

**Before the  
Federal Communications Commission  
Washington, DC 20544**

**In the Matter of**                    )  
                                                  )  
**Lifeline and Link-Up**            )                    **WC Docket No. 03-109**  
                                                  )

**REPLY COMMENTS OF  
THE NATIONAL CONSUMER LAW CENTER,  
ON BEHALF OF GREATER BOSTON LEGAL SERVICES**

**Olivia Wein  
Staff Attorney  
National Consumer Law Center  
1001 Connecticut Avenue, NW, Suite 510  
Washington, DC 20036  
Phone (202) 452-6252, x 103  
Fax (202) 463-9462  
owein@nclcdc.org**

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**I. The Commission Should Move Quickly to Clarify that Eligible Households in Group Housing May Receive Lifeline Service**

The National Consumer Law Center, on behalf of Greater Boston Legal Services (NCLC/GBLS) urges the Commission to move quickly to clarify those eligible households in group housing may receive Lifeline service. As noted by all of the commenting parties, this is an important public policy matter as the consumers living in the variety of group housing arrangements tend to be among the most vulnerable low-income consumers in our society. None of the comments filed flatly opposed the clarification of the “one-per-household” rule so that residence in group housing would not bar an otherwise qualified applicant from receipt of Lifeline. While a few comments expressed grave concerns about how to ensure TracFone will be able to provide the service in a manner that addresses waste, fraud and abuse,<sup>1</sup> other comments provide reasonable implementation recommendations to address these concerns.

The National Association of State Utility Consumer Advocates (NASUCA) and NCLC/GBLS recommend that the current certification and verification procedures for pre-paid wireless Lifeline should continue.<sup>2</sup> AT&T asserts that the current requirement that an individual certify that he/she is head of the household and does not receive other Lifeline support should be enough to address group housing situations, but if necessary the Commission could clarify those eligible households can reside in group housing.<sup>3</sup> This however, still leaves the question of how to implement the clarification. NASUCA and other parties have proposed requiring an additional or modified certification and verification procedure for the group home context.

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<sup>1</sup> See comments of the Public Utility Commission of Ohio at 7-9 (argues there is insufficient detail on implementation and enforcement) and the American Public Communications Council at 3.

<sup>2</sup> See NASUCA at 9-10 and NCLC/GBLS at 8.

<sup>3</sup> See AT&T at 4.

One possibility is to require additional corroborating certification from an authorized representative of the non-profit providing the shelter service along with the shelter address.<sup>4</sup> NASUCA also proposes to limit the provision of Lifeline in group housing situations to shelters and group homes operated by a licensed or otherwise recognized non-profit or community based organization with corroborating certification by an authorized representative of the facility regarding the organization's mission or particular services provided. The authorized representative would also need to provide some correlation between the number of Lifeline accounts associated with the group housing and the size of the client base served.<sup>5</sup> Other parties have proposed a similar type of process. Cambridge Department of Human Service Programs proposes TracFone develop a simple form for group housing providers that serves to identify the group housing provider's name and provide a description of the housing to establish its authenticity as a non-profit, a recipient of government funds, a licensed group home or congregate residence.<sup>6</sup> Florida Public Service Commission/Florida Office of Public Council (FL PSC/OPC) recommends that TracFone update its database to be able to identify group homes.<sup>7</sup>

These proposals essentially entail the means of coding or flagging certain housing as group housing. Once the ETC has this list, then residents of group housing applying for Lifeline would not be automatically rejected simply due to the address of the housing appearing on more than one Lifeline account. The ability to identify group housing addresses will also help address the barrier raised by NCLC/GBLS, MFY Legal Services and Manhattan Legal Services that the current listing of some group housing, such as single-room occupancy residences (SROs), as

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<sup>4</sup> See NASUCA at 10-11.

<sup>5</sup> *Id.*

<sup>6</sup> See Cambridge Department of Human Service Programs at 3.

<sup>7</sup> See FL PSC/OPC at 7.

commercial property rather than residential in some databases has resulted in an automatic rejection of a Lifeline application.<sup>8</sup>

NCLC/GLBS urges the Commission to require TracFone to maintain the current certification and verification procedures and either implement a separate additional certification and verification process for group homes which includes a very simple form for group housing providers to provide their name and address and certify that they provide group housing and provide a description of the group housing provided and the size of the population served within a particular time frame. The verification of the continued provision of group housing could also include information on the number of Lifeline accounts associated with the facility within a particular timeframe. This provides a means to check for fraud and abuse of the Lifeline benefit and would not be overly burdensome on the parties involved.

The Public Utilities Commission of Ohio (OH PUC), in order to assess whether it is in the public interest to continue TracFone's prepaid wireless Lifeline in Ohio on a more permanent basis (as it's currently only conditionally approved) has required that TracFone provide quarterly reports to the commission. The OH PUC recommends that the Commission also ensure that appropriate reporting mechanisms are in place to monitor the implementation and enforcement of the provision of service to the homeless. It recommends TracFone provide quarterly reporting similar to Ohio's compliance plan.<sup>9</sup> NCLC/GLBS believes this is reasonable and will help the Commission assess demand for pre-paid wireless Lifeline and whether the implementation of the clarification of the rule is working.

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<sup>8</sup> See NCLC/GLBS at 4-6; MFY Legal Services at 3 and Manhattan Legal Services at 2.

<sup>9</sup> See OH PUC at 9-10.

**II. The Concern Regarding Lost, Stolen, Broken or Abandoned Handsets Can be Addressed By Florida’s 60-Day Inactivity Check**

A few parties have raised concerns about the current growth of the Universal Service Fund and of the Low-Income Support which includes Lifeline service.<sup>10</sup> In light of these concerns and the importance of a Lifeline program that is efficient and well designed, NCLC/GBLS is supportive of FL PSC/OPC’s proposal that TracFone be required to contact any Lifeline customer with no phone activity during a sixty-day period to determine whether the consumer is still an active Lifeline customer. Where TracFone cannot reach the Lifeline customer, the Lifeline service is deactivated.<sup>11</sup> This is the current practice for TracFone’s Lifeline in Florida. This requirement would address the concerns raised by some parties that TracFone would receive Lifeline reimbursements for up to a year in cases where the handset was lost, stolen, broken or abandoned because TracFone’s prepaid model relies on TracFone adding a set number of minutes each month.<sup>12</sup> In addition to attempts to contact the customer directly, NCLC/GBLS believes it is important that TracFone also contact the group housing provider to determine the status of the customer. This 60-day inactivity check provides a restraint against waste in the provision of pre-paid wireless Lifeline to the homeless who are not living in shelters.

**III. The Commission Must Work Closely With Frontline Groups and Agencies Serving the Homeless**

Organizations that serve homeless consumers have provided compelling accounts of the need for pre-paid wireless Lifeline for safety, access to critical services, and the connectivity that the rest

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<sup>10</sup> See NASUCA at 3 and OH PUC at 6-7.

<sup>11</sup> See FL PSC/OPC at 7-8.

<sup>12</sup> See OH PUC at 8 and American Public Communications Council at 3-4.

of society enjoys and takes for granted.<sup>13</sup> FL PSC/OPC has noted in its comments that TracFone's current Lifeline customer database has fields in addition to address that include date of birth and the last four digits of the customer's social security number and that these fields can prevent a customer from receiving two TracFone Lifeline phones.<sup>14</sup> Florida's 60-day inactivity check would also provide a restraint on the provision of minutes to a broken, lost or otherwise unused or unusable handset.

Other groups providing front line services to homeless consumers have proposed allowing the non-profits serving the homeless to act as intermediaries in the provision of the prepaid Lifeline service. For example, the Washington Legal Clinic for the Homeless supports authorizing shelters to verify the homelessness and residency of the applicants and have the applicants certify that they haven't received Safelink from another shelter or provider.<sup>15</sup> Part of the Solution, which is a non-profit multi-service agency that provides mail service for the homeless, proposes that the way to comply with the one-per-household rule is to allow the applicant to certify on the enrollment form that they receive mail at a non-profit organization.<sup>16</sup>

The Commission could require that where pre-paid Lifeline phones are provided to individuals who are homeless and do not reside in a shelter, a similar additional certification and verification system is set up where a non-profit service provider stands in the place of the group home provider. Thus TracFone would have a way to identify its Lifeline customers whose "address"

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<sup>13</sup> See comments filed by Miriam's Kitchen, Washington Legal Clinic for the Homeless and O'Melveny & Myers/Part of the Solution.

<sup>14</sup> See FL PSC/OPC at 6 (however, they note it does not address concerns about a landline and a wireless Lifeline account, but we note that for the homeless obtaining a wireline Lifeline account would not be a likely occurrence).

<sup>15</sup> See Washington Legal Clinic for the Homeless at 3.

<sup>16</sup> See O'Melveny & Myers/Part of the Solution at 2.

field identifies them as homeless and identifies the non-profit as the intermediary who is certifying that the individual is homeless and receiving services from their non-profit.

If the Commission declines to expand the clarification of the “one-per-household” rule to allow non-profits serving the homeless to facilitate the provision of Lifeline to the homeless, we urge the Commission to take the initiative and coordinate with other federal agencies who serve the homeless, for example the Veterans Administration, HUD and FEMA as well as associations and organizations that serve the homeless to quickly identify ways to help these eligible consumers receive Lifeline. This is a class of extremely vulnerable Lifeline eligible consumers who are being denied Lifeline service.

#### **IV. Miscellaneous Recommendations**

Smith Bagley recommends that the clarification of the one-per-household rule be extended to hogans, which are often in such remote locations that there is no postal address.<sup>17</sup> NCLC/GBLS supports this clarification. The implementation process described in sections I and II, *infra*, could accommodate this expansion. An authorized representative of the tribe could stand in as the entity that provides the corroborating certification discussed *infra* that the hogan is functioning as group housing for the purposes of the Lifeline program.

Florida PSC/OPC recommends the creation of a national Lifeline database to be maintained by the USF administrator.<sup>18</sup> Aside from privacy issues, NCLC/GBLS notes that this would be an incredibly expensive and work-intensive exercise to set up and maintain. NCLC/GBLS recommends that the Commission first aggressively monitor and evaluate the implementation of

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<sup>17</sup> See Smith Bagley at 2-11.

<sup>18</sup> See FL PSC/OPC at 6.

the extension of pre-paid wireless Lifeline to those in group housing and to the homeless, if applicable. This should provide the Commission with a better sense of whether a massive and expensive undertaking, such as the national database, is warranted.

The OH PUC proposes that an alternative option for the Commission is to provide homeless shelters with a phone with a specified number of minutes per month to be allocated between the residents of the shelter.<sup>19</sup> NCLC/GBLS is strongly opposed to this proposal as it is substantially inferior Lifeline service for the residents of the shelter. We urge the Commission to move forward and remove the barriers of Lifeline service to eligible consumers in group housing and to eligible consumers who are homeless.

**V. The Commission Should Monitor the Nascent Pre-Paid Wireless Lifeline to Ensure Quality and Value**

The provision of pre-paid wireless Lifeline is a new occurrence and the Commission should actively monitor and evaluate whether the current pre-paid wireless packages provide quality Lifeline service to Lifeline consumers. Several comments expressed concern and reservations about the current TracFone Lifeline product. For example, NASUCA and American Public Communications Council raise the concern about the extremely limited amount of minutes for incoming and outgoing calls (around 68 minutes in total for both) and the high rate for additional minutes that would need to be purchased to retain connectivity once the Lifeline minutes were exhausted.<sup>20</sup> Similarly, Miriam's Kitchen recommends increasing the amount of Lifeline covered minutes. NCLC/GBLS urges the Commission to evaluate whether this current TracFone package of service is adequate to provide the connectivity objectives of the Lifeline program.

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<sup>19</sup> See OH PUC at 10.

<sup>20</sup> See NASUCA at 11-12; American Public Communications Council at 8-9.

OH PUC has also noted the difficulty it has had with TracFone in analyzing the initial TracFone Lifeline program in Ohio.<sup>21</sup> These concerns are troubling and indicate that a closer look is needed in assessing what quality wireless Lifeline should look like. NCLC/GBLS agrees with NASUCA that the Commission should monitor the services provided by ETCs to assure quality and value of services provided by USF support.<sup>22</sup>

## **VI. Conclusion**

NCLC/ GBLS urges the Commission to move forward to remove the barriers to Lifeline caused by the one-per-household rule so that eligible consumers in group housing and eligible consumers who are homeless have access to the connectivity that the rest of society takes for granted.

**Respectfully submitted,**

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**Olivia Wein  
Staff Attorney  
National Consumer Law Center  
1001 Connecticut Avenue, NW, Suite 510  
Washington, DC 20036  
Phone (202) 452-6252, x 103  
Fax (202) 463-9462  
owein@nclcdc.org**

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<sup>21</sup> See OH PUC at 10.

<sup>22</sup> See NASUCA at 11-13.