



## Department of Public Service

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November 16, 2017

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

RE: WC Docket No. 11-42, et al. Lifeline and Link-Up Modernization- New York  
Public Service Commission Comments on United States Telecom Waiver Request

Dear Secretary Dortch:

On November 14, 2017, the New York State Public Service Commission (NYPSC) provided an ex-parte summary regarding conversations had between Department of Public Service Staff (DPS Staff), New York State Office of Temporary and Disability Assistance (OTDA) regarding the NYPSC's request for a further extension of the waiver granted in 2016 regarding the implementation of the changes in Lifeline Eligibility criteria set forth in the Lifeline Modernization Order.<sup>1</sup> This letter is intended to provide additional information regarding the challenges faced by OTDA in implementing the Lifeline Modernization Order and to clarify what has already been accomplished by OTDA to date.

OTDA has informed the NYPSC and DPS Staff that Systems changes to its systems may take an additional two to three months to complete. Shutting down OTDA's existing match will take approximately three weeks, and testing the new criteria may take an additional three weeks. These timeframes are dependent on the availability of New York State's IT agency to match the timing of Lifeline change request with other competing priorities, and could potentially extend out further. In addition, ETCs will need to be provided with notices that the data match being provided will not match their existing MOUs with OTDA. Clients may

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<sup>1</sup> See, WC Docket No. 11-42 et al., Lifeline and Link Up Reform and Modernization, Motion of the New York State Public Service Commission for a Further Waiver (filed October 27, 2017).

need to be provided with notices that they may no longer be eligible for the Lifeline discount. These notices would take a minimum of 45 days to draft, approve, and issue.

With the change in eligibility criteria, new MOUs will need to be drafted and agreed on with each Lifeline service provider. At least eight Lifeline discount providing phone companies currently use OTDA's existing match, and each will require a new and distinct MOU. When the majority of the existing MOUs were drafted in 2012, some of the systems security concerns that are now routinely addressed were not defined or addressed by those agreements. This means that OTDA anticipates each MOU requiring additional layers of review by both IT and legal staff and that of the individual ETCs. This could take four months or longer, depending on the phone provider and the level of review necessary. OTDA has actively been working with its IT department to initiate the changes, initiated a review of its existing MOUs, and begun drafting notice language to the phone providers.

The NYPSC argues that this provides additional support for the request for an additional extension to June 29, 2018 (or whatever date the Commission deems appropriate) as requested in its October 27, 2017 Motion in this proceeding. If you have any additional questions, please contact me at (518) 473-4628. Thank you.

Respectfully submitted,

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