

**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

**PETITION OF THE
CALIFORNIA PUBLIC UTILITIES COMMISSION
FOR TEMPORARY WAIVER**

AROCLES AGUILAR
HELEN M. MICKIEWICZ
SINDY J. YUN

505 Van Ness Avenue
San Francisco, CA 94102
Phone: (415) 703-1999
Fax: (415) 703-4432
Email: sindy.yun@cpuc.ca.gov

November 8, 2017

Attorneys for the
California Public Utilities Commission

I. INTRODUCTION

Pursuant to Section 1.3¹ of the Federal Communications Commission's (Commission) rules, the California Public Utilities Commission (CPUC or California) requests a temporary waiver of the Commission's Lifeline recertification and non-usage rules for subscribers affected by the recent California wildfires. The recertification rules require Lifeline subscribers to recertify their eligibility every twelve months to continue receiving Lifeline support.² The non-usage rules require subscribers to use their phone service for 30 consecutive days, or otherwise risk being de-enrolled from the program.³

In October, 2017, multiple fires broke out throughout California in Butte, Mendocino, Napa, Nevada, Solano, Sonoma, Lake, Orange and Yuba counties (Affected Counties). The fires destroyed thousands of homes and businesses and forced over 100,000 residents to evacuate. In this Petition, the CPUC requests a four-month waiver of the recertification and non-usage rules to provide temporarily relief to those subscribers residing in the Affected Counties. The requested period is October 1, 2017 to January 31, 2018.

II. DISCUSSION

The CPUC estimates that approximately 57,000 Lifeline subscribers reside in the Affected Counties. The October 2017 California wildfires caused widespread power

¹ See 47 C.F.R. § 1.3 – “The provisions of this chapter may be suspended, revoked, amended, or waived for good cause shown, in whole or in part, at any time by the Commission, subject to the provisions of the Administrative Procedure Act and the provisions of this chapter. Any provision of the rules may be waived by the Commission on its own motion or on petition if good cause therefor is shown.”

² See 47 C.F.R. §§ 54.405(e)(4) and 54.410(f).

³ See 47 C.F.R. §§ 54.405(e)(3) and 54.407(c)(2).

outages and knocked out telephone poles causing loss of power and essential communications services. The fires caused 42 deaths, displaced thousands of residents, damaged or destroyed 8,700 structures, and burned 227,000 acres. The Governor of California declared a state of emergency for the Affected Counties and the Federal Management Emergency Agency (FEMA) declared these counties as major disaster areas.⁴ The Governor stated these fires were the most lethal and destructive wildfire disaster in California.⁵ We attach here links to the photo images of the fire devastation and destruction in the Affected Counties:

- <http://projects.sfchronicle.com/2017/slideshow-wine-country-fires/>,
<http://projects.sfchronicle.com/2017/interactive-map-wine-country-fires/>;
- <https://calfireforestry.maps.arcgis.com/apps/PublicInformation/index.html?appid=5bbcbcd430ad45e5a38e6be155ef5fec>;
- <http://www.sfchronicle.com/bayarea/article/Wine-Country-fires-first-fatal-hours-12278092.php>; and
- <http://www.sfchronicle.com/news/article/Deadly-Mendocino-County-fire-under-the-radar-of-12314462.php>.

A. Lifeline Non-Usage Rules

In this Petition, the CPUC requests a four-month suspension of the Commission's non-usage rules for subscribers residing in the Affected Counties. The October 2017 California wildfires began in late evening/early morning while residents were asleep. Many were awoken in the middle of the night and had no time grab any of their belongings. In their rush to safety, some may even have forgotten to grab their phones. The fires have also destroyed cellular hubs causing major disruption in phone services.

⁴ See <https://www.gov.ca.gov/news.php?id=20034> and <https://www.fema.gov/> (last visited October 30, 2017).

⁵ See <https://www.gov.ca.gov/news.php?id=20034> (last visited October 30, 2017).

This temporary waiver would provide support and assist those fire victims in need of replacing mobile devices or re-establishing phone services.

After the waiver period ends, the CPUC will reinstitute the non-usage rules. The CPUC will require all eligible telecommunications carriers to submit service disconnect requests to the California LifeLine Administrator for any subscribers that fail to use their service for 30 consecutive days, in compliance with the Commission's non-usage rules.

B. Suspension of the Renewal/Recertification Process

The CPUC also requests a temporary waiver of the Commission's renewal/recertification requirements for Lifeline subscribers residing in the Affected Counties. The California LifeLine Program relies primarily on mail delivery to send renewal packets to subscribers. Thousands of residents have lost their homes in the fires and have been forced to relocate. As a result, it will be difficult, if not impossible, for many subscribers to receive mail at their original service address to complete the renewal process. Some renewal forms may have been burned or destroyed in the fire.

Accordingly, the CPUC requests that the renewal/recertification rules be suspended for subscribers residing the Affected Counties whose service anniversary dates fall between October 1, 2017 to January 31, 2018⁶ and are in the following categories:

1. Subscribers that have already begun the renewal process;
2. Subscribers that have not yet begun the renewal process; and

⁶ See http://www.cpuc.ca.gov/uploadedFiles/CPUCWebsite/Content/UtilitiesIndustries/Communications/ServiceProviderInfo/CDLifeLineNumbering/Timeline_Renewals_062315.pdf (last visited October 30, 2017).

3. Subscribers that have received a denial decision for non-response. Since the fires may have destroyed the renewal forms, these subscribers will be provided another opportunity to renew their eligibility after the waiver ends.

For these participating subscribers, the service anniversary date will be adjusted to May 17, 2018 because the California LifeLine Program's renewal process starts 105 days before the service anniversary date. Since the renewal process will resume on February 1, 2018, adjusting the service anniversary date to May 17, 2018 would meet the CPUC's 105-day start date for renewals.

The CPUC's waiver does not apply to subscribers in the following categories:

1. Subscribers that have already received a renewal approval decision from the California LifeLine Administrator; and
2. Subscribers that have started the renewal process, have been approved, and are awaiting a letter of approval from the California LifeLine Administrator.

III. CONCLUSION

For the foregoing reasons, the CPUC requests a temporary waiver of the Commission's Lifeline non-usage and recertification rules for subscribers residing in the Affected Counties. The CPUC's energy discount program for low-income households, also known as the California Alternate Rates for Energy (CARE), will be providing a 12-month extension of eligibility for households in the fire-impacted counties.⁷ The CPUC's waiver request would ensure that the affected subscribers have continued access

⁷ See https://www.pge.com/en_US/safety/emergency-preparedness/natural-disaster/wildfires/wildfires.page?WT.pgeac=Alerts_NapaFire-Oct17_MoreInfo (last visited October 30, 2017).

to essential communications services during this difficult time, as they attempt to rebuild their lives, find new housing, and mourn the loss of their loved ones and friends.⁸

Respectfully submitted,

AROCLES AGUILAR
HELEN M. MICKIEWICZ
SINDY J. YUN

By: /s/ SINDY J. YUN

SINDY J. YUN

505 Van Ness Avenue
San Francisco, CA 94102
Phone: (415) 703-1999
Fax: (415) 703-4432

November 8, 2017

Attorneys for the
California Public Utilities Commission

⁸ See <http://www.mercurynews.com/2017/10/24/massive-cleanup-detailed-for-wine-country-fire-zone/>, <http://www.mercurynews.com/2017/10/28/wine-country-fires-near-complete-containment-but-rebuilding-could-take-years/>, and <http://www.mercurynews.com/2017/10/29/full-recovery-from-california-wildfires-may-take-years/> last visited October 30, 2017).