

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

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
	)	

**VERIZON’S EMERGENCY PETITION FOR WAIVER OF  
2012 LIFELINE ELIGIBILITY RECERTIFICATION  
DEADLINES DUE TO HURRICANE SANDY**

Verizon requests a short waiver of the Commission’s new Lifeline recertification rules to avoid de-enrolling Lifeline customers in New York and New Jersey that may not be able to verify their continued program eligibility because of the effects of Hurricane Sandy. Verizon<sup>1</sup> is on track to complete the required new recertification of its existing Lifeline customers’ eligibility by December 31, 2012, but we are concerned that without Commission action Verizon will be forced to unfairly de-enroll some Lifeline customers in New York and New Jersey due to the unforeseen circumstance of, and extensive damage caused by, Hurricane Sandy. Given the low response rates to Verizon’s recertification efforts in New York and New Jersey thus far, it appears that at least some customers affected by the storm may not have received the recertification notifications or may not be in a position to respond. Under new Commission rules, Verizon is required to de-enroll non-responders unless the Commission acts.

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<sup>1</sup> The Verizon companies participating in this filing are Verizon New York Inc. and Verizon New Jersey Inc. (“Verizon”), both of which are Verizon incumbent local exchange carriers (“ILECs”) that are separately designated as eligible telecommunications carriers (“ETCs”). Verizon is not requesting a waiver for other Verizon ETC entities, including other Verizon ILECs or Verizon Wireless.

To avoid subjecting storm-affected Lifeline customers to the unnecessary hardship, Verizon respectfully requests a short extension of three months beyond the existing deadlines for recertifying its Lifeline customers in New York and New Jersey—until March 31, 2013. Verizon also requests a corresponding extension until 30 days following the new recertification deadline for New York and New Jersey—until April 30, 2013—to report its recertification results to the Commission and the Universal Service Administrative Company (“USAC”).

### DISCUSSION

In the new rules adopted in the *Lifeline Reform Order*, the Commission required ETCs to recertify annually the continued eligibility of their Lifeline subscribers, beginning with the recertification of their existing Lifeline subscribers’ eligibility by the end of 2012, and to report the results of the 2012 recertification to USAC by January 31, 2013.<sup>2</sup> ETCs must de-enroll any Lifeline customers that fail to recertify their eligibility.<sup>3</sup>

Consistent with the *Lifeline Reform Order*, Verizon implemented a rolling recertification program across its wireline ILEC footprint and is on track to complete the recertification of its entire Lifeline customer base by the end of 2012. Unfortunately, New York and New Jersey were scheduled for the end of the rolling cycle, with recertifications in those states scheduled to be obtained by Verizon during November and December 2012.

Verizon provides wireline Lifeline service to 181,345 Lifeline customers subject to recertification in New York and 69,367 customers in New Jersey. As the Commission is aware, Hurricane Sandy struck New York and New Jersey on October 29, 2012, causing major damage that would affect customers’ ability to receive or respond to Verizon’s recertification requests.

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<sup>2</sup> 47 C.F.R. §§ 54.410(f), 54.416(b); *Lifeline and Link Up Reform and Modernization, et al.*, WT Docket Nos. 11-42 *et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6714-15 ¶¶ 129-30 (2012) (“*Lifeline Reform Order*”).

<sup>3</sup> 47 C.F.R. § 54.405(e)(4).

The storm displaced thousands of people from their homes—30,000 to 40,000 people in the New York City area alone<sup>4</sup> and at least 6,000 in New Jersey.<sup>5</sup> Customers housed in shelters or otherwise displaced from their homes are unlikely to be able to receive mail sent to their residences or calls placed to the wireline telephones where Verizon New York and Verizon New Jersey provide Lifeline service. Moreover, customers impacted by the storm are not likely to be focused on new Lifeline recertification rules, and the impact of those rules on their continued program participation, even if reached by Verizon.

The storm also significantly disrupted mail service in New York and New Jersey.<sup>6</sup> Mailed notices are a significant component of Verizon’s recertification effort, and thus likely were affected by mail service disruptions. Underscoring the severe impact of the storm, as of last Saturday Verizon repair crews had completed 433,000 post-Sandy repairs across the company’s Mid-Atlantic and Northeast regions, and more than 1.6 million customers affected by power outages have had their FiOS services restored. Even customers that are still in their homes and receiving mail and telephone service may be preoccupied with storm damage or assisting affected family members and therefore unable to respond promptly to correspondence

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<sup>4</sup> “New York Scrambles to Find Homes for Thousands,” *New York Times* (Nov. 5, 2012), available at <http://online.wsj.com/article/SB10001424052970204755404578099154102259628.html>.

<sup>5</sup> “Superstorm Sandy: New Jersey Families Homeless in City of Ruins,” *The Telegraph* (Nov. 1, 2012) available at <http://www.telegraph.co.uk/news/worldnews/northamerica/usa/9649598/Superstorm-Sandy-New-Jersey-families-homeless-in-city-of-ruins.html>.

<sup>6</sup> See, e.g., “U.S. Postal Service back up and running in most of N.J.,” *Star-Ledger* (Nov. 9, 2012), available at [http://www.nj.com/news/index.ssf/2012/11/us\\_postal\\_service\\_resumes\\_deli.html](http://www.nj.com/news/index.ssf/2012/11/us_postal_service_resumes_deli.html).

from their telephone company. For example, the Federal Emergency Management Agency (“FEMA”) has reported that over 219,000 New Jersey residents have registered for aid.<sup>7</sup>

As of last Friday (November 16), Verizon had received responses to its recertification inquiries from only 12 percent of its New Jersey Lifeline customers and only 5 percent of its New York Lifeline customers. Under these circumstances, good cause exists to waive the deadlines for completing the initial recertification sweep, reporting the results to USAC, and de-enrolling any non-responding subscribers.<sup>8</sup> Strict compliance with the deadlines would be inconsistent with the public interest because a large number of current Lifeline customers could face the hardship of losing their Lifeline service simply because they did not receive notice or were unable to respond due to the impact of the storm.<sup>9</sup>

Verizon therefore requests additional time to complete its recertification efforts in New York and New Jersey and to report those results to USAC.<sup>10</sup> Under the rules, ETCs were required to complete the recertification of their June 1, 2012 customer base by December 31, 2012, and report the results to USAC by January 31, 2012. Although it is unclear precisely when all the residents of these two states will be able to return to their homes and when the damage will be entirely repaired, Verizon believes that an extension of three months should provide sufficient time for Verizon to at least undertake additional efforts, such as an additional mailing, to reach storm-affected customers and to give Lifeline customers a reasonable opportunity to

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<sup>7</sup> “FEMA Eyeballs Sandy’s NJ Hit,” WNYC.org (Nov. 18, 2012), *available at* <http://www.wnyc.org/articles/wnyc-news/2012/nov/18/fema-eyeballs-sandys-nj-hit/>.

<sup>8</sup> The Commission may waive its rules on a showing of good cause. 47 C.F.R. § 1.3.

<sup>9</sup> *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166, (D.C. Cir. 1990); *see also WAIT Radio v. FCC*, 418 F.2d 1153, 1159, 135 U.S. App. D.C. 317 (D.C. Cir. 1969, *cert. denied*, 409 U.S. 1027, 93 S. Ct. 461, 34 L. Ed. 2d 321 (1972) (waiver appropriate where particular facts make strict compliance inconsistent with the public interest, taking into account considerations of hardship, equity, or more effective implementation of overall policy).

<sup>10</sup>

respond to Verizon's recertification efforts. Verizon therefore requests an extension until March 31, 2013 of the deadline to recertify its Lifeline customers in New York and New Jersey, and until April 30, 2013, to provide extended results to the Commission and USAC.

Specifically, Verizon requests waiver of the rules as necessary to extend the recertification and reporting deadlines by three months, including the requirement to complete the 2012 recertification by December 31, 2012, and report the results to USAC by January 31, 2013. Verizon's waiver request extends to: (1) *Lifeline Reform Order*, 27 FCC Rcd at 6715 ¶ 130 (describing the 2013 deadline for USAC reporting and the 2012 deadline to obtain recertification forms from Lifeline subscribers); (2) 47 C.F.R. § 54.405(e)(4) (the requirement to de-enroll customers that fail to recertify); and (3) to the extent necessary 47 C.F.R. § 54.416(b) (codifying the requirement to report results to USAC and the Commission).

### CONCLUSION

An additional three months to recertify the eligibility of its Lifeline customers in New York and New Jersey and report the results will help ensure that Lifeline customers affected by Hurricane Sandy will not be unfairly disconnected from Lifeline service. Verizon requests that the Commission grant Verizon's waiver request as discussed above.

Respectfully submitted,

Michael E. Glover, *Of Counsel*

By: /s/ Christopher M. Miller  
Christopher M. Miller  
1320 North Courthouse Road  
9<sup>th</sup> Floor  
Arlington, VA 22201-2909  
(703) 351-3071

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*Attorneys for Verizon*