

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, DC 20554**

In the Matter of)	
)	
)	
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
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

COMMENTS OF AT&T ON GCI PETITION FOR CLARIFICATION

AT&T Inc. (AT&T), on behalf of its wholly owned affiliates that participate in the Federal Communications Commission’s Lifeline program, submits these brief comments in support of GCI Communication, Inc.’s petition for clarification of the annual Lifeline recertification rule.¹ In its Petition, GCI requests the Commission to clarify that Lifeline providers are permitted to recertify the continued eligibility of their Lifeline subscribers once a year, in accordance with the Commission’s rules. *See* 47 C.F.R. § 54.410(f)(1). AT&T supports such a plain reading of the rule, which states simply, “All eligible telecommunications carriers must annually re-certify all subscribers” For reasons we provide below, AT&T agrees with GCI that the once-a-calendar-year approach is far preferable to the interpretation that each Lifeline provider must recertify each Lifeline customer once every twelve months (e.g., if AT&T

¹ *See* GCI Petition for Clarification of Annual Recertification Rule, WC Docket Nos. 11-42, 03-109, 12-23; CC Docket No. 96-45 (filed Oct. 1, 2012) (Petition).

recertified Jane Doe on August 1, 2012, it would have to recertify Jane Doe on or around August 1, 2013).

According to the Commission's data, AT&T is the largest wireline provider of Lifeline service.² It is a significant undertaking for providers like AT&T to recertify hundreds of thousands of Lifeline customers each year. Among other tasks, providers must mail recertification forms to Lifeline subscribers, track responses, review returned responses, and de-enroll ineligible or non-responding Lifeline subscribers within five business days after the expiration of the subscriber's deadline to respond to the recertification effort.³ To require these providers to recertify Lifeline customers based on their *individualized* 2012 recertification dates would be extraordinarily burdensome, the benefit of which is unknown.⁴ If AT&T's wireline affiliates had to comply with such an onerous requirement, their personnel costs associated with the recertification effort would increase by up to 85 percent. Presented with this compliance burden, the Commission should expect Lifeline providers to ask the Universal Service Administrative Company (USAC) to perform the 2013 recertifications for them. *See Lifeline Reform Order*, FCC 12-11 (2012), at ¶ 133 (giving providers the option of having USAC

² See Federal Communications Commission Response to United States House of Representatives Committee on Energy and Commerce Universal Service Fund Data Request of July 9, 2012, Low-Income Request 18 (Top 10 Holding Companies Receiving Low-Income Support for 2009-2011), *available at* http://democrats.energycommerce.house.gov/sites/default/files/documents/Request%2018_0.pdf.

³ See 47 C.F.R. § 54.405(e)(4).

⁴ As GCI explains, the Commission may be concerned that an unscrupulous Lifeline provider could purposefully delay its recertifications in the following year to maintain its Lifeline rolls for as long as possible. GCI Petition at 3 (explaining that an ETC could recertify a customer once in January 2013 and then again in December 2014, twenty-three months later). However, at most, the provider could prolong its recertification period in just that one year as it would have recertify all of its subscribers again during the very next calendar year (i.e., no later than December 2015). *Id.* at 4. And, as a practical matter, it simply is infeasible for large Lifeline providers to try to frontload their recertifications in one year and delay for as long as possible the recertifications in the following year. Instead, the Commission should expect these providers to stagger their recertification efforts throughout the calendar year.

“conduct the annual recertifications in lieu of ETCs”). USAC’s administrative costs, in turn, could increase substantially next year due to this unnecessarily strict interpretation of section 54.410(f)(1).

Like other large Lifeline providers, AT&T’s wireline Lifeline providers anticipate using the full calendar year to commence and complete their 2013 recertification efforts.⁵ Due to the volume of Lifeline subscribers who must be recertified, these affiliates plan to perform the recertifications in waves that run throughout next year. To mitigate concerns over a bad customer experience, AT&T will make every effort to consider when Lifeline subscribers were recertified in 2012 when crafting the 2013 waves so that customers recertified in June 2012, for example, could expect to be recertified in 2013 before customers who were recertified in November 2012. However, without significant expense, AT&T cannot guarantee that this will always be the case. That means a customer recertified in June 2012 may be asked to recertify in November 2013 (and, conversely, a customer recertified in November 2012 may be asked to recertify in June 2013). This result should not trouble the Commission because, as GCI explains, all of these customers have already been recertified once before under the Commission’s new, more stringent rules (or have commenced receiving Lifeline service post-June 1, 2012, under those new rules) so it is unlikely that any Lifeline provider has a “material number[] of non-eligible subscribers lurking on [its] rolls.” Petition at 3.

For the reasons provided in GCI’s Petition and set forth above, AT&T asks the Commission to grant GCI’s Petition and clarify that Lifeline providers are permitted to recertify their Lifeline subscribers once per calendar year and they are not required to recertify these

⁵ While AT&T’s wireline Lifeline providers have already charted how to complete the 2013 recertifications (with an anticipated start date in February 2013), no final decision has been made about whether to have USAC perform the recertifications on AT&T’s behalf.

subscribers within twelve months of each individual subscriber's last certification. *Id.* at 6. To rule otherwise would unnecessarily hike Lifeline providers' costs of compliance.

Respectfully Submitted,

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