

Before the
Federal Communications Commission
Washington, DC 20554

In the Matter of)	
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Federal-State Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Linkup)	WC Docket No. 03-109
)	
Universal Service Contribution)	
Methodology)	WC Docket No. 06-122
)	
Implementation of the Local Competition)	CC Docket No. 96-98
Provisions in the Telecommunications Act)	
Of 1996)	
)	CC Docket No. 01-92
Developing a Unified Intercarrier)	
Compensation Regime)	
)	
Intercarrier Compensation for ISP-Bound)	CC Docket No. 99-68
Traffic)	
)	
IP-Enabled Services)	WC Docket No. 04-36
)	
Numbering Resource Optimization)	CC Docket No. 99-200

**REPLY COMMENTS OF THE PUBLIC SERVICE COMMISSION OF THE
DISTRICT OF COLUMBIA**

The Public Service Commission of the District of Columbia (“DCPSC”) hereby respectfully files its Reply Comments in response to the Further Notice of Proposed Rulemaking (“FNPRM”) released November 5, 2008 in the above-captioned proceedings.¹ Like many other Commenters,² the DCPSC supports the establishment of a

¹ *High-Cost Universal Service Support*, WC Docket No. 05-337, *Federal-State Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Linkup*, WC Docket No. 03-109, *Universal Service Contribution Methodology*, WC Docket No. 06-122, *Numbering Resource Optimization*, CC Docket No.

Broadband Lifeline/Link Up Pilot Program (“Pilot Program”) to provide federal universal service support for broadband deployment to low income consumers. However, in order to permit a greater number of eligible telecommunications carriers (“ETCs”) to be able to participate in the Pilot Program, the DCPSC recommends minor modifications to the Pilot Program.

I. THE DCPSC’S INTEREST IN THE PROCEEDINGS

The DCPSC regulates gas, electric, and telecommunications industries in the District of Columbia. The DCPSC is interested in this proceeding because District of

99-200, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-68, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 99-68, *IP-Enabled Services*, WC Docket No. 04-36, Order on Remand and Report and Order and Further Notice of Proposed Rulemaking 73 *Fed. Reg.* 66821-66830 (November 12, 2008).

² *High-Cost Universal Service Support*, WC Docket No. 05-337, *Federal-State Board on Universal Service*, CC Docket No. 96-45, *Lifeline and Linkup*, WC Docket No. 03-109, *Universal Service Contribution Methodology*, WC Docket No. 06-122, *Numbering Resource Optimization*, CC Docket No. 99-200, *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-68, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 99-68, *IP-Enabled Services*, WC Docket No. 04-36, Comments of AT&T, Inc. (“AT&T Comments”), filed November 26, 2008; Comments of the California Public Utilities Commission and the People of the State of California (“CA PUC Comments”), filed November 26, 2008; Comments of Connected Nation (“Connection Nation Comments”), filed November 26, 2008; Comments of CTIA (“CTIA Comments”), filed November 26, 2008; Comments of Hughes Networks System, LLC and Inmarsat, Inc. (“Hughes Comments”), filed November 26, 2008; Comments of the Massachusetts Department of Telecommunications and Cable (“MA DTE Comments”), filed November 26, 2008; Comments of the Michigan Public Service Commission (“MI PSC Comments”), filed November 26, 2008; Comments of the Public Service Commission of the State of Missouri (“MO PSC Comments”), filed November 26, 2008; Comments of the National Association of State Utility Consumer Advocates, Maine Office of Public Advocate, Maryland Office of the People’s Counsel, the Utility Reform Network, and the Utility Consumer Action Network (“NASUCA Comments”), filed November 26, 2008; Comments of the Public Utilities Commission of Ohio (“OH PUC Comments”), filed November 26, 2008; Comments of Public Service Telephone Company, Inc., South Slope Cooperative Telephone Co., Inc., Townes Telecommunications, Inc., and Venture Communications Cooperative, filed November 26, 2008; Comments of Qualcomm Incorporated (“Qualcomm Comments”), filed November 26, 2008; Comments of Qwest Communications International, Inc. (“Qwest Comments”), filed November 26, 2008; Comments of T-Mobile USA, Inc. (“T-Mobile Comments”), filed November 26, 2008; Comments of Sorenson Communications, Inc. (“Sorenson Comments”), filed November 26, 2008; Comments of TracFone Wireless, Inc. (“TracFone Comments”), filed November 26, 2008; Comments of Virgin Mobile USA, L.P. (“Virgin Mobile Comments”), filed November 26, 2008; Comments of Windstream Communications, Inc. (“Windstream Comments”), filed November 26, 2008; Comments of Yourtel America (“Yourtel Comments”), filed November 26, 2008.

Columbia ratepayers currently pay into the federal Universal Service Fund (“USF”) and would be affected by any changes to universal service funding. As the DCPSC has noted in prior submissions, the District of Columbia is unique in that it receives no high cost support, only Lifeline/Link Up and Schools and Libraries universal service support.³ Additionally, the DCPSC has established its own District of Columbia Universal Service Trust Fund (“DC USTF”) to supplement federal Lifeline/Link Up assistance. Currently, there are over 7,000 households in the District of Columbia that receive Lifeline assistance from both the USF and the DC USTF.

II. THE COMMISSION SHOULD ESTABLISH A BROADBAND LIFELINE/LINK UP PILOT PROGRAM

In Appendices A and C of the FNPRM, the Federal Communications Commission (“Commission”) proposes to establish a Pilot Program for Lifeline and Link Up customers that would support up to 50 percent of the costs of broadband Internet installation. The Pilot Program would also double, up to \$10 monthly, the amount of support available to Lifeline customers so that they are able to obtain broadband Internet service. The Commission proposes to set aside \$300 million for each of the next three years for the Pilot Program, available on a first-come, first-served basis.⁴

The DCPSC supports the establishment of the Pilot Program. Facilitating the deployment of broadband Internet service to low income consumers through the Lifeline and Link Up programs will provide many benefits to both low income consumers and the

³ See, *Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, *Intercarrier Compensation for ISP-Bound Traffic*, CC Docket No. 99-68, DCPSC Comments on the Missoula Plan at 5, n. 14 (October 25, 2006).

⁴ FNPRM, Appendix A-33-34, ¶ 64; Appendix C-32, ¶ 60.

agencies and organizations that assist them. For example, many District of Columbia government agencies provide employment and public assistance information and applications online. If low income consumers have access to broadband Internet access, they could use the Internet to apply for government assistance, permitting the government agencies offering such services to provide assistance in a more automated manner, conserving their resources to serve more District of Columbia residents.⁵ Low income consumers with broadband access would also be able to find employment information posted on the Internet by the District of Columbia Department of Employment Services and private employers, increasing their employment opportunities and decreasing reliance on government assistance.⁶

Expanding Lifeline and Link Up to support broadband deployment would provide additional benefits to low income consumers who are deaf, hard of hearing, or face similar challenges.⁷ The DCPSC has noted a 34.4 percent decline in the number of

⁵ The DCPSC believes that providing Internet access to low income consumers would greatly improve the District of Columbia's current process for recertifying consumers for Lifeline assistance, which focuses on in-person applications. Currently, the District of Columbia holds a Joint Utility Discount Day ("JUDD"), where consumers may apply in person for utility assistance. On September 30, 2008, 6082 applicants were able to complete the applications, but numerous applicants were turned away because there was insufficient time to process applications. Thus, 1754 additional applicants had to apply in person with the District's Office of the Environment/Energy Office following JUDD. If some of these low income consumers had access to broadband Internet services through Lifeline assistance, then fewer applicants would be required to apply in person, preventing a situation in which some applicants would be turned away due to time constraints.

⁶ Just last month, the Information Technology and Innovation Foundation found that providing Lifeline and Link Up assistance for broadband services and equipment should be included in any federal economic stimulus package due to their potential to promote innovation and productivity. Robert D. Atkinson, Information Technology and Innovation Foundation, *Timely, Targeted, Temporary, and Transformative: Crafting an Innovation Based Economic Stimulus Package* (October 2008).

⁷ A recent report by the Alliance for Public Technology concluded that: "[a]pplying Lifeline and Link-Up support to broadband connections will be particularly helpful for deaf and hard of hearing consumers, who are becoming increasingly reliant on broadband technologies for point to point video, video relay, and Internet-based relay services. These individuals are discarding their PSTN-based TTYs and rapidly moving exclusively to broadband technologies to meet their communications needs. If USF

telecommunications relay service (“TRS”) minutes used in the District of Columbia, apparently caused by the substitution of new Internet-based relay services for traditional relay services. Additionally, while some new communications services seek to provide a better way of serving consumers who have typically been served by traditional TTY services, many new communications services for the deaf and hard of hearing, including point-to-point video and video relay, seek to serve deaf and hard of hearing consumers who cannot be served by older technologies. These new services are typically Internet-based services. Expanding Lifeline and Link Up support for broadband services would assist those low income deaf and hard of hearing consumers that have both traditionally used relay services and those served by new forms of relay services.⁸

The DCPSC supports the proposal to determine eligibility for participation in the Pilot Program on a first-come, first-served basis. The DCPSC disagrees with Connected Nation that funding should be first provided to low income consumers in states that already have a broadband demand stimulation program because that would further disadvantage low income consumers in jurisdictions where there has been no funding for

funds remain available only for narrow-band technologies, individuals with hearing disabilities who have low incomes will not derive any benefit from the existing Lifeline and Link-Up programs.” Alliance for Public Technology; *Achieving Universal Broadband: Policies for Stimulating Deployment and Demand* at 27 (February 2007))

⁸ The DCPSC notes that the two largest providers of video relay service, GoAmerica and Sorensen, indicate that video relay provides higher quality relay service than traditional TTY service. However, since video relay requires broadband Internet, low income consumers that seek to use video relay services cannot do so. Expanding Lifeline and Link Up to assist these consumers provide them with more effective communications options. See GoAmerica Comments at 2-3; Sorensen Comments at 6.

such a program. A first-come, first-served approach would be more equitable, since it would give all low income consumers the opportunity to participate in the Pilot Program.⁹

While the DCPSC supports the Pilot Program, the DCPSC recommends two slight changes to permit a broader range of ETCs to offer broadband services in the Pilot Program. As proposed, the Pilot Program is limited to ETCs participating in “existing” Lifeline and Link Up programs.¹⁰ This language would prevent new ETCs, particularly those that offer wireless and broadband service, from participating in the Pilot Program, limiting consumer choice. The DCPSC recommends permitting any ETC to participate in the Pilot Program.

The DCPSC also notes an inconsistency between the Commission’s stated intention to create a technologically and competitively neutral Pilot Program¹¹ and to classify interconnected Voice over Internet Protocol (“VoIP”) service providers as information service providers.¹² The Commission’s universal service rules define ETCs

⁹ Connected Nation Comments at 3. Connected Nation supports its argument by indicating that the Broadband Data Improvement Act, Pub. L. 110-385, provides federal grants to states that implement public-private partnerships for broadband deployment. Connected Nation Comments at 5. The DCPSC notes that there have been no appropriations for these federal grants. Thus, the FCC should not condition receipt of Lifeline and Link Up support for broadband deployment on obtaining federal grants that are not yet available.

¹⁰ *FNPRM*, Appendix A-41, ¶ 83; Appendix C-40, ¶ 79.

¹¹ *FNPRM*, Appendix A-41 at 84; Appendix C-40 at 80.

¹² The DCPSC urges the Commission not to regulate interconnected VoIP providers as “information service” providers. While the DCPSC notes that the Commission states that any decision to classify interconnected VoIP service as information service would not alter the ability for states to require contributions to state universal service funds, it is unclear how this statement would work in practice if the Commission were to then preempt all state authority over interconnected VoIP providers. Any Commission preemption of state authority of interconnected VoIP providers could also affect state taxation of interconnected VoIP providers.

as common carriers.¹³ Classifying interconnected VoIP service providers as information service providers would remove them from common carrier regulation, thus preventing them from being classified as ETCs. Thus, classification of interconnected VoIP service providers as information service providers would render them ineligible from participating in the Pilot Program, eliminating potential broadband service participants from the Pilot Program. Such elimination is not technologically or competitively neutral, particularly when interconnected VoIP service providers are required to contribute to the federal USF. The DCPSC recommends that some accommodation be made to permit interconnected VoIP service providers to participate in the Pilot Program.¹⁴

III. CONCLUSION

The DCPSC supports the establishment of the Pilot Program to provide Lifeline and Link Up support for the deployment of broadband services for low income consumers. Extending broadband access to low income consumers would provide them with the information they need to obtain access to employment opportunities, education, and other resources to improve their lives. In addition, District of Columbia government agencies serving low income consumers would be able to serve their constituents more efficiently with the modifications stated herein.

The DCPSC encourages the Commission to establish the Pilot Program.

¹³ 47 C.F.R. § 54.201 (2008).

¹⁴ The DCPSC notes that AT&T has proposed creating a new designation for interconnected VoIP service providers that seek to provide broadband service to low income consumers, should the Commission choose to classify interconnected VoIP service as “information services.” *See*, AT&T Comments at 53. As noted above, the best approach to resolving the inconsistency is to refrain from classifying interconnected VoIP service as “information services,” but should the FCC do so, AT&T’s proposal may be feasible.

The DCPSC appreciates the opportunity to submit Reply Comments in these proceedings.

Respectfully submitted,

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