

**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
	)	
Telecommunications Carriers Eligible for Universal Service Support	)	WC Docket No. 09-197
	)	
Connect America Fund	)	WC Docket No. 10-90
	)	

**COMMENTS OF THE NEBRASKA PUBLIC SERVICE COMMISSION**

The Nebraska Public Service Commission (NPSC) hereby submits these comments in relation to the Second Further Notice of Proposed Rulemaking which proposes additional reforms to the Lifeline program.<sup>1</sup> Pursuant to the Commission’s Order, responsive comments are due August 31, 2015.<sup>2</sup> The NPSC appreciates the opportunity to file comments in this matter.

The NPSC believes that states which have developed a process to examine Lifeline subscribers’ eligibility should be allowed to continue to perform eligibility screening on their own. States like Nebraska that perform eligibility screening have a rigorous screening process in place and have a vested interest in ensuring that eligibility screening is correctly performed.

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<sup>1</sup> See *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, FCC 15-71 (rel. June 22, 2015) (*Lifeline Reform and Modernization Second FNPRM*).

<sup>2</sup> See *Lifeline and Link Up Reform and Modernization, et al.*, WC Docket No. 11-42, et al., Order, DA 15-885 (rel. August 5, 2015).

The NPSC has administered the state's Lifeline program, referred to as the Nebraska Telephone Assistance Program (NTAP) since 1999. As the administrator the NPSC manages the application process, including verification of eligibility prior to enrollment. The NPSC verifies participation in several benefit programs which determine eligibility for NTAP by accessing records of the Nebraska Department of Health and Human Services (DHHS) which administers the benefit programs. Benefit programs for which participation can be verified include the Supplemental Nutrition Assistance Program (SNAP), Medicaid, Low-Income Home Energy Assistance Program (LIHEAP), Temporary Assistance to Needy Families (TANF), and children's health insurance programs.<sup>3</sup> Over 80 percent of NTAP subscribers participate in one of the foregoing benefit programs and can be verified through the DHHS database.<sup>4</sup> The NPSC staff reviews copies of documentation for other programs which qualify a household to receive NTAP assistance.

The NPSC accesses the DHHS benefit information through a secure connection. This information would likely not be available to a third-party administrator. The DHHS database benefit information is far more reliable than a human review of paper documentation to determine eligibility. Electronic Benefit Transfer (EBT) cards on which program participants receive benefits such as SNAP do not contain printed information concerning eligibility dates. A third party administrator would need to manually review paper documentation such as award letters to determine eligibility for

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<sup>3</sup> Households in which a member receives benefits from Children's health insurance programs, including Kids Connection, SAM MAC, and E-MAC, are eligible to receive NTAP benefits.

<sup>4</sup> The DHHS database is also used for recertification. NTAP subscribers that are currently on a qualifying benefit program at the time of recertification are recertified without the need for provision of documents to verify eligibility.

benefit programs contained in the DHHS database. The use of DHHS database information by the NPSC is also less cumbersome for NTAP applicants. The applicants can mark the benefit program(s) in which they participate on the NTAP application. There is no need for the applicants to file copies of documents proving participation in a benefit program that provides eligibility.

The NPSC has administered the NTAP and verified eligibility because it has a vested interest in the program. The NPSC provides \$3.50 per month per NTAP subscriber in support to Eligible Telecommunications Carriers (ETCs). This support is funded through an assessment for the Nebraska Universal Service Fund.

The NPSC believes that the current ETC designation process in which states designate Lifeline ETCs should remain in effect. A national designation of ETCs would not allow states to consider local and regional factors.<sup>5</sup> The NPSC has found that the ETC designation process is an opportunity to familiarize applicants for ETC status with the requirements of NTAP. Data requests and a hearing allow for an exchange of information regarding NTAP requirements and the applicant's commitments to comply with the requirements. Furthermore, in the event that ETC compliance with NTAP rules cannot be attained through education, complaints, and other proceedings, the revocation of ETC status could be used as a last resort to terminate non-compliant actions.

The NPSC has serious concerns about its ability to enforce violations of ETC requirements and consumer protections if the Commission preempts state commission rules by creating a national designation process. Likewise, we have serious concerns about the potential effect a national designation process would have in limiting our ability

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<sup>5</sup> For example, the coverage areas of mobile service providers and the ability to roam when out of a service area can be considered.

to independently determine who should receive state support. Nebraska has been very active in curbing abusive practices, and protecting universal service fund resources from fraudulent and wasteful behavior. In part, that has been due to commitments made by providers during the ETC designation process.

The NPSC appreciates the opportunity to provide comments in response to the Second Further Notice of Proposed Rulemaking. The NPSC encourages the Commission to maintain the role of verifying eligibility for Lifeline and designating ETCs in states which currently perform these functions.

Dated: August 31, 2015.

Respectfully submitted,

**Nebraska Public Service Commission**

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