

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 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

To: The Commission

REPLY COMMENTS OF COX COMMUNICATIONS, INC.

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Cox Communications, Inc. (“Cox”) hereby submits its reply comments in the above-captioned dockets, and reaffirms the recommendations made in its initial Comments.¹ As discussed below, the Commission should first remove providers from the eligibility verification process and then engage in a thorough modernization of the Lifeline program to ensure the availability of both voice and broadband service for low-income Americans. In order for this modernization to succeed, the Commission’s decisions should be focused on those steps that will increase consumer choice and provider participation while maintaining the integrity of the program.

I. INTRODUCTION AND SUMMARY

Cox supports modernizing the Lifeline program to support broadband, as do the vast majority of commenters in response to the *Notice*. To maximize consumer choice while

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

respecting the dignity of Lifeline-eligible consumers, the Commission should take steps to promote the voluntary participation of service providers and should grant Lifeline recipients the autonomy to choose how best to allocate their individual benefits. Cox agrees with the many commenters who support allowing Lifeline benefits to be spent on voice, broadband, or a service bundle that contains one or both of these services. While the program is in the process of being reformed, the monthly per-subscriber support amount should remain at \$9.25. The long-term support amount can be revisited by the Commission after the impact of reform has been fully analyzed. Cox also agrees with those comments that suggest Lifeline broadband offerings must be voluntary for providers and that existing eligible telecommunications carriers (“ETC’s”) should not be forced to provide Lifeline broadband service. To promote increased voluntary service provider participation, the Commission should reduce barriers for providers to enter the program and eliminate (and certainly not create new) burdens for active program participants. The long-term success of efforts to offer Lifeline-supported broadband will hinge on broadband providers’ having the proper incentives to take part and remain in the program.

The Commission should not force providers to offer Lifeline-specific service offerings and should not adopt minimum voice and broadband service standards for the reasons that numerous commenters point out. The Commission also should remove providers from the eligibility verification process, whether through coordinated enrollment, use of a single national verifier and/or coordinated state eligibility verification programs, or a combination thereof – provided that there is a single interface for providers to determine consumer eligibility. Establishing a coordinated enrollment approach in conjunction with a national verifier will be a complex endeavor. Therefore, at least in the initial stages of reform, the Commission should consider reducing the number of qualifying federal assistance programs to determine Lifeline

eligibility. In addition, the Commission should simplify and streamline the ETC designation process or create a separate non-ETC Lifeline service provider category. In either case, the Commission should take steps to reduce unnecessary filing requirements and shorten application processing times for those providers who wish to participate. Finally, the Commission should not adopt new rules that add unnecessary burdens to current or prospective Lifeline providers without clear justification and benefits.

II. CONSUMERS SHOULD BE ABLE TO APPLY THEIR LIFELINE BENEFITS TO ANY SERVICE FROM ANY PROVIDER THAT VOLUNTARILY ELECTS TO PARTICIPATE IN THE PROGRAM

Commenters support almost universally the Commission’s proposal to support broadband access under the Lifeline program.² Cox agrees, provided that the offering of such service is voluntary. Consumers should be able to use their monthly \$9.25 benefit on any relevant service – voice, broadband, or a service bundle that contains one or both services – that meets their needs. Consumers should not be limited to Lifeline-specific offerings, and providers should not be forced to meet minimum service standards or create voice or broadband offers unique to Lifeline customers. Instead, consumers should benefit from the numerous voice and broadband offerings in the marketplace available to all other consumers and that meet their specific needs.

A. Provider Participation Must be Voluntary

The provision of Lifeline-supported broadband service must be voluntary. As with Lifeline-supported voice service offerings, there is no reason to believe that consumers will not have access to multiple Lifeline-supported broadband offerings that meet their needs (provided that the Commission does not adopt unnecessary minimum service standards).³ While the

² See Comments of AARP, WC Docket No. 11-42 et al., at 20 (filed Aug. 31, 2015); Comments of Comcast Corp., WC Docket No. 11-42 et al., at 7 (filed Aug. 31, 2015) (“*Comcast Comments*”); Comments of Common Cause, WC Docket No. 11-42 et al., at 2 (filed Aug. 27, 2015).

³ See *infra* Section II.B.

expansion of the Lifeline program to include broadband will encourage some providers to participate in the program, as Sprint points out, a mandatory broadband service requirement could end up driving some existing competitors out of the program altogether.⁴

Because there is no need to mandate that ETCs offer broadband service, the FCC should not modify Section 54.101 of the Commission's rules to require all ETC's to offer Lifeline broadband service in order to receive federal universal service funding. Requiring ETCs to offer Lifeline broadband would go beyond the scope of the current proceeding and would inappropriately require each ETC to offer broadband throughout its designated area, even when it is not economically or logistically feasible to do so.⁵ As Verizon points out in its comments, adopting large-scale, unfunded deployment obligations in this otherwise-narrow proceeding would constitute reversible error.⁶ Instead, the Commission should modify 47 C.F.R § 54.401 to include broadband as a covered service eligible for Lifeline support.⁷ The Commission's goal – providing Lifeline support to make broadband more affordable for low-income consumers – would thus be satisfied, without forcing high-cost ETCs to participate in broadband Lifeline.

B. The Commission Should Not Establish Minimum Standards for Voice or Broadband Service

Cox continues to caution the Commission to proceed carefully as it considers whether to impose new or changed minimum service levels on Lifeline providers. Service providers are more likely to participate if they are not forced to provide a defined Lifeline-specific product,

⁴ See Comments of Sprint Corp., Docket No. 11-42 et al., at 13 (filed Aug. 31, 2015) (*Sprint Comments*”).

⁵ See, e.g., Comments of AT&T, WC Docket No. 11-42 et al., at 30 (filed Aug. 31, 2015) (“*AT&T Comments*”); Comments of U.S. Telecommc’ns Assoc., WC Docket No. 11-42 et al., at 14 (filed Aug. 31, 2015) (“*USTelecom Comments*”); Comments of Verizon, WC Docket No. 11-42 et al., at 7-8 (filed Aug. 31, 2015) (“*Verizon Comments*”).

⁶ *Verizon Comments* at 7-8.

⁷ *AT&T Comments* at 30.

and low-income consumers will benefit from being active participants in a competitive broadband marketplace. Indeed, low-income consumers should be able to use the Lifeline subsidy to buy any level of broadband service available to them that also meets their needs and budgets.⁸ To segregate these customers to some different tier of service risks continuing to relegate them to a level of broadband service that is materially different and deficient compared to the services available to other consumers.

Further, as ITTA points out, implementing minimum standards would increase Lifeline providers' costs and undermine participation in the program.⁹ Because Lifeline is a program designed to make communications services affordable for low-income consumers, it is critical that services be priced efficiently.¹⁰ Allowing the marketplace to set standards – rather than mandating minimum Lifeline service standards – is the best way for the Commission to guarantee the greatest possible benefit to the greatest number of low-income consumers.¹¹ Claims from some commenters that Lifeline broadband offerings without mandated minimum service levels will result in sub-par offerings are incorrect, and ignore this economic reality.¹² If

⁸ Allowing customer choice avoids the potential for the establishment of minimum standards to act as a service ceiling preventing low-income customers from obtaining advanced communications capabilities. A similar concern has been raised for rural customers in the CAF context. *See* Comments of National Cable and Telecommunications Ass'n, GN Docket No. 14-126, at 5-6 (filed Mar. 6, 2015).

⁹ Comments of ITTA, WC Docket No. 11-42 et al., at 4 (filed Aug. 31, 2015) ("*ITTA Comments*"). *See also* Comments of Frontier Commc'ns, WC Docket No. 11-42 et al., at 9-10 (filed Aug. 31, 2015) (establishing minimum service standards increases administrative burdens on providers, which disincentivizes Lifeline program participation).

¹⁰ *AT&T Comments* at 27.

¹¹ *Comcast Comments* at 12-13.

¹² *See, e.g.*, Comments of Public Knowledge, Appalshop, and Center for Rural Strategies, WC Docket No. 11-42 et al., at 22 (filed Sept. 1, 2015); Comments of Benton Found. and Rural Broadband Policy Group, WC Docket No. 11-42 et al., at 15 (filed Aug. 31, 2015); Comments of Greenlining Inst. et al., WC Docket No. 11-42 et al., at 12, 34 (filed Aug. 31, 2015).

the Commission does establish minimum service standards, their applicability should be limited to service offerings that are only available to Lifeline customers.

Unlike the high-cost programs, including the Connect America Fund (“CAF”), which provide a specific amount of support designed to encourage infrastructure investment by carriers, Lifeline support is consumer-focused and is not designed to ensure infrastructure deployment. Minimum service standards are not appropriate for Lifeline, a program that is designed to reduce the cost of access to existing infrastructure. Because there is no connection between Lifeline support and the network infrastructure deployed by a carrier in any given low-income consumer’s location, service standards are inappropriate for Lifeline. Similarly, suggestions that adherence to performance metrics should be required merely because those requirements exist in the high-cost context are incorrect.¹³

Even in the E-rate context, the Commission did not impose minimum service offering limitations on providers and made clear that “[e]ligible schools and libraries remain free to request and purchase the services that meet their specific needs.”¹⁴ Perhaps more directly on point, when the FCC adopted the Healthcare Connect Fund for rural healthcare providers, the Commission “decline[d] to adopt a minimum bandwidth requirement for the supported services because many rural HCPs still lack access to higher broadband speeds.”¹⁵ The same is true of low-income consumers who may not need, or be able to afford (even with a Lifeline subsidy), higher-end broadband offerings. Cox agrees with ITIF that the Commission should focus on assisting those who would otherwise go without broadband, instead of undertaking the complex

¹³ See, e.g., Comments of GVNW, WC Docket No. 11-42., at 9-10 (filed Aug. 31, 2015)

¹⁴ *Modernizing the E-Rate Program for Schools and Libraries*, Second Report and Order and Order on Reconsideration, WC Docket No. 13-184 and 10-90, FCC 14-189 (rel. Dec. 19, 2014), 29 FCC Rcd 15538, 15565 at ¶ 68.

¹⁵ *Rural Health Care Support Mechanism*, Report and Order, WC Docket No. 02-60, FCC 12-150 (rel. Dec. 21, 2012), 27 FCC Rcd 16678, 16729 at ¶ 109.

process of setting minimum service standards which could have the unintended consequence of pricing some consumers out of the market.¹⁶

C. The Support Level Should Remain at \$9.25 Per Subscriber and Be Available for Use With Any Supported Service

The Commission's monthly Lifeline support level should be maintained, at least in the short term, at \$9.25 per subscriber. As AT&T, GVNW Consulting, ITTA, and many others have shown, it is premature to move beyond \$9.25 at this time, even if that means consumers may have to pay for a portion of the broadband service they purchase.¹⁷ The Commission first needs to see the impact of a reformed program at this support level and compile a robust record on what low-income consumers can afford to pay for broadband services before considering a different support amount.

The notion that that the support level must be sufficient to result in “free” service, as some commenters suggest, misstates the goal of the Lifeline program—which is for “qualifying low-income consumers [to] pay *reduced* charges.”¹⁸ Wireline voice service and many wireless voice offerings are not free under Lifeline today. Yet many consumers continue to elect to utilize their Lifeline benefit on these offerings. The support amount should *not* be arrived at by backing into the cost to cover 100% of the cost of robust broadband service. In considering the monthly support amount, the Commission must not only consider the impact on those who receive the benefit, but also the contribution burden on all consumers who pay into the Fund.¹⁹ Similarly, the Commission should not set the price for Lifeline-supported broadband at a specific

¹⁶ Comments of ITIF, WC Docket No. 11-42 et al., at 4 (filed Aug. 31, 2015).

¹⁷ *AT&T Comments* at 10; Comments of GVNW Consulting, Inc., WC Docket No. 11-42 et al., at 12 (filed Aug. 31, 2015) (“*GVNW Comments*”).

¹⁸ 47 CFR § 54.401(a)(1) (emphasis added).

¹⁹ See Comments of Mo. Public Service Comm'n, WC Docket No. 11-42 et al., at 3 (filed Aug. 26, 2015); Comments of N.Y. Public Service Comm'n, WC Docket No. 11-42 et al., at 3-4 (filed Aug. 31, 2015).

rate, for the same reasons the Commission should not set a minimum service standards. Doing so would disallow the market to establish service levels and prices as it does for all other consumers.

Finally, Cox agrees with the many commenters who support allowing Lifeline benefits to be spent on voice, broadband, or a service bundle that contains one or both of these services.²⁰ This approach would promote consumer choice and allow consumers to benefit from the numerous service offerings that are available to all other consumers.

D. The Commission Should Consider Reducing the Number of Qualifying Federal Assistance Programs

Utilizing a wide array of federal assistance programs to establish Lifeline eligibility will make it much more difficult to implement positive reforms such as establishing a coordinated enrollment system or a national verifier. The current system, in which income level or participation in one of eleven different programs might qualify a consumer,²¹ creates unnecessary inefficiencies and complexity. The Commission's task here is to balance this reality with the continuing need to target support to those most in need.

Cox agrees with IIA, AT&T, and many others that streamlining the program's eligibility criteria – even if only temporarily – will enable the broader restructuring of the Lifeline program to succeed. As the Internet Innovation Alliance suggested, the Commission could address this difficulty by initially making SNAP the only qualifying federal assistance program, then adding more programs over time as necessary.²² By limiting qualification to SNAP, the program

²⁰ See, e.g., *AT&T Comments* at 9; Comments of Public Knowledge WC Docket No. 11-42 et al., at 20 (filed Aug. 31, 2015) at 21; Comments of GCI, WC Docket No. 11-42 et al., at 20 (filed Aug. 31, 2015) at 17.

²¹ See 47 C.F.R. § 54.409.

²² Comments of Internet Innovation Alliance, WC Docket No. 11-42 et al., at 13 (filed Aug. 31, 2015) (“*IIA Comments*”).

through which roughly 42 percent of Lifeline-eligible households currently qualify²³ the Commission will increase administrative efficiency and decrease administrative costs for ETCs, all while continuing to serve those with the greatest need.²⁴ Such a step will also facilitate the implementation and launch of an eligibility database as Cox urges below. If the Commission decides that limiting eligibility verification to SNAP alone is overly restrictive, the Commission should consider at most a list of the top two or three low-income programs most widely used by consumers to qualify for Lifeline thereby expanding the eligible consumer base.

While there are important reasons of efficiency and administrative simplicity that support reducing the number of qualifying federal assistance programs, the Commission should make allowances for special circumstances where doing so would limit access to Lifeline benefits for certain low-income consumers. For example, Cox agrees with AT&T that the Commission should continue to allow residents on Tribal lands to qualify under the Food Distribution Program on Indian Reservations (“FDPIR”) and should consider exceptions for consumers in Alaska and insular areas as appropriate.²⁵

III. THE COMMISSION SHOULD ADOPT ITS PROPOSAL TO REMOVE PROVIDERS FROM THE ELIGIBILITY VERIFICATION PROCESS

As Cox argued in its initial comments, the Commission should aggressively pursue its proposal to remove Lifeline providers from the customer eligibility determination process by establishing a national eligibility verifier as soon as possible, and take significant steps towards the ultimate goal of coordinated enrollment. A national verifier will substantially reduce reimbursements for ineligible consumers and further reduce waste, fraud, and abuse in the

²³ Notice at ¶ 95. See generally U.S. Census Bureau, Current Population Survey (CPS) 2014 Annual Social and Economic Supplement, <http://www.census.gov/cps/data/>.

²⁴ AT&T Comments at 14.

²⁵ AT&T Comments at 16-17.

program. Removing Lifeline providers from the eligibility determination process will ensure a consistent experience for consumers. It will also reduce significant administrative burdens on providers, which in turn will encourage greater provider participation and more robust competition for consumers' business.

The ultimate goal of the Lifeline program should be coordinated enrollment, in which the state/local government agencies that enroll participants in the SNAP program (or others if the Commission elects to include additional programs) are responsible for triggering enrollment, de-enrollment and eligibility verification. This would greatly simplify the Lifeline program for consumers and providers alike.²⁶ However, recognizing that it is unlikely that all states will adopt a coordinated enrollment system, or that it will occur uniformly or at the same time across the states, the Commission should move forward with the establishment of a national verifier. The Commission should leverage and expand the functions of the existing NLAD, specifically extending it to encompass eligibility, establishing a single, national eligibility and accountability database. Using the NLAD to determine eligibility has many advantages. A fully implemented and expanded NLAD would be more efficient, allowing for swift verification of duplicates *and* eligibility from a single, consistent set of data sources.

This is not to say states that wish to play a role in eligibility determinations cannot continue to do so. States should continue to be allowed to establish their own eligibility verification processes, so long as those processes are consistent with federal program requirements. Specifically, Cox would support the hybrid federal-state approach proposed by Solix which would take advantage of state processes where they exist, while ensuring a

²⁶ Cox recognizes the many benefits of the coordinated enrollment system envisioned by AT&T and encourages the Commission to closely examine and explore the possibility of such a system. Cox also recognizes that the implementation of such an approach will not be simple and may require a long time. *See AT&T Comments* at 16-26.

centralized process through a national “gateway” that allows for intake, maintenance, and analysis of all Lifeline applicant information in a central location.²⁷ As Solix points out, standardizing required data would improve the consistency of Lifeline eligibility decisions nationwide. The most important aspect of this approach is that there must be a single system interface for all eligibility verification.

The record strongly supports Cox’s opposition to the Commission’s proposal that the costs of a national verifier be borne by Lifeline providers. As several commenters point out, the Commission by statute cannot impose the costs of NLAD, a national eligibility verifier, or other administrative costs solely on Lifeline providers; it must spread these costs equitably across the entire universal service contribution base.²⁸ The Commission’s proposal would impose costs on, rather than provide support to, ETCs. Cox agrees with Castleberry Telephone Company, that if the Commission requires ETCs to fund the national verifier’s operations, providers would either be required to pass through the costs to consumers or absorb them, neither of which is a viable option.²⁹ The national verifier is simply a cost of providing universal service—and the USF fund should provide for that administrative cost, just as it provides for the costs associated with the NLAD and the other federal universal service programs.

Cox continues to support using the NLAD to calculate reimbursements for providers and to trigger provider payments under the program. As Verizon points out, carrier efficiency would improve by removing the need to report customer counts on Form 497.³⁰ Moreover, because carriers are already providing subscriber information to NLAD for verification, using NLAD to

²⁷ Comments of Solix, Inc., WC Docket No. 11-42 et al., at 2 (filed Aug. 31, 2015).

²⁸ *AT&T Comments* at 34-35; Comments of the Nat’l Cable and Telecommc’ns Ass’n, WC Docket No. 11-42 et al., at 6 (filed Aug. 31, 2015); *Sprint Comments* at 34; *Verizon Comments* at 4.

²⁹ Comments of Castleberry Telephone Co., Inc., WC Docket No. 11-42 et al., at 3 (filed Aug. 31, 2015).

³⁰ *Verizon Comments* at 5.

directly reimburse providers would remove the need for redundant separate subscriber reporting. Cox recognizes, however, that there may be benefits to distributing benefits via a portable Lifeline benefit card, but also believes there are significant administrative hurdles to be overcome for such a system to become a reality. The mechanics of actually establishing such a system could prevent or significantly delay implementation and should not preclude the use of NLAD for reimbursement.

IV. THE PROVIDER PARTICIPATION PROCESS MUST BE STREAMLINED

The Commission should simplify and streamline the ETC designation process or create a separate non-ETC Lifeline service provider category. Whether the solution is a streamlined ETC designation or the creation of a new “Registered Service Provider” category, the Commission should take steps to reduce unnecessary filing requirements and shorten application processing times.

Cox reiterates its recommendation that, at a minimum, existing ETCs should be grandfathered in so that they do not have to go through the designation process again in order to receive Lifeline support for broadband service. It is unnecessarily burdensome to make existing ETCs wade through the formal steps of a second, redundant process. Cox supports those commenters who suggest that the FCC could create a new Lifeline approval process entirely separate from the ETC designation process.³¹ As Comcast points out, the Commission does not require providers to receive a specific designation to participate in the E-Rate program; rather, providers merely must offer eligible services and follow the program rules for administration and qualification of customers. A similar open market approach to Lifeline would allow more

³¹ See *AT&T Comments* at 27-29 (suggesting a new Registered Service Provider category). See also *Comments of Charter Commc’ns, Inc.*, WC Docket No. 11-42 et al., at 5 (filed Aug. 31, 2015); *Comcast Comments* at 9-11; *GVMW Comments* at 21; *IJA Comments* at 19-21; *ITTA Comments* at 4.

entities to serve low income populations through the Lifeline subsidy.³² Cox also agrees with commenters who recommend that the Commission, at a minimum, adopt shot-clocks for the processing of all ETC designation requests.³³

If the Commission elects to continue to require ETC designation, the process should be substantially streamlined in order to remove barriers to participation. Uniform, national requirements for obtaining Lifeline ETC status will make it easier for carriers to qualify as ETCs, both because they will better know what they have to do before they apply, and because fewer resources will need to be devoted to the application process. This will lead to greater provider participation.

While the Commission must strike a balance in streamlining efforts between speed and procedural integrity, commenters have provided constructive methods that make such balancing feasible. Adopting a uniform registration for providers would give the FCC greater control over the program, would allow providers to perform a more accurate cost-benefit analysis when deciding whether to participate, and would make it easier for consumers to hold providers accountable.³⁴ Ultimately, streamlining the rules to encourage voluntary Lifeline participation by the largest possible number of providers will ensure that low-income consumers will have the broadest possible array of competitive choices available to them.

³² *Comcast Comments* at 9-11.

³³ *See* Comments of the Lifeline Joint Commenters, WC Docket No 11-42 et al., at 52-55 (filed Aug. 31, 2015) (recommending the Commission establish a 90-day shot clock for federal ETC petitions, compliance plans, and audit appeals); Comments of WTA-Advocates for Rural Broadband, WC Docket No. 11-42 et al., at 15-17 (filed Aug. 31, 2015) (recommending the Commission establish a 6-month shot clock and “deemed granted” approach).

³⁴ *See AT&T Comments* at 27.

V. THE COMMISSION SHOULD NOT ADOPT ANY NEW RULES THAT ADD UNNECESSARY BURDENS TO CURRENT OR PROSPECTIVE LIFELINE PROVIDERS WITHOUT CLEAR JUSTIFICATION AND BENEFITS

The Commission should not adopt any new rules that add unnecessary burdens to current or prospective Lifeline providers without clear justification and benefits. As many commenters point out, such rules would simply serve to dissuade providers from participating in Lifeline, reducing competition and therefore choice for Lifeline consumers.

In particular, the Commission should not adopt a rule requiring Lifeline service providers to maintain dedicated, 24-hour contact numbers solely for the purpose of disconnecting Lifeline service. Cox already has a customer service number that all consumers can call and there is no evidence that requiring a separate Lifeline-specific customer service number is actually needed. Cox agrees with the many providers who have commented in this proceeding—absent as-yet-unseen strong evidence of the need for a 24-hour number, there is not sufficient justification for imposing such costs on providers.³⁵ For the same reasons, the Commission should also not require additional officer training certifications. There is insufficient evidence in the record to force such a burden onto providers; raising regulatory costs in the midst of a proceeding designed to *encourage* more provider participation will only harm the Lifeline program’s ability to help populations in need.

³⁵ See, e.g., *AT&T Comments* at 37; *ITTA Comments* at 4; Comments of Tracfone Wireless, Inc., WC Docket No. 11-42 et al., at 6 (filed Aug. 31, 2015); *USTelecom Comments* at 13-14; *Verizon comments* at 6.

VI. CONCLUSION

For all these reasons, the Commission should take steps consistent with these reply comments to increase consumer choice and provider participation while maintaining the integrity of the Lifeline program.

Respectfully submitted,

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