record.¹⁴

Under the National Verifier’s new workflow without carrier APIs, service providers have no ability to electronically exchange information with the National Verifier to determine whether

¹⁰ See, e.g., *id.* ¶ 135 (observing that establishing electronic eligibility determinations for “most subscribers” as a “long-term goal”); *id.* ¶ 22 (noting that “[g]overnments at all levels are better able to efficiently communicate with and deliver services to their citizens online”); *id.* ¶ 168.

¹¹ *Id.* ¶ 132.

¹² USAC, The National Verifier Draft Plan – Lifeline National Verifier (Nov. 21, 2016), <http://www.lifelinenationalverifier.org/2016/11/hello-world/>; see also USAC, Draft Lifeline National Verifier Plan (Nov. 30, 2016), https://www.usac.org/_res/documents/li/pdf/nv/2016-Nov-Draft-National-Verifier-Plan%20-%20Copy.pdf (“Nov. 2016 Draft Lifeline National Verifier Plan”).

¹³ USAC, Lifeline National Verifier Plan (July 2017) at Slides 34, 36, 37, https://www.usac.org/_res/documents/li/pdf/nv/Draft-National-Verifier-Plan.pdf (“July 2017 Lifeline National Verifier Plan”).

¹⁴ Comments of TracFone Wireless, Inc. on Draft National Verifier Plan at 6-7, WC Docket Nos. 11-42 et al. (filed Jan. 18, 2017).

an online consumer is Lifeline eligible, as they can with state databases today. Service providers are also unable to help online consumers navigate the National Verifier's complex verification process—they may help an applicant navigate the eligibility verification process *only* if he or she appears before the service provider's sales personnel or agents in person. As a result, while in-person consumers will be able to visit a store or street agent and leave with service, online consumers will not have a workable way to obtain assistance as they navigate the National Verifier.¹⁵

As Q Link explained in its Emergency API Petition, this is not how online enrollment should work in 2018, especially when it is so vital to the National Verifier's success. When done correctly, online enrollment that allows carriers to integrate the National Verifier into their own enrollment processes not only provides a smooth and consumer-friendly means for eligible consumers to sign up for Lifeline, but also reduces program administration costs. Equally important, online enrollment ensures access for consumers that live in rural (and even many suburban) areas. In these areas, lower population densities and remote housing locations make brick-and-mortar locations and other in-person enrollment methods difficult to sustain. Q Link's experience demonstrates the importance of carrier-assisted online enrollment: by leveraging direct-to-consumer online enrollment, Q Link has enrolled approximately 1.5 million Lifeline subscribers, with two-thirds of those in rural and suburban communities.

Thus, for over a year now, state commissioners, civil society organizations, and service providers alike have urged the Commission to ensure that the National Verifier is equipped with carrier APIs and affords online consumers the same degree of access and support available to in-

¹⁵ Emergency API Petition at 14-18.

person consumers.¹⁶ Q Link filed its Emergency API Petition to place this issue squarely before the Commission.¹⁷ Commenters explained that without the integration made possible by APIs,

¹⁶ See, e.g., Letter from John T. Nakahata, Counsel, Q Link Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-42 (filed Aug. 10, 2017); Letter from John T. Nakahata, Counsel, Q Link Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 11-42 (filed Sept. 8, 2017); Letter from John J. Heitmann, Counsel, Lifeline Connects Coalition, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 11-42, 09-197, & 10-90 (filed Sept. 20, 2017); Letter from Mitchell F. Brecher, Counsel, TracFone Wireless, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287, 11-42, & 09-197 (filed Feb. 20, 2018); Comments of TracFone Wireless, Inc. at 67-70, WC Docket Nos. 17-287, 11-42, & 09-197 (filed Feb. 21, 2018); Corrected Comments of Q Link Wireless, LLC, WC Docket Nos. 17-287, 11-42, & 09-197 (filed Feb. 21, 2018); Comments of National Lifeline Association at 77-79, 85 & nn. 225-226, 246, WC Docket Nos. 17-287, 11-42, & 09-197 (filed Feb. 21, 2018); Reply Comments of Q Link Wireless, LLC at 1-7, WC Docket Nos. 17-287 et al. (filed Mar. 23, 2018); Reply Comments of National Lifeline Association at 27, WC Docket Nos. 17-287 et al. (filed Mar. 23, 2018); Letter from John J. Heitmann, Counsel to National Lifeline Association, to FCC, WC Docket Nos. 17-287 et al. (filed May 4, 2018); Letter from John J. Heitmann, Counsel to National Lifeline Association, to FCC, WC Docket Nos. 17-287 et al. (filed May 24, 2018); Letter from John T. Nakahata, Counsel, Q Link Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287, 11-42, & 09-197 (filed May 25, 2018) (supplemented in Letter from John T. Nakahata, Counsel, Q Link Wireless, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287, 11-42, & 09-197 (filed May 31, 2018)); Letter from Hon. Judson Hill, Advisor to Telscape Communications, Inc. d/b/a TruConnect, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al. (filed June 28, 2018); Emergency API Petition; National Association of Regulatory Utility Commissioners, Resolution to Implement Expeditiously a Properly Functioning and Consumer-Friendly Federal Lifeline National Eligibility Verifier (adopted July 18, 2018), <https://pubs.naruc.org/pub/0A748224-CA10-661A-FF7B-D435D091C56F> (“NARUC Resolution”); Comments of National Association of Regulatory Utility Commissioners at 4-5, WC Docket Nos. 17-287 et al. (filed Aug. 10, 2018) (“NARUC Aug. 10 Comments”); Comments of Sprint Corporation, WC Docket Nos. 17-287 et al. (filed Aug. 10, 2018) (“Sprint Aug. 10 Comments”); Comments of New America’s Open Technology Institute, Access Humboldt, Benton Foundation, Center for Rural Strategies, Common Cause, Consumers Union, Electronic Frontier Foundation, Free Press, NAACP, National Consumers League, National Digital Inclusion Alliance, National Hispanic Media Coalition, Native Public Media, Public Knowledge, The Greenlining Institute, United Church of Christ, OC Inc. at 3, WC Docket Nos. 17-287 et al. (filed Aug. 10, 2018) (“CSO Aug. 10 Comments”); Comments of TracFone Wireless, Inc. at 4, WC Docket Nos. 17-287 et al. (filed Aug. 10, 2018) (“TracFone Aug. 10 Comments”); Comments of Sage Telecom Communications, LLC d/b/a TruConnect at 2-3, WC Docket Nos. 17-287 (filed Aug. 10, 2018) (“Sage Aug. 10 Comments”); Comments of the National Lifeline Association at 1-3, WC Docket Nos. 17-287 et al. (filed Aug. 10, 2018) (“NaLA Aug. 10 Comments”); Reply

rural participation would decrease dramatically, as increased points of failure and a lack of consumer assistance erect barriers to online applicants.¹⁸ They also explained that the de-integrated processes would undercut legitimate service providers' efforts to market to rural consumers online, while expanding the ability of online con artists to scam Lifeline consumers.¹⁹

Commenters also observed that without carrier APIs, the National Verifier would increase wasteful government spending substantially. USAC would have to process millions of incomplete or unacceptable online applications that service providers screen as invalid today, increasing USAC's costs of administration and the risk of a false eligibility verification.²⁰ Moreover, by requiring online consumers to rely exclusively on USAC for customer support that USAC is not equipped to provide, the current implementation plan would not only deny online consumers effective assistance, but also increase USAC's costs by tens of millions of dollars

Comments of National Association of Regulatory Utility Commissioners at 1, 5-6, WC Docket Nos. 17-287 et al. (filed Aug. 27, 2018) ("NARUC Aug. 27 Reply Comments"); Reply Comments of Q Link Wireless, LLC, WC Docket Nos. 17-287 et al. (filed Aug. 27, 2018) ("Q Link Aug. 27 Reply Comments"); Letter from John J. Heitmann, Counsel, National Lifeline Association, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al. (filed Sept. 19, 2018); Letter from Hon. Judson Hill, Advisor to Telscape Communications, Inc. d/b/a TruConnect to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al. (filed Oct. 5, 2018); Letter from David Springe, Executive Director, National Association of State Utility Consumer Advocates, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al. (filed Oct. 26, 2018); Letter from Scott K. Bergmann, Senior Vice President, Regulatory Affairs, CTIA, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al. (filed Oct. 26, 2018).

¹⁷ See Emergency API Petition.

¹⁸ See, e.g., Q Link May 31, 2018 Letter; Emergency API Petition; Q Link Aug. 27 Reply Comments; CSO Aug. 10 Comments; NARUC Aug. 10 Comments at 7, 9; TracFone Aug. 10 Comments at 4; TruConnect Aug. 10 Comments at 2-3; NaLA Aug. 10 Comments at 1-2.

¹⁹ See, e.g., Q Link May 31, 2018 Letter; Emergency API Petition; Q Link Aug. 27 Reply Comments.

²⁰ See, e.g., Sprint Aug. 10 Comments at 3-4; Emergency API Petition; Q Link Aug. 27 Reply Comments at 6-7; TracFone Aug. 10 Comments at 10; NaLA Aug. 10 Comments at 3.

each year for the ineffective assistance rendered.²¹ Thus, as state regulatory utility commissioners recently explained, the “[f]ailure to include carrier APIs” is “inefficient at all levels,” and “threatens to disconnect millions of qualified Americans,” especially Americans living in “rural areas,” from essential broadband and phone access.²²

Significantly, no commenter opposed Q Link’s Emergency API Petition or questioned the critical importance of APIs to an effective and efficient National Verifier.

B. The Need for an Interim Waiver

In October 2018, USAC announced that “[t]he National Verifier will hard launch on November 2” in Colorado, Mississippi, Montana, New Mexico, Utah, and Wyoming.²³ The Commission on October 11, 2018 also announced “soft launch” in six more states and territories, including Guam, Hawaii, Idaho, New Hampshire, North Dakota, and South Dakota, setting up the potential for “hard launch” in these jurisdictions as well.²⁴ At the same time, the Commission has not responded to the many requests made for an API, decided Q Link’s Emergency API Petition, or otherwise shed light on why the National Verifier process omitted carrier APIs as contemplated by the Commission’s orders and USAC’s original plan.

²¹ See, e.g., Emergency API Petition at 24-25; Sprint Au. 10 Comments at 3-4; Q Link Aug. 27 Reply Comments at 6-7; TracFone Aug. 10 Comments at 10; NaLA Aug. 10 Comments at 3; TruConnect Aug. 10 Comments at 5-6.

²² NARUC Aug. 10 Comments at 7, 9; *see also* NARUC Resolution; NARUC Aug. 27 Reply Comments.

²³ USAC, Lifeline National Verifier, <https://www.usac.org/li/tools/national-verifier/default.aspx> (last visited Nov. 1, 2018); *see also* July 2018 Lifeline National Verifier Plan, at Slides 26, 36.

²⁴ *Wireline Competition Bureau Announces the Launch of the National Lifeline Eligibility Verifier in Five Additional States and One Territory*, WC Docket No. 11-42 (filed Oct. 11, 2018).

Importantly, Colorado and Utah, as well as at least Idaho in the second group of six, already maintain API-enabled databases of individuals that participate in qualifying assistance programs, which is how Q Link confirms that 84% of its Lifeline consumers are eligible. As a result, in these states, the consequences of “hard launch” will be reduced access to low-income consumers, increased program costs, and increased consumer exposure to online fraud, *with no corresponding benefit to program integrity*. The National Verifier will query the same exact state databases to confirm eligibility that Q Link queries today using direct APIs to state databases. The only difference is that, with the insertion of the National Verifier’s existing interfaces in the workflow, Q Link will be cut-off from using APIs in conjunction with its existing enrollment procedures to assist consumers that seek to enroll online. Thus, instead of lifting all states to a gold standard in efficient program administration, “hard launch” of the National Verifier with the existing interfaces will roll back efficiencies that these states have created by investing in streamlined government operations.

Likewise, in states where API-enabled databases for qualifying assistance programs are unavailable (either where a state has no API-enabled databases, or where a state has API-enabled databases for some, but not all, qualifying programs), and where individuals seek to qualify for Lifeline enrollment based on their income, mandating that online consumers use the National Verifier before the API issue is resolved will also frustrate eligible consumers’ access and undermine Q Link’s investments in outreach, with no concrete benefit. There are ample means available to ensure that the National Verifier makes the ultimate determination of a consumer’s eligibility, while still permitting Q Link to market its Lifeline services to potential consumers and assist them with the process (just as ETCs using in-person enrollment methods can do under USAC’s implementation plan).

Q Link therefore requests the following limited relief from “hard launch” requirements in any applicable states until its Emergency API Petition and is resolved and any further implementation steps are taken:

- For program-based applications where Q Link has access to a state database documenting participation in a qualifying program or Lifeline eligibility, Q Link will dip the state database and transmit to the National Verifier in batched bulk transfers the records of its database dips, along with required personal information of the consumer, the executed eligibility forms, and records of the subscribers’ completing the forms.
The eligibility determination will be made solely by the National Verifier.
- For program-based applications where Q Link lacks access to a state database documenting participation in a qualifying program or Lifeline eligibility, Q Link will submit documents establishing the consumers’ participation in eligible programs, along with required personal information of the consumer, the executed eligibility forms, and records of the subscribers’ completing the forms, to the National Verifier in batched bulk transfers.
The eligibility determination will be made solely by the National Verifier.
- For income-based applications, Q Link will submit financial documents establishing the consumers’ eligibility, along with required personal information of the consumer, the executed eligibility forms, and records of the subscribers’ completing the forms, to the National Verifier in batched bulk transfers.
The eligibility determination will be made solely by the National Verifier.

These requests, which are important to maintaining the viability of Q Link’s participation in the Lifeline program and to the ability of many consumers to access Lifeline benefits to which they are entitled, are exceedingly narrow in scope. Q Link does not seek *any* authority to make its own decisions about the eligibility of *any* customers—those decisions will be made by the National Verifier. This waiver request is also limited to the interim period until the Commission acts on Q Link’s Emergency API Petition and/or otherwise takes action to implement APIs in the National Verifier to support the data exchange necessary for carrier-assisted online enrollment.

II. DISCUSSION

A. Waiver Standard

Under 47 C.F.R. § 1.3, “[a]ny provision of the rules may be waived by the Commission . . . on petition if good cause therefor is shown.” In *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990), the D.C. Circuit explained that good cause exists where “special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.” *Id.* at 1166. In other words, the Commission “has authority . . . to waive requirements not mandated by statute where strict compliance would not be in the public interest[.]”²⁵ In addition, “the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.”²⁶

B. Waiver of Mandatory Use of the National Verifier Interfaces Is in the Public Interest When Q Link Can Dip the Same State Databases as the National Verifier, and Transmit that Information to the National Verifier in Bulk to Permit Approval by the National Verifier

Q Link respectfully submits that, in light of the critical API issue that the Commission has not yet resolved, the public interest would be best served by permitting Q Link to establish eligibility for online consumers using its existing API-enabled access to the same state-run databases that the National Verifier would use in Colorado, Utah, and, if necessary, Idaho, and other future “hard launch” states with databases that can be queried via direct API connectivity, and to submit records of those dips to the National Verifier in bulk form so that the National Verifier can then verify a consumer’s eligibility. Only the National Verifier would make the eligibility determination, but the waiver would allow Q Link to continue to screen eligible

²⁵ *Nat’l Ass’n of Broad. v. FCC*, 569 F.3d 416, 426 (D.C. Cir. 2009).

²⁶ *Connect Am. Fund*, DA 18-999, ¶ 21 n. 43 (Wireline Comp. Bureau, Sept. 28, 2018) (citing *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular*, 897 F.2d at 1166).

applicants in the first instance and to provide critical assistance to customers in the enrollment and verification process, including the submission of required information to the National Verifier on the consumer's behalf.

When Q Link can—as it has been doing—use APIs to query directly a state database to ascertain an applicant's Lifeline eligibility, shifting that function exclusively to the National Verifier without an API that permits the same level of automated interactions between Q Link and the National Verifier that Q Link already has with the underlying state database will only serve to harm consumer access to Lifeline without any additional protections against waste, fraud, and abuse. Strict compliance utilizing only the National Verifier web portals USAC has developed to date will restrict access to the Lifeline program for rural and mobility-challenged consumers, including veterans, increase program administration costs, and increase the risk that Lifeline consumers will be victimized by phishing scams. The limited waiver Q Link requests, on the other hand, would allow the Commission additional time to consider whether to implement APIs, while avoiding these substantial harms to Lifeline eligible consumers and without compromising the National Verifier's role as the sole determiner of eligibility for Lifeline benefits.

1. A waiver will ensure continued access to Lifeline, especially in rural areas.

Key constituencies served by the Lifeline program—including rural and suburban low-income Americans and people with mobility-limiting disabilities—rely on online enrollment for access to Lifeline service. Yet strict compliance would erect barriers to access at all points in the online Lifeline enrollment process.

Online enrollment with no carrier assistance is contrary to the goals of the National Verifier. As Q Link explained in its Emergency API Petition, and as states, consumer and civil

rights groups, and other Lifeline service providers have confirmed in comments, “hard launch” will result in a much more cumbersome and consumer-unfriendly online enrollment process.²⁷ For online consumers, the National Verifier as currently designed requires consumers to navigate a two-step enrollment process in which the consumer must (1) first engage the National Verifier’s online eligibility-verification consumer portal through checklifeline.org and successfully complete all steps and provide all required documentation without assistance from a service provider, and (2) then, within 90 days, find an ETC that provides service in their area and provide duplicative information to the ETC, as well as any other information the ETC needs, to actually enroll in and receive Lifeline service.²⁸

It is reasonable to conclude that the two-step online enrollment process will result in many eligible Lifeline consumers getting frustrated and abandoning the Lifeline sign-up solely

²⁷ Over fifteen consumer groups—New America’s Open Technology Institute, Access Humboldt, Benton Foundation, Center for Rural Strategies, Common Cause, Consumers Union, Electronic Frontier Foundation, Free Press, NAACP, National Consumers League, National Digital Inclusion Alliance, National Hispanic Media Coalition, Native Public Media, Public Knowledge, The Greenlining Institute, and United Church of Christ, OC Inc.—agreed that the “overly cumbersome enrollment system” created by USAC “threatens the integrity of Lifeline and risks deterring eligible individuals from enrolling altogether.” CSO Aug. 10 Comments. States share these concerns. *See* NARUC Aug. 10 Comments; NARUC Aug. 27 Reply Comments; Commissioner Crystal Rhodes, Nebraska Public Service Commission, Notice of Ex Parte Communication, WC Docket Nos. 17-287 et al. (filed Oct. 2, 2018).

²⁸ *See* Emergency API Petition at 16-18; *see also* NARUC Aug. 10 Comments at 7-9; NARUC Resolution; NARUC Aug. 27 Reply Comments; Letter from John J. Heitmann, Counsel, National Lifeline Association, to Marlene Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al. (filed June 6, 2018); Letter from John J. Heitmann, Counsel, National Lifeline Association, to Marlene Dortch, Secretary, FCC, WC Docket Nos. 17-287 et al. (filed Sept. 19, 2018); Letter from John J. Heitmann, Counsel, National Lifeline Association, to Marlene Dortch, Secretary, FCC, WC Docket Not. 17-287 et al. (filed Oct. 1, 2018). As noted in Q Link’s petition, while the National Verifier process for in-person enrollment is also unduly clunky, in that context the consumer can obtain the assistance of carrier sales personnel and complete the carrier’s application process in the same sitting. Emergency API Petition at 16-18 & n.34.

due to complexity. In designing and implementing an agent portal, USAC has recognized that confirming a potential enrollee's eligibility remains a complex process, and that users will inevitably encounter errors.²⁹ USAC's implementation plan for the National Verifier recognizes that consumers need the experienced assistance ETCs can provide, as ETCs that utilize in-person sales personnel or street agents will be able to use their own online portal to "[f]acilitate [the] consumer application process," "[s]upport document upload[s]" where needed, and "[p]rovide consumer support."³⁰ But at present, after the "hard launch," consumers will benefit from that assistance *only* if they visit the ETC or its agent *in person* to enroll.³¹ Absent a waiver, online consumers will be left to fend for themselves.

Industry experience confirms just how critical it is for ETCs such as Q Link to offer continued support for successful online enrollment. As Q Link has explained, it receives approximately 1.7 million calls per month, and responds monthly to 12 million emails and 15,000 social media interactions, from online consumers. 58% of the customer identity and eligibility documents that Q Link receives are not usable, requiring a significant back-and-forth with the customer to explain and correct what went wrong. TracFone likewise confirmed that "Lifeline service providers process hundreds of thousands of enrollment inquiries every

²⁹ July 2018 Lifeline National Verifier Plan, at Slide 35.

³⁰ *Id.* at Slide 12.

³¹ *See id.* at Slide 30.

month,”³² and Sprint agreed that a “lack of APIs” would result in USAC’s being “flooded with millions of consumer inquiries[.]”³³

While Q Link’s Emergency API Petition remains pending, the limited waiver sought here will address on an interim basis the need for consumer assistance with online enrollment in a way that does not compromise the National Verifier’s role as sole determiner of eligibility. Q Link will be able to query the same “state data sources” that the National Verifier would,³⁴ consumers will benefit from Q Link’s assistance in the enrollment process, and the National Verifier will receive a record of the result of that query along with sufficient information to confirm each consumer’s eligibility for Lifeline assistance.

Absent a waiver, there will be less outreach to online consumers. Strict compliance with “hard launch” requirements while consideration of the implementation of APIs remains pending will reduce active and effective outreach to eligible consumers in “hard launch” states, especially in rural and suburban areas.

Currently, Q Link has an incentive to invest in substantial marketing because online consumers that come to Q Link’s website can complete the Lifeline enrollment process with a high level of consumer- and compliance-centric assistance. After “hard launch” occurs, however, without APIs to support carrier-assisted online enrollment, that incentive will dissipate as Q Link will no longer have any assurance that a consumer it originally educated to apply for

³² See TracFone Aug. 10 Comments at 9; *see also* TracFone Wireless, Inc., Ex Parte Presentation: Bridging the Digital Divide for Low-Income Consumers, WC Docket No. 17-287, Attachment 1, “SafeLink Proposal for the New National Verifier,” at Slide 15 (filed July 20, 2018).

³³ Sprint Aug. 10 Comments at 3-4.

³⁴ July 2018 Lifeline National Verifier Plan, at Slides 8-9, 16.

Lifeline will end up applying through Q Link.³⁵ This is because Q Link will have to redirect consumers in those states to checklifeline.org or provide them with paper applications. Once the consumer completes checklifeline.org or the paper applications, the consumer must re-contact Q Link (or some other Lifeline provider). Under these circumstances, investment in anything beyond baseline advertising to potential Lifeline consumers makes little economic sense because Q Link can do little to re-engage the customer to complete the enrollment process once the customer has been referred to checklifeline.org.³⁶

The limited waiver Q Link seeks would effectively address these consumer harms on a short-term basis while the Commission further considers and (hopefully) implements APIs. Given that Colorado, Utah, and, if necessary, Idaho maintain state eligibility databases with API access, Q Link can take the same steps that the National Verifier will take to ascertain eligibility, while permitting continued carrier engagement with an online customer throughout the enrollment process.

2. The requested limited waiver in no way facilitates fraud and abuse of the Lifeline program—and may even prevent phishing scams against Lifeline consumers.

Requiring strict compliance with the “hard launch” is not necessary to prevent fraud or abuse in the Lifeline program—and in fact grant of the requested waiver will make affected consumers less susceptible to identity theft.

The requested waiver maintains the National Verifier’s role as the sole determiner of eligibility, while allowing Q Link to assist online subscribers—just as other ETCs are able to do

³⁵ Q Link will continue to meet the baseline requirement to advertise the service.

³⁶ See TruConnect Aug. 10 Comments (noting that APIs are critical to ensuring that ETCs are “incented to invest in” reaching “rural or hard-to-reach” areas, and that, without APIs, “the ETC does not have the same expectation that a consumer will ultimately make it back to the ETC to apply for service”).

for in-person customers. Therefore, the requested waiver introduces no new potential for waste, fraud, or abuse. Because carrier-assisted online enrollment results in the screening of massive amounts of improper documentation and scores of ineligible consumers, the waiver would reduce the potential for fraud simply by reducing the number of submissions and amount of documentation to be reviewed by the National Verifier.

Moreover, with respect to online consumers, there is good reason to believe that strict compliance with the “hard launch” will *increase* opportunities for fraud against those consumers. As Q Link explained in its Emergency API Petition, the current National Verifier implementation would create new avenues for phishing fraud by unscrupulous individuals seeking to take advantage of consumers. Online scammers already prey on Lifeline consumers today. As Q Link and other ETCs predictably pull back on online marketing efforts that simply will not work after a premature “hard launch” for the reasons described above, phishing websites advertising free phones—and a less cumbersome verification process—will dominate views, click-throughs, and search results, raising the risk for identity theft through phishing and other predatory online conduct.

3. A waiver will reduce wasteful spending on program administration.

A waiver also will advance the Commission’s goals of realizing administrative efficiencies for USAC. Just as implementing APIs will reduce USAC’s costs to deploy and operate the National Verifier by leveraging ETCs’ superior position to screen initial inquiries, consumer information, and documentation,³⁷ a limited waiver will create similar efficiencies in the short term by shielding USAC from an approaching wave of confused, frustrated subscribers unable to navigate the National Verifier’s online interface without assistance.

³⁷ See Emergency API Petition at 24-25.

As Q Link explained in its Emergency API Petition, carrier “APIs will reduce the costs of operating the National Verifier because they will reduce the amount of work USAC has to do for the big-ticket recurring expenses of verifications and customer support.”³⁸ Given the sheer volume of customer calls, emails, and unusable documents fielded by Q Link today, and the ability of Q Link to screen millions of initial inquiries down to a more manageable volume of applications likely to be eligible for and interested in Lifeline service, Q Link estimated that APIs would reduce the National Verifier’s workload by as much as 38 times. These figures are supported by the breathtaking number of applications that Q Link rejects before submission to NLAD. Q Link receives about 34 million applications a year, but submits just 855,000, or about 2.5%, to NLAD. Many of the invalid, incomplete, or otherwise unusable applications result in significant customer support interaction—which is why Q Link alone handles tens of millions of calls per year and even more inquiries via email. If Q Link cannot provide support during the eligibility verification process, to the extent that consumers are not simply deterred from participating in Lifeline when eligible, USAC will bear the brunt of the enormous workload that Q Link has handled.

By granting the requested waiver, which will allow Q Link to continue to assist with online enrollment in Colorado, Utah, and, if necessary, Idaho on an interim basis, the Commission can prevent USAC from shouldering the substantial customer support burden that will ensue.

³⁸ *Id.* at 24.

C. The Commission Should Permit Q Link to Collect Program-Based Proof of Eligibility in “Hard Launch” States Where No State Database Is Available for the Customer’s Eligible Service and Bulk Transfer Them to the National Verifier for an Eligibility Determination

While Q Link confirms the eligibility of 84% of its Lifeline consumers using API-enabled state databases, it also offers critical assistance with the eligibility process to its other customers, whose Lifeline eligibility cannot be confirmed through database dips because the databases for verifying a consumer’s participation in certain eligibility trigger programs do not exist or are not available. This situation is replicated in instances where the National Verifier lacks access to databases for tracking participation in certain programs in certain states. For example, the National Verifier includes no database access for verifying a Colorado resident’s participation in SSI, Federal Veterans Pension, or Federal Survivor’s Pension. Q Link respectfully requests that while the Emergency API Petition is pending, it be permitted to continue providing that assistance in “hard launch” states and to submit to the National Verifier batched bulk transfers containing each subscriber’s documents establishing participation in a qualifying assistance program, along with required personal information, executed customer certifications, and the record of the subscriber’s completing the certifications. The National Verifier would timely process those submissions just as it would any other and make the sole determination that the consumer is eligible by virtue of being enrolled in a qualifying assistance program.

This request will serve the same ends, and provide the same protections, as the above request for subscribers whose participation in eligible assistance programs can be confirmed through database dips, for all the same reasons. Mandating use of the National Verifier’s online enrollment interface without carrier assistance will threaten access for rural, suburban, and mobility-limited individuals like veterans and the elderly. Q Link’s expertise in navigating the

complex enrollment process will help ensure access for these beneficiaries, and will reduce the National Verifier's administrative burden by resolving consumer inquiries and screening application errors in advance. The waiver Q Link requests would apply only where a state database is not available to confirm a subscriber's participation in a qualifying assistance program—it would not apply to effectuate an exception in cases where databases are available.

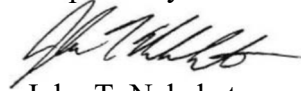
D. The Commission Should Permit Q Link to Collect Income-Based Proof of Eligibility in “Hard Launch” States and Bulk Transfer Them to the National Verifier for an Eligibility Determination

With respect to online enrollment for consumers seeking to prove eligibility based on income, the waiver Q Link requests only alters the mode through which income-based application information is collected and transmitted to the National Verifier. Q Link requests that rather than forcing an online consumer seeking to prove income eligibility to navigate the consumer portal without carrier assistance, Q Link be permitted, during the interim while the Commission considers its Emergency API Petition and undertakes follow-on implementation, to help consumers assemble proof of income eligibility, and then to transmit completed eligibility documentation, executed certifications, and the record of the consumer's execution of those certifications to the National Verifier in bulk for its review. Like all others in this Petition, this proposal preserves the National Verifier's role as the sole determiner of an applicant's income eligibility. This proposed waiver would also not create new opportunities for waste, fraud, or abuse. The National Verifier would review the same application and supporting materials whether collected through checklifeline.org or transmitted by Q Link in a daily bulk transfer.

III. CONCLUSION

Lifeline subscribers in rural and suburban areas, as well as mobility-challenged consumers such as veterans, rely disproportionately on online enrollment. The record reflects widespread agreement among states, consumer advocacy groups, civil society organizations, and carriers that the impending “hard launch” of the National Verifier without APIs will significantly burden those beneficiaries’ access to Lifeline services for which they qualify. Granting the requested waiver would allow Q Link to continue to assist consumers with online enrollment—without compromising the National Verifier’s role in preventing waste, fraud, and abuse by serving as the sole determiner of a consumer’s eligibility for Lifeline. Because “hard launch” in the first wave of states will occur on November 2, 2018, the Commission should grant expeditiously the limited waiver sought herein.

Respectfully submitted,



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