



VIA ELECTRONIC DELIVERY

December 15, 2010

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Ex Parte Communication**, In the Matter of Federal-State Joint Board on Universal Service, CC Docket No 96-45; Lifeline and Link Up, WC Docket No. 03-109

Dear Ms. Dortch:

On December 13, 2010, representatives of the National Association of State Utility Consumer Advocates (“NASUCA”) had a telephone conversation with staff of the Federal Communications Commission (“Commission”) Wireline Competition Bureau, including Rebekah Bina, Kim Scardino and Gayle Teicher, regarding the recent Recommended Decision of the Federal-State Joint Board on Universal Service (Joint Board) and the upcoming Notice of Proposed Rulemaking on the Recommended Decision. The NASUCA representatives on the call were David Bergmann, Chair of the NASUCA Telecommunications Committee, with the Office of the Ohio Consumers’ Counsel; Michele King, Alik Lee, and Selena Huang of the California Division of Ratepayer Advocate; Darlene Wong and Olivia Wein of the National Consumer Law Center; Barrett Sheridan, with the Pennsylvania Office of Consumer Advocate; Cheryl Murray, with the Utah Committee of Consumer Services; Kathy Hagans and Laura Gallegger with the Office of the Ohio Consumers’ Counsel¹; and Earl Poucher, with the Florida Office of Public Counsel.²

¹ Ms. Hagans is a member of the Staff of the Joint Board.

² Mr. Poucher is also a member of the Joint Board Staff.

During the 45-minute conversation, general approval was expressed regarding the Joint Board Recommended Decision. Special note was taken of the Recommended Decision's recognition of the breadth of subjects pertinent to Lifeline, including those expressed in the recent NASUCA resolution.³

Specific issues that were discussed included:

- The need to fix the “one-per-household” rule, to address the increasing number of low-income consumers in congregate living situations;⁴
- Problems with the definition of “income,” where Commission regulations conflict with those of other assistance programs;⁵
- Issues regarding outreach, including
 - The need for a clear definition of Lifeline services in carrier outreach;
 - The conflict between the reluctance of ILECs to do outreach (leading to the possible need for outreach requirements) vs. the extensive outreach by carriers whose business model is focused on Lifeline;
 - The current preference of many Lifeline-eligible customers is for wireless service, but inadequate customer service is a barrier to enrollment and accessing the Lifeline benefit;
- The conflict between the relative efficiency of automated processes for enrollment and eligibility confirmation vs. the ability of Lifeline customers to switch carriers;
- The costs of third party administrators;⁶
- The difficulty of determining when ineligibility is the result of consumer misrepresentation vs. simple non-responsiveness to verification requests or other reasons; and
- Finally, affordability vs. accessibility for broadband subscription by low-income consumers.

NASUCA looks forward to continued dialog with Commission staff on these issues.

³ See <http://www.nasuca.org/archive/Low-income%20Resolution-%20FINAL%202010-02.doc>.

⁴ See attachment.

⁵ See Comments of Advocates for Basic Legal Equality, Inc. et al. (“Low Income Advocates”) (July 15, 2010) at 11-12; NASUCA Comments (August 23, 2004) at 13-14 and attached Colton Affidavit at 23-24.

⁶ See <http://solixinc.com/internet/source/news.aspx?id=272>; see also Report to the Legislature on Universal Telephone Service to Residential Customers at 3, 13-14 (June 2006), <http://docs.epuc.ca.gov/published/Graphics/57534.PDF>.

Respectfully submitted,

David C. Bergmann
Assistant Consumers' Counsel
Chair, NASUCA Telecommunications Committee
bergmann@occ.state.oh.us
Office of the Ohio Consumers' Counsel
10 West Broad Street, Suite 1800
Columbus, OH 43215-3485
Phone (614) 466-8574
Fax (614) 466-9475

NASUCA
8380 Colesville Road (Suite 101)
Silver Spring, MD 20910
Phone (301) 589-6313
Fax (301) 589-6380

CC: Rebekah Bina, Kim Scardino, Gayle Teicher

ATTACHMENT

Recommendations related to the one-per household rule that were raised before the Massachusetts Department of Telecommunications and Cable (Docket DTC 10-3) in a public hearing on Nov. 16, 2010:

In group housing situations where an address is given to establish residential service, the first resident to apply gets the Lifeline benefit. His/her enrollment prevents other eligible residents from also participating because only one Lifeline account may be established at a given address. The one-per-household rule is a barrier to enrollment to those in group housing who need a phone to establish continuity with employment, medical, family, community, and government contacts.

A senior staff attorney at Greater Boston Legal Services suggested that the one-per-household rule should be clarified so that it does not apply to people who happen to share the same (often government-subsidized) address but who are not family members and do not live in a family household. The requirement that the address be a residential address also should be eliminated. Shelters/congregate housing are sometimes at commercial locations. Tr. 14-20.

A licensed independent clinical social worker/coordinator recommended that a procedure be established for closing an account. She spent six months trying to convince a wireless carrier that a deceased resident of a congregate housing facility would not be using his phone and that others at the address should be able to enroll in Lifeline. Each time she called the carrier, the carrier seemed to have no record of previous calls. It was unable to locate the faxes showing proof of address that Ms Olsen repeatedly sent. Tr. 22-27.

A planner with the Cambridge Human Services Department testified that a waiver should be given to residential programs/buildings such as YMCA. These entities should be able to affirm that shelter residence is being provided. Tr. 30.

A pediatrician at the Boston Medical Center stated that a commonsense definition of "household" should be incorporated in agency rules. Residents in congregate living situations should be allowed to receive the wireless Lifeline benefit even when they have a commercial address. She needs to know how to contact these patients to avoid preventable medical complications. Tr. 33-34.

A legal fellow at Medical-Legal Partnership Boston noted that the one-per-household rule should be re-defined to apply to a family unit, rather than a single address. Tr. 44. Residents could certify that they live in group housing. Tr. 45.

A full or partial copy of the transcript can be obtained from Farmer Arsenault Brock LLC by calling 617-728-4404.