

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and Modernization	)	WC Docket No. 11-42
	)	
Lifeline and Link Up	)	WC Docket No. 03-109
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Advancing Broadband Availability Through Digital Literacy Training	)	WC Docket No. 12-23
	)	

**USTELECOM REPLY TO OPPOSITIONS  
TO THE PETITION FOR RECONSIDERATION AND CLARIFICATION SUBMITTED  
BY USTELECOM OF THE LIFELINE REFORM ORDER**

**I. INTRODUCTION AND SUMMARY**

The United States Telecom Association (“USTelecom”)<sup>1</sup> respectfully submits these Reply Comments to Oppositions to the Petition for Reconsideration and Clarification of USTelecom (USTelecom Petition).<sup>2</sup> The Commission has taken important steps to reform and modernize the Universal Service Fund’s Lifeline program, and the USTelecom supports the Commission’s efforts. Given the significance of the issues and the complexity of the subjects involved, it is not surprising that several parties, including USTelecom, have filed petitions for reconsideration or clarification of various aspects of the *Order*.

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry. USTelecom members provide a full array of services, including broadband, voice, data and video over wireline and wireless networks.

<sup>2</sup> See Petition for Reconsideration and Clarification of the United States Telecom Association, WC Docket Nos. 12-23, 11-42, 03-109, CC Docket No. 96-45 (filed April 2, 2012).

USTelecom's Reply Comments will focus on the oppositions submitted by The Gila River Indian Community and Gila River Telecommunications, Inc. (GRIC/GRIT), the National Congress of American Indians (NCAI), the California Public Utilities Commission and the People of the State of California (California Opposition), and NASUCA.

## **II. THE COMMISSION SHOULD RECONSIDER THE REQUIREMENT TO REPORT INFORMATION TO TRIBAL AUTHORITIES**

The new rules include the requirement that ETCs provide various reports to tribal governments.<sup>3</sup> USTelecom requested that the Commission reconsider these requirements, and instead provide that a carrier shall provide information to tribal governments only upon reasonable request.

GRIC/GRIT and NCAI oppose this request for reconsideration. GRIC/GRIT and NCAI wish to place the burden of initiating contact and developing tribal contact information on the ETC, even if the tribe does not request (and does not require) such information. GRIC/GRIT also contends that the USTelecom Petition was inaccurate in its contention that ETCs do not have contact information for each particular tribe.<sup>4</sup> NCAI contends that USTelecom's request is based on the rules being unduly burdensome, which they assert is not accurate.

Unfortunately, GRIC/GRIT and NCAI misstate the USTelecom's concern and do not acknowledge the benefits of USTelecom's approach which is designed to benefit both the tribes and the serving ETCs. The approach suggested by the Petition ensures that those that want the information will receive it, and all tribes will have access at any time they reasonably choose.

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<sup>3</sup> Paraphrasing section 54.420(a)(4), paragraph 294 mandates that "covered ETCs must provide audit reports to the FCC, USAC, and relevant state and Tribal governments." Section 54.416(b) requires ETCs to "annually provide results of their re-certification efforts" to "the relevant Tribal governments." Sections 54.410 and 54.422 have similar reporting requirements, which include tribal governments.

<sup>4</sup> See GRIC/GRIT Opposition at 2 and NCAI Opposition at 3.

As noted in USTelecom's Petition, the goal of the Petition with respect to tribal reporting is to ensure identification of the proper party to whom the information should be reported which would lead to more accurate reporting. As noted by GRIC/GRIT, tribes have several potential points of contact, a head administrator, council and point of contact shown on a business license.<sup>5</sup> Given that some of the information contemplated by the tribal engagement rules may include private information of tribal residents, and the importance of proper distribution to ensure protection of the privacy of tribal members, ETCs should not have to guess who the appropriate tribal party is, or risk sending information to a tribal member not charged with protecting confidential information.

### **III. THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE PEOPLE OF THE STATE OF CALIFORNIA MISUNDERSTAND USTELECOM'S RECONSIDERATION REQUEST WITH RESPECT TO CUSTOMER CERTIFICATION**

The California Public Utilities Commission and the People of the State of California (California Opposition) object to USTelecom's reconsideration request with respect to customer certification. However, the California Opposition misunderstands USTelecom's request. USTelecom's concern is about the customer information required for certification or recertification, not the eligibility standards for participation in the Lifeline program, which California correctly points out, may be supplemented by state regulations not inconsistent with the Commission's rules. USTelecom's request is merely that the information and documentation requirements for customers, based on whichever income or program-based eligibility standard they meet to qualify for Lifeline service, be uniform across the states.

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<sup>5</sup> See GRIC/GRIT Opposition at 2.

**IV. THE COMMISSION SHOULD CLARIFY THAT ETCS DO NOT NEED TO INFORM CUSTOMERS EVERY MONTH THAT PARTIAL PAYMENTS WILL BE APPLIED FIRST TO THE VOICE COMPONENT OF A BUNDLE**

NASUCA opposes USTelecom's request that the Commission clarify that Lifeline providers offering bundles of services to Lifeline customers do not need to notify those customers every month, via a bill message, that any partial payment will be applied first to the voice component of the bundle of services. According to NASUCA, this Commission requirement "properly balance[s] the convenience of carriers with the need of Lifeline customers for continuing service."<sup>6</sup> NASUCA misses the point of USTelecom's request. Providing Lifeline customers with superfluous monthly bill messages does nothing to protect Lifeline customers from losing access to voice service. In fact, increasing a Lifeline provider's billing costs by requiring monthly notifications regarding partial payments will only disincent providers from offering Lifeline customers bundles of services. As a consumer advocate organization, this is not a result that NASUCA should want. Instead, the Commission should give carriers the discretion to apply flexibly this customer notification requirement, as long as the notice is provided at initial customer enrollment, and no less frequently than each year thereafter.<sup>7</sup>

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<sup>6</sup> See NASUCA Comments at 6.

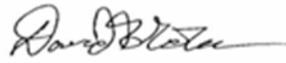
<sup>7</sup> See USTelecom Petition at 14.

V. **CONCLUSION**

For the foregoing reasons, the Commission should grant the USTelecom Petition for Reconsideration and Clarification.

Respectfully submitted,

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