

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link up	)	WC Docket No. 03-109

Reply Comments of the  
Montana Public Service Commission

On March 4, 2011, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking seeking comments on a proposal to reform and modernize Lifeline and Link Up. Initial comments were due April 21, 2011; reply comments are due May 10 and May 25. The Montana Public Service Commission (MPSC) submits the following reply comments, to bring to the FCC's attention a potential problem related to Montana's legislative process.

In Montana, the Lifeline/Linkup program is statutorily implemented pursuant to the Montana Telephone Low-Income Assistance Program (§§ 69-3-1001 through 1007, Montana Code Annotated). FCC adoption of the proposed rule would result in federal Lifeline/Linkup requirements that conflict with Montana law.

Montana's statute states, "A residential subscriber with single telephone line service at the subscriber's principal residence is eligible for low income telephone assistance if the subscriber is certified by the department of public health and human services as a recipient of Medicaid benefits." (§69-3-1002(1), MCA)

The FCC's proposed rules would change both the definition of Lifeline and the eligibility criteria. If these proposed changes are adopted, Montana would not be in compliance with Federal law unless and until our state law is changed. Montana's legislature is not due to meet again until January 2013.

The MPSC agrees with the Michigan Public Service Commission's recommendation that the FCC not make any changes that would require states to initiate legislative action to be in compliance with new FCC regulations. The MPSC requests consideration be given to states like Montana that require legislation to conform their Lifeline/Linkup programs to the new proposed FCC requirements. Lifeline/Linkup recipients in Montana should not lose their access to those programs' benefits simply because the Montana legislature will not have the opportunity to consider changing the law until 2013. In addition, it is possible that the legislation that is necessary to conform to FCC rules will not be enacted. In that case, the FCC rules should allow Montana's recipients of Lifeline/Linkup assistance to continue to receive benefits under existing state law.

Dated the 17<sup>th</sup> day of May 2011.

Respectfully submitted,

A handwritten signature in cursive script, reading "James C. Paine", is written over a horizontal line.

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