

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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
)	
Wireline Competition Bureau Seeks Comment on Emergency Petition of TracFone Wireless, Inc. for an Order Directing USAC to Alter the Implementation of the National Verifier and a Waiver of 47 C.F.R. § 54.410(d)(3) and Petition for Rulemaking)	

COMMENTS OF CTIA

CTIA submits these comments in response to the emergency petition of TracFone Wireless, Inc. regarding the implementation of the National Lifeline Eligibility Verifier (NLEV) in the Commission's Lifeline program.¹

I. INTRODUCTION AND SUMMARY

As a longtime supporter of the Commission's Lifeline program, CTIA encourages the Commission to address issues in the Petition that will further the goals of closing the digital divide through mobile wireless services while ensuring program integrity. The Petition raises a number of issues around the implementation of the NLEV and associated Commission rules that

¹ Emergency Petition of TracFone Wireless, Inc. for an Order Directing USAC to Alter the Implementation of the National Verifier and a Waiver of 47 C.F.R. § 54.410(d)(3) and Petition for Rulemaking, WC Docket Nos. 17-287, 11-42, and 09-197 (filed Nov. 30, 2018) (Petition); *see also Wireline Competition Bureau Seeks Comment on Emergency Petition of TracFone Wireless, Inc. for an Order Directing USAC to Alter the Implementation of the National Verifier and a Waiver of 47 C.F.R. § 54.410(d)(3) and Petition for Rulemaking*, Public Notice, DA 18-1229 (rel. Dec. 4, 2018) (Public Notice).

warrant further consideration by the Commission to facilitate participation by eligible low-income consumers. Specifically, CTIA encourages the Commission to direct the Universal Service Administrative Company (USAC) to implement Application Programming Interfaces (APIs) to the NLEV in a way that maintains program integrity.

Further, the Petition suggests that USAC may have exceeded the reasonable bounds of implementing the Commission's rules by announcing that low-income consumers are required to produce documents that are not explicitly required by the Commission's rules in order to demonstrate eligibility and, thus, materially affecting USAC's ability to verify otherwise eligible low-income consumers. As policy changes to eligibility requirements often demand a careful balance between the policies of program integrity and encouraging participation, the Commission should ensure that any Lifeline eligibility verification process reforms should be tailored through the formal rulemaking process.

II. IMPLEMENTATION OF APIs TO NLEV SHOULD ENCOURAGE LOW-INCOME PARTICIPATION WHILE SAFEGUARDING PROGRAM INTEGRITY

CTIA believes that the NLEV will help to enhance program integrity while bringing new efficiencies to the Lifeline program to better serve low-income consumers. In echoing comments in the record from Lifeline stakeholders, the Petition demonstrates that APIs can play an important role in facilitating participation by millions of eligible low-income consumers while maintaining program integrity.² For example, the Petition observes that APIs “avoid manual intervention and mismatched data due to typos.”³

² See Petition at 21-23.

³ *Id.* at 22.

Consistent with the Petition, CTIA reiterates its commitment to work collaboratively with the Commission and USAC on opportunities to support the deployment of APIs that would enable efficient verification of eligible low-income consumers and safeguard program integrity.⁴ CTIA looks forward to continuing to engage with the Commission on this issue.

III. CHANGES TO LIFELINE PROGRAM INTEGRITY POLICIES AND REQUIREMENTS SHOULD BE CONSIDERED THROUGH A RULEMAKING PROCEEDING

While USAC works diligently to faithfully implement the Commission's rules, the Petition suggests that USAC has exceeded the reasonable bounds of implementing the Commission's rules by requiring low-income consumers to produce documents that are not explicitly required by the Commission's rules in order to demonstrate eligibility. Specifically, the Petition observes that, via a USAC webinar held November 28, 2018, USAC announced new guidelines, effective December 4, 2018, that increase the burdens on low-income consumers to demonstrate eligibility through participant identification cards for the two largest Lifeline-qualifying programs, SNAP and Medicaid.⁵ While the Petition doesn't challenge the underlying program integrity purposes that likely support USAC's guidance, the Petition raises important questions about whether USAC should issue guidance that materially affects the ability to verify the eligibility of low-income consumers without having such guidance adopted through a formal rulemaking process.

Specifically, the Commission's rules define "program participation documents" as "acceptable documentation" of eligibility for consumers whose eligibility cannot be verified via

⁴ See Letter from Matthew Gerst, CTIA, to Marlene Dortch, FCC, WC Docket Nos. 17-287, 11-42, and 09-197 (filed Nov. 9, 2018).

⁵ Petition at 7-9.

online databases.⁶ Under the new guidelines announced by USAC, participants in SNAP and Medicaid programs are now required to produce documentation indicating the dates of their eligibility, such as correspondence from the agencies administering those programs. However, the Petition notes that program cards may be the only “program participation documents” that SNAP and Medicaid participants retain.⁷ Thus, otherwise eligible low-income consumers may not have the additional documentation necessary to be verified to participate in Lifeline.

The Petition demonstrates that changes to eligibility requirements often demand a careful balance between program integrity and encouraging participation. The Petition raises important questions about whether the new guidelines announced by USAC are consistent with encouraging eligible low-income consumer participation.⁸ For this reason, CTIA agrees with the Petition that the changes announced by USAC should be considered in a public rulemaking proceeding.⁹

The Petition also demonstrates the importance of implementing the NLEV with automated interfaces to state and federal program eligibility databases. Automated review of eligibility will significantly help to mitigate the underlying program integrity concerns that may be motivating the request for additional documentation to verify eligibility through manual review. For this reason, as previously stated, CTIA encourages the Commission and USAC to move forward expeditiously to implement the NLEV, particularly through automated interfaces to relevant program eligibility databases.

⁶ 47 C.F.R. § 54.410(c)(1)(B).

⁷ Petition at 8-9.

⁸ *See id.* at 9.

⁹ Making policy is beyond USAC’s authority. 47 C.F.R. § 54.702(c).

The Petition also raises questions about the impact of other new processes implemented by USAC, including the lengthier new paper application process and the mandatory use of an online geolocation tool to validate otherwise unrecognized addresses.¹⁰ The Petition provides data suggesting that these processes may have discouraged eligible low-income consumer participation.¹¹ For example, the Petition shows that the implementation of the new paper application form resulted in a 50 percent decrease in the overall percentage of potentially eligible low income consumers who complete the paper application process.¹² These policies thus implicate the same concerns regarding the appropriate balancing of program integrity and participation, and similarly should be addressed in a public proceeding rather than via USAC announcement.

IV. CONCLUSION

In sum, the Commission should expeditiously address the issues outlined in the Petition by moving forward with the implementation of the NLEV, working to incorporate APIs in a manner that furthers program integrity, and ensuring that substantive policy changes that affect the eligibility of low-income consumers are considered through the Commission's rulemaking process.

¹⁰ *See* Petition at 10-19.

¹¹ *See id.* at 15, Table 1.

¹² *Id.*

Respectfully submitted,

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