



Pillsbury Winthrop Shaw Pittman LLP  
2300 N Street, NW | Washington, DC 20037-1122 | tel 202.663.8000 | fax 202.663.8007

Glenn S. Richards  
tel 202.663.8215  
glenn.richards@pillsburylaw.com

July 17, 2012

FILED ELECTRONICALLY

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

Re: PlatinumTel Communications, LLC - WC Docket No. 11-42, WC Docket  
No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23

Dear Ms. Dortch:

PlatinumTel Communications, LLC (“PTC”)<sup>1</sup>, by its undersigned counsel, hereby submits the following comments in response to recent filings in the above-referenced dockets concerning new rules for providers of Lifeline services.<sup>2</sup>

A. Background

In the *Lifeline Reform Order*, the Commission eliminated consumer self-certification and revised Section 54.410 of the Commission’s rules to require ETCs (or the state Lifeline program administrator, where applicable) to check eligibility by accessing electronic databases, where available, or by reviewing documentation from

---

<sup>1</sup> PlatinumTel has been providing prepaid wireless telecommunications services to low income consumers throughout the United States since 2001. In 2009, PlatinumTel was certified by the Illinois Commerce Commission as an eligible telecommunications carrier (“ETC”) in Illinois and in 2011 was granted forbearance by the Commission from the ETC facilities requirement .

<sup>2</sup> *In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training, Report and Order and Further Notice of Proposed Rulemaking* (February 6, 2012) (“*Lifeline Reform Order*”).

the consumer proving his or her eligibility.<sup>3</sup> The Commission further required that by no later than June 1, 2012, ETCs in states where carriers are responsible for checking consumer eligibility must implement certification procedures to document consumer eligibility to qualify for Lifeline under program-based eligibility.<sup>4</sup> ETCs are required to comply with the documentation requirements unless access to an electronic eligibility or income database is available.<sup>5</sup>

B. Verizon Reply Comments

In Reply Comments filed May 15, 2012, Verizon supported petitions for waiver of Section 54.410(g) of the Commission Rules, which establishes re-verification procedures (every 90 days) for subscribers with temporary addresses, noting that the rule is burdensome, unsupported by the record and likely infeasible.<sup>6</sup> Verizon notes that ETCs are already required to recertify subscribers annually and subscribers are obligated to notify ETCs if they move.<sup>7</sup> Thus, the 90 day recertification requirement is duplicative, costly and will be burdensome for ETCs and those Lifeline subscribers using temporary addresses. The Commission on its own should eliminate this unnecessary requirement for all ETCs, rather than granting waivers on a case by case basis.<sup>8</sup>

---

<sup>3</sup> *Id.* at paras. 91, 98-99.

<sup>4</sup> *Id.* at para. 100. The Commission further noted that consistent with its current rules, ETCs must have implemented procedures to document the eligibility of consumers seeking to qualify under income-based criteria. *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Reply Comments of Verizon on Petitions for Reconsideration and Comments on Requests for Waivers, Dockets 11-42, 03-109, 96-45, 12-23 (May 15, 2012) at p. 4.

<sup>7</sup> *Id.* (“ETC’s would be forced to undertake expensive IT changes to treat subscribers with temporary addresses differently than other subscribers.”)

<sup>8</sup> Similarly, PTC supports Tracfone’s request for waiver of the requirement to re-certify those customers that had been re-certified during calendar year 2012, but before June 1, 2012, or those customers that enrolled in the Lifeline program between January 1, 2012 and May 31, 2012. See Petition for Declaratory Ruling or, in the Alternative, for Waiver of Section 54.410(f) of the Commission’s Rules, WC Docket 11-42 (filed May 18, 2012). PTC asserts that the re-certification process in these examples would be duplicative, confusing and result in the de-enrollment of truly eligible customers. Many customers may assume these additional requests were sent in error and simply ignore them. Customers should only be required to re-certify on the one-year anniversary of their enrollment. If the Commission acts on the Tracfone petition it should do so for all Lifeline service providers.

C. Nexus Communications Inc.

Nexus Communications submitted comments on May 15, 2012 regarding the following topics: 1) ETCs must be able to file for subsidies for services rendered if the state misses the June 1, 2012, deadline; and 2) Competitive ETCs must have access to state Lifeline databases historically used by ILECs.<sup>9</sup>

First, PTC agrees with Nexus that ETCs should not be penalized if states cannot meet the June 1, 2012, deadline to make available to ETCs consumer eligibility information via a database that ETCs may access (and those states have not received an extension of the June 1 deadline). As noted by US Telecom, “ETCs have no control over whether the database states will be ready to meet these obligations.”<sup>10</sup> A state’s inability to provide access to a database for consumer eligibility should not hinder the ability of an ETC to provide Lifeline service, and the ETC should not be held responsible for the states not meeting their deadlines. Thus, if a state does not have the mechanisms in place to provide the certification (and has not received an extension of the June 1 deadline), ETCs operating in that state should receive an automatic waiver of the requirement to obtain documentation from the subscriber.<sup>11</sup>

Second, the Commission should ensure that all competitive ETCs have access to state Lifeline databases historically used by ILECs. This will ensure competitive neutrality. As noted by Nexus, if one competitive provider is granted access, all

---

<sup>9</sup> Comments of Nexus Communications, Inc., Dockets 11-42, 03-109, 96-45, 12-23 (May 15, 2012) at pp. 1-3.

<sup>10</sup> See United States Telecom Association, WC Docket Nos. 11-42, 96-45, 03-109 (filed May 14, 2012).

<sup>11</sup> Alternatively, the Commission could postpone for one year (until June 1, 2013) the implementation of the burdensome ‘full certification’ requirements found at 54.410(c)(1)(i)(B) in the *Lifeline Reform Order*. See, Tracfone Request for Postponement, WC Dockets 11-42, 03-109, 96-45, 12-23 (filed May 11, 2012). PlatinumTel supports this request. As Nexus states, the June 1 deadline is “too rushed to permit the industry and state regulators to even understand which state processes qualify as Lifeline databases, let alone permit the database states to meet the new deadlines.” Nexus Comments at p. 7. The full certification requirement, as written, does little to prevent waste, fraud and abuse but creates unnecessary burdens on Lifeline program applicants. Most significantly, prospective eligible consumers are less likely to enroll in the program because of a lack of means with which to submit their proof. During the month of June 2012 (when compared to May 2012), PTC experienced a decrease of approximately 81 percent of enrolled consumers and nearly a 75 percent decrease in applications submitted for enrollment.

competitive ETCs should be granted access.<sup>12</sup> This access will alleviate the need for ETCs to obtain documentation and certification from consumers.

D. Other Comments

a. Joint Comments in Response to Petitions for Reconsideration and/or Clarification

A number of parties recommend, and PTC supports, that the Commission clarify the appropriate documentation required to demonstrate program eligibility. Rather than providing only examples of such documentation, the Commission should issue a comprehensive list and provide detailed guidance of acceptable documentation. The Commission should also clarify that photocopies, scans, or facsimiles of such documentation are acceptable.<sup>13</sup>

The Commission should also identify each state that has an eligibility database available for use by ETCs and publish a definitive list that is updated quarterly. ETCs should not have to independently ascertain this information. In addition, the Commission should identify the programs for which the database has eligibility information. Further, the Commission should confirm that for programs not covered by the relevant database, the ETC may rely on a subscriber certification.<sup>14</sup>

The Commission should not require full documentation of eligibility pending the availability of databases. Instead, the Commission should continue to permit customer self-certification. It is burdensome for consumers to provide documentation, particularly since low-income consumers often have limited access to technology such as fax machines, copy machines, and scanners.<sup>15</sup>

The requirement to procure documentation will cause an undue burden on consumers that may be eligible to receive Lifeline service. For example, in the State of Illinois, only certain programs provide verifiable physical proof of participation.

---

<sup>12</sup> Nexus Comments, p. 6.

<sup>13</sup> Joint Comments in Response to Petitions for Reconsideration and/or Clarification, WC Dockets 11-42, 03-109, 96-45, 12-23 (May 7, 2012) at p. 2.

<sup>14</sup> *Id.* at p. 3.

<sup>15</sup> *Id.*

The *Lifeline Reform Order* allows for applicants to request official documentation from the program in which they participate in order to enroll in the Lifeline program.<sup>16</sup> This will create another obstacle in providing universal service to qualifying individuals, requiring them to take unnecessary steps to prove their eligibility. This also will not stop fraud and abuse because non-eligible consumers can simply provide fraudulent documentation.<sup>17</sup>

E. Conclusion

PlatinumTel is fully behind the Commission's goal of reducing waste and fraud and is certain that this will be accomplished when a centralized database is made available to Lifeline providers. However, as detailed above, the "full certification" rule needs to be waived for all Lifeline providers until (a) the Commission makes available a list of states which have databases available to ETCs to access consumer eligibility; (b) states that have not yet made databases available have sufficient time and/or resources to make them available; (c) a national database is available to establish both program eligibility and Lifeline eligibility. By moving forward with the "full certification" requirement the Commission is creating an additional roadblock for consumers that need Lifeline service to stay connected in cases of emergency and to help them find gainful employment to further their contribution to the country's overall economy.

The Commission should also eliminate the temporary address re-verification requirement. Requiring consumers to re-verify their eligibility every 90 days risks that those most in need will be de-enrolled from this vital program. Eliminating the re-verification requirement also removes the burden on ETCs of costly infrastructure expenses to maintain IT and manpower resources to manage these customers, as if they are separate from all other subscribers.

---

<sup>16</sup> *Lifeline Reform Order*, para. 101.

<sup>17</sup> See Opposition and Comments of CTIA, WC Dockets 11-42, 03-109, 96-45, 12-23 (filed May 7, 2012) at pp. 6-7 ("*To ensure that its regulations do not suppress or otherwise skew Lifeline participation, the Commission should avoid imposing new verification burdens and compliance costs on carriers and low-income customers as it undertakes the process of developing an integrated database. In the meantime, the Commission can accomplish its savings goals through other measures it has already adopted, and should focus its efforts on the critical task of developing automated means of determining eligibility*").

PTC fully intends to follow the guidelines set forth by the Commission. PTC has multiple identity and verification steps in place to ensure that customers understand the rules and terms of the Lifeline program, duplicate verification steps to ensure that only one person per household is receiving Lifeline service, a highly trained staff that monitors the enrollments daily and personnel responsible for day-to-day compliance with Commission rules. PTC ensures that all of its advertising and marketing materials clearly state the requirements to participate in the Lifeline program.

Please contact the undersigned if you have any questions.

Sincerely yours,

/s/

Glenn S. Richards  
Counsel for PlatinumTel  
Communications, LLC