

I consulted with staff at the Public Service Commission on your questions and have integrated their response with mine in regards to your questions.

The issues became somewhat confusing as a result of Maryland's law concerning Tel-Life. The law is Public Utilities Article 8-201. The Commission staff has provided some clarification, however, as described in the following comments.

The complications arise primarily from the distinctions between "Telephone Lifeline Service" as defined in Public Utilities Article 8-201 (we call this service "Telife" because Verizon is the only carrier that offers it and calls it that in its tariff) and Lifeline service as defined by the FCC (we call this "Lifeline" to distinguish it from Telife). Those distinctions have increased in importance as wireless carriers have sought and received ETC status.

The Lifeline service described in our statute ("Telife") puts DHR squarely in the position of a gatekeeper because, as PUA 8-201 states: "eligible subscriber" is someone "who is certified ... by the Department of Human Resources" As a result, only DHR can qualify low income customers as eligible to participate in our state version of the lifeline program (i.e. Telife).

Wireless carriers do not provide Telife. Rather, they (15 wireless carriers have been certified by the Commission as ETCs since the first wireless carrier received its ETC designation in August of 2009) provide lifeline service as that service is defined by the FCC. As such, for those wireless carriers, Maryland opts into the FCC's rules and regulations including the rules and regulations regarding eligibility.

With this distinction the answers to your questions are as follows:

1. A subscriber has applied for Lifeline service. The name/address does not show up on the monthly DHR file however the applicant has provided a self certification form under penalty of perjury or a copy of a Food Stamp card or a letter demonstrating program participation. Can Nexus enroll this applicant in this situation?

RESPONSE: The FCC permits customers to self-certify as eligible to receive benefits from the Federal Lifeline program. Maryland subscribes to the FCC's rules regarding the federal programs, and therefore applicants that self-certify their eligibility can receive the benefits of the federal low income program.

2. Nexus understands that the DHR database includes Maryland residents that are currently receiving Food Stamps (SNAP), Temporary Assistance for Needy Families (TANF), Medical Assistance, Maryland Energy Assistance Program (MEAP which is LIHEAP), and the Electric Universal Service Program (EUSP). Is this correct?

RESPONSE: The programs mentioned are included in the database. My understanding is that Public Assistance to Adults (PAA) and Temporary Disability Assistance Program (TDAP) are also included in the database. SSI specific data is not included because that data belongs to the Social Security Administration, but those persons would be receiving Medical Assistance, which is included.

3. It is our understanding that Nexus can in fact provide Lifeline benefits to subscribers who provide a self-certification form under penalty of perjury that they receive Supplemental Security Income, Public Assistance to Adults, and Temporary Disability Assistance Program (qualifiers not included in the DHR database). Is this correct?

RESPONSE: Yes. See the response to question 1.

4. When Nexus uncovers situations where applicants are qualified yet do not appear in the DHR database, what procedures should the applicant follow to insure that the applicant's information is added to the DHR database?

RESPONSE: That would only be relevant if the customer wanted to receive the state version of lifeline which is described in Section 8-201 of the Public Utilities Article. This means for service with Verizon. For wireless carriers self-certification could be used. Please contact me to discuss as I am working on a procedure to assist with these situations.

5. Does the DHR database take into account applicants that receive Section 8 benefits (Section 8) or National Free School Lunch Program (NFSL) which are qualifiers under the federal rules?

RESPONSE: The DHR database does not include these programs as they are not administered by DHR. Participation in Section 8 housing benefits or in the national school lunch program qualifies applicants to receive federal lifeline benefits and thus would be eligible to receive benefits from the federal lifeline program. Eligibility would be subject to self-certification or an agreement with the respective entities.

6. The main question that needs clarification to Nexus is that the mere fact that an applicant does not appear in the DHR database does not preclude eligibility confirmation by other means. Is that correct?

RESPONSE: Correct. The data provided by DHR is up-to-date by the previous month. Someone who started receiving one of the benefits in the current month would not be included on the file until the next month. See the responses to questions 1, 3 and 5. Self-certification could be used.