

Before the
Federal Communications Commission
Washington, D.C 20554

In the Matter of)
)
Wireline Competition Bureau Seeks Comment) WC Docket No. 03-109
On Requests for Waiver and Declaratory Ruling) DA 05-1869
Concerning Lifeline Rules)

**NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION
REPLY COMMENTS**

The National Telecommunications Cooperative Association (NTCA)¹ submits these reply comments in response to the Wireline Competition Bureau's Public Notice of June 28, 2005 seeking comment on requests for waiver and declaratory ruling concerning the Lifeline and Link-Up rules.² NTCA will limit its reply comments in this matter to the petitioners' request for a declaratory ruling.

The petitioners request that the Commission issue a declaratory ruling that where a state commission does not impose certification and verification requirements on a competitive eligible telecommunications carrier (CETC) (either because the CETC is a commercial mobile radio service (CMRS) carrier or for other reasons), the carrier should be permitted to follow the Federal Lifeline and Link-Up certification and verification guidelines, and not the state Lifeline and Link-Up guidelines. NTCA remains very concerned that the requests for waiver and

¹ NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 560 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service incumbent local exchange carriers (ILECs) and many of its members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA's members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities.

² "Wireline Competition Bureau Seeks Public Comment on Requests for Waiver and Declaratory Ruling Concerning Lifeline Rules," WC Docket 03-109, DA 05-1869, (rel. June 28, 2005).

declaratory ruling are based solely on alleged information from an unnamed staffer at various state commissions.³ None of the states named in the petitions, which include Alaska, Minnesota, Virginia, Washington, and Wisconsin, are listed as federal default states.⁴ And all of the states appear to have state-based Lifeline and Link-Up assistance.⁵ Indeed, the Public Service Commission of Wisconsin directly contradicts what is alleged in the petitions concerning the Wisconsin Lifeline and Link-Up rules.⁶

When it comes to Lifeline and Link-up, the FCC and Wisconsin programs work in tandem. Consequently, the Wisconsin ETC decisions that reference FCC obligations and federal reimbursement would not affect the obligation of the ETCs to follow other Wisconsin Lifeline and Link-up rules. CMRS providers that have been designated as ETCs are to use, like all other Lifeline and Link-up providers in Wisconsin, the state Lifeline and Link-up eligibility criteria when determining whether a particular customer is eligible for the programs. **In determining whether the state eligibility requirements have been or continue to be satisfied by a particular customer, CMRS providers must follow the same verification procedures under the Wisconsin administrative rules as all other ETCs in the state. Because the ETCs are following the Wisconsin Lifeline rules, the FCC certification and verification provisions that are the subject of the petitions would not apply.**⁷

According to the Public Service Commission of Wisconsin, all ETCs in the state, including CMRS carriers, are subject to Wisconsin's Lifeline and Link-up eligibility verification procedures. Clearly, the unnamed staffer that US Cellular and Nsighttel refer to in their petitions was either grossly misinformed or his/her comments were misconstrued by the petitioners.⁸ The

³ The Virginia Cellular, US Cellular (Washington), US Cellular (Wisconsin), ADT, RCC, and Nsighttel petitions are all based upon information received from unnamed state commission staffers.

⁴ The states that are federal default states for purposes of complying with the Commission's new lifeline rules include: Delaware, Hawaii, Iowa, Illinois, Indiana, Louisiana, New Hampshire, American Samoa, and Northern Mariana Islands. *See* Public Notice Wireline Competition Bureau Answers Frequently Asked Questions Concerning Lifeline Order, CC Docket No. 96-45, DA 05-1406, p. 2, (rel. May 18, 2005).

⁵ *See* Universal Service Administrative Company Appendix LI02, Low Income Support Available by State, 3Q2005.

⁶ *See* the Petitions filed by US Cellular and Nsighttel in this proceeding.

⁷ Comments of Public Service Commission of Wisconsin, p. 2 (emphasis added).

⁸ US Cellular (Wisconsin) petition, p. 2, Nsighttel petition, p. 2.

Commission therefore should deny the petitions for a declaratory ruling filed by US Cellular (Wisconsin) and Nsighttel.

No other party has provided the Commission with any verifiable evidence that the state commissions in Alaska, Minnesota, Virginia, or Washington have refused to accept verification and certification data from the petitioning parties. Sprint supports the petitioners' request for a declaratory ruling based only on the unconfirmed allegations in the petitions.⁹ CTIA focuses solely on the petition filed by US Cellular in Wisconsin and provides no evidence other than to state that according to US Cellular,¹⁰ Wisconsin does not extend its state Lifeline procedures for sample data verification to CMRS providers.¹¹ CTIA and US Cellular are clearly wrong.

Based on the reasons stated in its initial and reply comments, NTCA urges the Commission to deny the petitions of US Cellular (Wisconsin) and Nsighttel for a declaratory ruling and require them to adhere to Wisconsin's Lifeline and Link-Up certification and verification requirements. Concerning the other petitions for declaratory ruling involving Alaska, Minnesota, Virginia, and Washington, the Commission should refrain from ruling on the petitions until it receives verifiable written notification from the relevant state commission of either their refusal to accept Lifeline and Link-Up verification and certification data from the petitioning parties or confirmation that the state does in fact have state Lifeline and Link-Up

⁹ Comments of Sprint Corporation, p. 2.

¹⁰ Comments of CTIA, p. 2, footnote 4.

¹¹ *Id.*, p. 2.

verification procedures which apply to landline and wireless ETCs. Upon receipt and confirmation of said information, the Commission should rule on these petitions on a state-by-state basis.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION

By: /s/ Richard J. Schadelbauer
Richard J. Schadelbauer
Economist

By: /s/ Daniel Mitchell
Daniel Mitchell

Its Attorney

4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203
703-351-2000

July 28, 2005

CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Reply Comments of the National Telecommunications Cooperative Association in WC Docket No. 03-109, DA 05-1869 was served on this 28th day of July 2005 by first-class, U.S. Mail, postage prepaid, or via electronic mail to the following persons.

/s/ Gail Malloy

Gail Malloy

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW, Room 8-A201
Washington, D.C. 20554
Kevin.Martin@fcc.gov

Commissioner Kathleen Q. Abernathy
Federal Communications Commission
445 12th Street, SW, Room 8-B115
Washington, D.C. 20554
Kathleen.Abernathy@fcc.gov

Commissioner Michael J. Copps
Federal Communications Commission
445 12th Street, SW, Room 8-A302
Washington, D.C. 20554
Michael.Copps@fcc.gov

Commissioner Jonathan S. Adelstein
Federal Communications Commission
445 12th Street, SW, Room 8-C302
Washington, D.C. 20554
Jonathan.Adelstein@fcc.gov

Best Copy and Printing, Inc.
445 12th Street, SW
Room CY-B402
Washington, D.C. 20554
fcc@bcpiweb.com

Sheryl Todd
Telecommunications Access Policy
Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554
Sheryl.Todd@fcc.gov

David A. LaFuria, Esq.
B. Lynn F. Ratnavale, Esq.
Lukas, Nace, Gutierrez & Sachs,
Chartered
1650 Tysons Boulevard, Suite 1500
McLean, VA 22102

Paul Garnett, Director
Regulatory Policy
Michael Altschul, Senior Vice President
Regulatory Policy
CTIA – The Wireless Association
1400 16th Street, NW
Washington, D.C. 20036

Gary A. Evenson, Administrator
Telecommunications Division
Public Service Commission of
Wisconsin
P.O. Box 7854
Madison, WI 53707

Brian K. Staihr, Ph.D
Sprint Corporation
6450 Sprint Parkway
Overland Park, KS 66251

Richard Juhnke
Sprint Corporation
401 9th Street, NW
Suite 400
Washington, D.C. 20004