NOTICE OF ORAL EX PARTE PRESENTATION (47 C.F.R. § 1.1204)

June 17, 2011

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

RE: Oral Ex Parte Presentations in the proceeding captioned:

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

Ms. Dortch:

The Federal Communications Commission reached out to the National Association of Regulatory Utility Commissioners and asked the association to arrange a conference call with States that have strong interest in lifeline/link-up programs. On June 15, 2011, pursuant to that request, 81 Commissioners and staff from 34 jurisdictions,[1] along with the undersigned, participated on a two hour conference call with three FCC representatives – Jonathan Lechter, Graham Dufault, and Cindy Spiers.

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[1] *According to the roll taken on the call, there were from: [1] CALIFORNIA PUC: Roxanne Scott, Helen M. Mickiewicz, Sindy Yun, Melissa Slawson, Bill Johnston, Cherrie Conner and Benjamin Schein; [2] CONNECTICUT DPUC: Peter Pescosolido; [3] DISTRICT OF COLUMBIA PSC: Commissioner Betty Ann Kane, Cary Hinton and Lara Walt; [4] FLORIDA PSC: Robert Casey and Cindy Miller; [5] IDAHO PUC: Grace Seaman [6] ILLINOIS CC: Jim Zolnierek and Jeff Hoagg; [7] IOWA UTILTIES BOARD: John Ridgeway and Larry Stevens; [8] INDIANA URC: Commissioner Larry Landis, Brenda Howe, Pamela Taber, Sally Getz, Brian Mahern, and Kenya McMillin [9] KANSAS CC: Sandy Reams and Christine Aarnes; [10] MISSISSIPPI PSC: Chad Allen, Donna Chandler, and Bethany Cole; MS DEPT. OF INFORMATION TECHNOLOGY SERVICES Vicki Helfrich [11] MASSACHUSETTS DTE: Kerri DeYoung; Karlen Reed, Betsy Whittey, Alison Lackey, Eugene Ho, and Dinesh Gopalakrishnan; [12] MISSOURI PSC: Commissioner Robert Clayton, Natelle Dietrich, John Van Eschen and Dana Parish; [13] MICHIGAN PUC: Susana Woolcock, Patti Witte, Karen Norcross, Jennifer Boyd and Robin Ancona; [14] MONTANA PSC: Nelson Long, Phil Cook and Kate Whitney; [15] NEBRASKA PSC: Commissioner Anne Boyle, Andrea Grell, and Sue Vanicek; [16] NEW HAMPSHIRE PUC: Amanda Noonan and David Goyette; [17] NEW JERSEY: Harold Bond and John Delunka; [18] NEW MEXICO PRC: Michael Ripperger; [19] NEW YORK PSC: Commissioner Patricia Acampora and Sandra S. Sloane; [20] NORTH CAROLINA UC: Switzon Wigfall; [21] OHIO PUC: Marianne Townsend and Jason Well; [22] OKLAHOMA CC: Kimberly Dobbins; [23] OREGON PUC: John Cray and Kay Marinos; [24] PENNSYLVANIA PUC: Labros Pilalis and PA OFFICE OF CONSUMER ADVOCATE: Barrett Sheridan [25] TELECOMMUNICATIONS REGULATORY BOARD OF PUERTO RICO: Lcda. Alexandra Fernández Navarro; [26] SOUTH CAROLINA OFFICE OF REGULATORY STAFF: James M. McDaniel; [27] Tennessee RA: Shirley Frierson, Tevin Thompson, Thomas Pearson, Patrice Barner, and Lisa Cooper; [28] TEXAS PUC: Liz Kayser and Jay Stone; [29] UT DOC: Shauna Benvegnu-springer and Cheryl Murray; [30] VIRGINIA CC: Sheree King and Katie Cummings; [31] Vermont DPS: Commissioner John Burke and Corey Chaset; [32] Washington UTC: Jing Liu [33] Peter Jahn and Jeffrey Richter; [34] WEST VIRGINIA PSC: Chris Howard, [35] NRRI: Sherry Lichtenberg and [36] NARUC: Brad Ramsay.*

After the call, I contacted the FCC to ask if an *ex parte* filing would be necessary given the FCC had initiated the contact. I was informed that one should be filed. I listed the few advocacy points raised during the call that I believed should be included in this notice. I did not attempt to include all factual statements elicited by FCC questions about individual State programs. I asked the FCC staff if I had missed any needed *ex parte* content in the listed points. No additional advocacy points were suggested.

According to my list, advocacy points raised during the two hour call by various States include:

- States, including Texas, Oregon, and California, that have existing programs that target duplicative lifeline support raised several concerns about the idea of a national database of lifeline recipients.

- The FCC must be very careful to assure the federal program meshes well with existing (and effective) State initiatives.

- The FCC must consider what could happen if State and Federal programs seeking to limit duplicative lifeline support conflict either by accident or through customer action/inaction on who is the default provider or whether any support is appropriate or because information provided is incomplete or inaccurate in the State or federal database.

- When there is a problem – regardless of how or why a subsidy is cut off – more often than not – customers will turn to State commissions with their questions.

- California has an additional wrinkle on the State side of funding – as they provide State support for a second phone in a home if there is a disabled resident.

- Several urged that all States with complementary and independent lifeline programs be allowed to opt out of any federal database if appropriate and/or be given real-time password protected access to the federal database. This is very important – particularly in States that by statute have no regulatory authority over wireless providers and are handicapped in assuring that no person is receiving multiple subsidies from landline and wireless providers.

- The current North American Numbering Plan Administrator's database – which permits State password access – might be one useful model for any federal database that should cover most privacy concerns.

- The FCC needs to detail a process for selecting the default lifeline provider in cases where a customer with more than one lifeline service provider either refuses or fails to make a timely selection after being notified that only one carrier can get the support and a choice must be made. One State suggested using a machine driven random selection among the customers listed subsidized providers.

- Generally, in State programs, all carriers – whether designated a federal ETC or not – are obligated to provide lifeline services to qualified customers.

- At least one jurisdiction was strongly in favor of expeditious federal action to eliminate duplicative federal support. Several others suggested the FCC work through all the issues before releasing a final order.

- Some States are going to want to know all the costs of creating and administering the database. The FCC needs to know that information before making any final decision on the relative benefits of moving forward with a national database.

- FCC must think through how to assure that carriers - with business plans targeting lifeline service – cannot troll the national database "for customer prospects." The FCC needs to assure the rollout of the database will not open up new avenues of fraud.

- There have been instances were some have promoted putative lifeline customers using addresses in other States to justify two subsidized wireless phones.

- At least one person suggested the FCC consider enforcement actions against customers that perjure themselves on multiple certification forms for duplicative lifeline service.

- The FCC must also carefully consider that there currently is no standardization of how addresses are entered. This can cause address mismatches. Even though there is software to standardize address inputs it doesn't solve all the problems. It may be that some unique geographic independent identifier is needed, e.g., one's social security number.

IMPORTANT CAVEAT: I am filing this as an accommodation to and on behalf of the individuals that participated in this call at the FCC's request. This should not be construed as a formal statement of NARUC's position in these proceeding.

If you have any questions about this letter, please do not hesitate to contact the undersigned at 202.898.2207 or jramsay@naruc.org.

Respectfully Submitted,

James Bradford Ramsay
NARUC General Counsel