



May 14, 2012

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12th St., SW  
Washington, DC 20554

**Re: *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***

Dear Ms. Dortch:

On April 25, 2012, USTelecom filed a Petition for Waiver<sup>1</sup> (Petition) of section 54.407(d) and sections 54.410(b)(2) and (c)(2) of the Commission's rules with respect to certain eligible telecommunications carrier (ETC) compliance obligations in particular states identified in Appendix 1 of the Petition. Specifically, beginning June 1, 2012, ETCs are required to obtain a subscriber's certification form, which complies with section 54.410(d), before the ETC may seek reimbursement for providing Lifeline to that new Lifeline subscriber. In those states where a state entity performs the Lifeline eligibility determination for some or all subscribers on behalf of some or all of the ETCs in that state, those ETCs must obtain a copy of the subscriber's certification form from the state before the ETC may seek reimbursement for that new Lifeline customer. The waiver request applies only to those ETCs that are required to enroll customers for whom the state has determined the Lifeline customers' eligibility, but where the state does not provide subscriber certifications to the ETC, and will not be by June 1, 2012.

Based on new information about the status of changes to the customer eligibility determination process in Kansas and Tennessee, USTelecom respectfully withdraws those two states from Appendix 1 of the Petition. In addition, New Jersey should also be removed from Appendix I based on oral assurances from representatives of the state that the New Jersey Bureau of Public Utilities will complete action to eliminate automatic enrollment prior to June 1, 2012. USTelecom hopes to file another letter removing from the Appendix other states, including Nebraska, Ohio, and Texas, once state authorities have been able to provide written confirmation that these states will be in full compliance with the Commission's new eligibility rules effective

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<sup>1</sup> See USTelecom Petition for Waiver, WC Docket Nos. 12-23, 11-42, 03-109; CC Docket No. 96-45 (filed April 25, 2012).

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June 1.<sup>2</sup> If the Commission grants the California PUC's Waiver Petition<sup>3</sup> prior to acting on USTelecom's Petition and includes in its order the rule waivers sought by USTelecom, then the Commission obviously can dismiss as moot USTelecom's Petition with respect to California.

Please do not hesitate to contact me with any questions,

Sincerely,



David B. Cohen

cc: Kim Scardino  
Jonathan Lechter

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<sup>2</sup> Until such time, USTelecom continues to request waiver of the rules for Arizona, California, Colorado, the District of Columbia, Florida, Idaho, Montana, Nebraska, Nevada, New York, Ohio, Oregon, Texas, U.S. Virgin Islands, Utah, Vermont and Washington.

<sup>3</sup> See *Lifeline and Link Up Reform and Modernization et al.*, Petition for Waiver, WC DKT Nos. 11-42 et al. CC Dkt. No. 95-45 (filed April 26, 2012) (*CA PUC Waiver Petition*). USTelecom notes that additional waiver petitions are pending, filed by Colorado, Montana, and Oregon.