

**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

**PUERTO RICO TELEPHONE COMPANY'S
EMERGENCY PETITION FOR TEMPORARY
WAIVER OF 2012 LIFELINE ELIGIBILITY
RECERTIFICATION DEADLINE**

Puerto Rico Telephone Company (“PRT”) requests a waiver of the Commission's new Lifeline recertification rules to avoid de-enrolling tens of thousands of Lifeline customers in Puerto Rico that have not yet been able to verify their continued program eligibility. PRT is on track to substantially complete the required new recertification of its existing Lifeline customers' eligibility by December 31, 2012, for over 134,383 Lifeline customers. However, we are concerned that without Commission action to provide some temporary relief, PRT will be forced to unfairly de-enroll tens of thousands of Lifeline customers in Puerto Rico due to circumstances beyond their control such as confusion by, and lack of understanding of, the re-certification process. Considering that this is the first time customers need to recertify their eligibility, and given the relatively low response rate to PRT's recertification efforts in Puerto Rico thus far, it appears likely that at least some qualified customers may not be in a position to respond because they need assistance to understand and complete the recertification form. Moreover, many Lifeline customers that should recertify their eligibility were already certified as part of the

regular day-to-day process, and thus the duplicate recertification process has created some confusion and misunderstanding about the need to respond. Under new Commission rules, PRT is required to de-enroll all non-responders unless the Commission acts to provide a modest extension in the form of this temporary relief.

To avoid subjecting affected Lifeline customers to unnecessary hardship, PRT respectfully requests twenty (20) days beyond the existing deadlines for recertifying its Lifeline customers in Puerto Rico—until January 20, 2013. PRT does *not* seek a corresponding extension to report its recertification results to the Commission and the Universal Service Administrative Company ("USAC") by January 31, 2013.

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 Lifeline subscriber base as of June 1, 2012 by the end of 2012, and to report the results of the 2012 recertification to USAC by January 31, 2013.¹ ETCs must de-enroll any Lifeline customers that fail to recertify their eligibility.²

Consistent with the *Lifeline Reform Order*, PRT implemented a proactive recertification program across its wireline incumbent LEC footprint including its wireless Lifeline customers and is substantially on track to complete the recertification of those Lifeline customers by the end of 2012.

However, as of June 1, 2012, PRT provided Lifeline service to over 134,000 Lifeline customers subject to recertification in Puerto Rico. This includes over 84,000 wireline customers

¹ 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 Red 6656, 6714-15 TT 129-30 (2012) ("Lifeline Reform Order").

² 47 C.F.R. § 54.405(e)(4).

and approximately 50,000 wireless customers. PRT has undertaken extraordinary measures to contact these customers including hiring a third party vendor to conduct notification campaigns by letter and outbound calls. Moreover, PRT implemented messages through SMS and its predictive dialer to alert Lifeline customers about the imminent loss of benefits if the re-certification form was not received before its due date. PRT also published notices in the newspaper and on its website about the recertification process and its consequences.

As of Thursday, December 20, 2012, PRT had received responses to its recertification inquiries from 73,944 Lifeline customers or approximately fifty (50) percent of its Puerto Rico Lifeline customers because even though the recertification form was included with a business reply envelope, the experience shows that a period of 30 days is extremely short to receive the expected response. In addition, the holiday season is a critical period for the postal service delivery that can lead to the responses being delayed. Finally, we believe that it is reasonably likely that customers are confusing the recertification process with the annual renewal process. Under these circumstances, good cause exists to waive the deadlines for completing the initial recertification sweep and de-enrolling any non-responding subscribers.³ 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 fact that customers feel reluctant to provide sensitive information such as date of birth, street address and family composition.⁴ PRT therefore requests additional time to complete its recertification efforts in Puerto Rico.

³ The Commission may waive its rules on a showing of good cause. *See* 47 C.F.R. § 1.3.

⁴ *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).

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. PRT therefore requests an extension until January 20, 2013 of the deadline to recertify its Lifeline customers in Puerto Rico. Specifically, PRT requests waiver of the rules as necessary to extend the recertification deadlines by twenty (20) days, including the requirement to complete the 2012 recertification by December 31, 2012 and extending the 30 days period that the customer should respond to the re-certification notice. PRT's waiver request extends to: (1) *Lifeline Reform Order*, 27 FCC Rcd at 6715 ¶ 130 (describing the 2012 deadline to obtain recertification forms from Lifeline subscribers); and (2) 47 C.F.R. § 54.405(e)(4) (the requirement to de-enroll customers that fail to recertify within 30 days from the notice to recertify).

CONCLUSION

An additional twenty (20) days to recertify the eligibility of its Lifeline customers in Puerto Rico will help ensure that Lifeline customers that have not sent their recertification form on time due to the aforementioned circumstances will not be unfairly de-enrolled from Lifeline service. PRT requests that the Commission grant PRT's waiver request as discussed above.

Respectfully submitted,

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