

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Lifeline and Link Up Reform and
Modernization

Telecommunications Carriers Eligible for
Universal Service Support

Connect America Fund

WC Docket No. 11-42

WC Docket No. 09-197

CC Docket No. 10-90

**PETITION OF
PUBLIC UTILITY COMMISSION OF OREGON
FOR TEMPORARY WAIVER**

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November 8, 2016

I. INTRODUCTION

Pursuant to Section 1.3¹ of the Federal Communications Commission's ("FCC") regulations, the Public Utility Commission of Oregon ("OPUC")² requests a temporary waiver of the December 2, 2016, effective date for the benefit portability regulation, 47 C.F.R. § 54.411. The OPUC requests a temporary waiver until June 1, 2017, which will allow time for the OPUC to implement the complementary technical, administrative, and operational changes.

II. BASIS FOR WAIVER

In the *Lifeline Modernization Order*,³ the FCC established a twelve-month benefit port freeze for Lifeline-supported broadband service and a sixty-day benefit port freeze for voice telephony service that will affect Lifeline customers and Eligible Telecommunications Carriers ("ETCs") in Oregon. Lifeline subscribers may not switch to another ETC for a set period of time unless they qualify for an exception and ETCs may not claim reimbursement under the circumstances described in the *Lifeline Modernization Order*.

Implementation of the new benefit port freeze regulation requires significant modifications to the OPUC's Lifeline database⁴ and operations. The OPUC is and has been preparing for how to best implement the benefit portability requirements that support the FCC's objectives to incentivize ETCs' investments in offering high-quality Lifeline service to eligible customers. For instance, the Universal Service Administrative Company ("USAC") listed

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 Pursuant to the laws of the State of Oregon, the OPUC is designated as the agency that administers the Oregon Telephone Assistance Program, which is the state's counterpart to the federal Lifeline Program and collectively known as Oregon Lifeline.

³ See *Lifeline Link Up Reform and Modernization et al.*, WC Docket 11-42 et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) ("*Lifeline Modernization Order*").

⁴ The FCC approved, by default, the OPUC's November 30, 2012 Petition and Certification to Opt-Out of the National Lifeline Accountability Database.

common scenarios on its website that may occur within the benefit port-freeze period.⁵ Unlike the OPUC, the USAC has experience with the existing sixty-day benefit port freeze in the National Lifeline Accountability Database. Therefore, the OPUC must contemplate all other potential scenarios, write code in accordance with applicable rules, conditions, and exceptions, and test database program logic prior to deployment.

In addition to other database implications and updates, the OPUC, in the interim, will continue to modify its administrative and operational processes that will affect Lifeline enrollment and the enforcement of the Lifeline benefit port freeze periods. Staff of the OPUC has initiated discussions with ETCs in Oregon about forthcoming changes in customer data exchange processes and reporting. A workshop was scheduled for November 4, 2016 in which Staff of the OPUC engaged in a dialogue with ETCs about the effect the required changes in customer data exchange processes and reporting will have on their respective systems. The OPUC needs additional time beyond December 2, 2016 to configure its database to accommodate and facilitate the necessary changes.

III. CONCLUSION

The temporary waiver period will provide the OPUC with the opportunity to adopt and develop a robust information technology and administrative framework that ensures compliance and accurate disbursements to ETCs operating in Oregon from the Federal Universal Service

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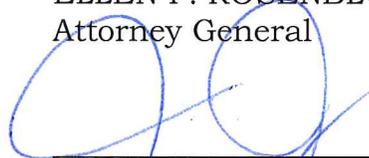
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⁵ See USAC, *Benefit Port Freeze*, <http://usac.org/li/program-requirements/benefit-port-freeze.aspx> (last visited October 31, 2016).

Fund. For the foregoing reasons, the OPUC requests a temporary waiver of the Lifeline benefit portability regulation until June 1, 2017.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

A handwritten signature in blue ink, appearing to be "Jason W. Jones", is written over a horizontal line. The signature is stylized and loops around the line.

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