

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 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

**PLATINUMTEL COMMUNICATIONS, LLC. EMERGENCY PETITION FOR
WAIVER OF LIFELINE ELIGIBILITY RECERTIFICATION DEADLINE**

PlatinumTel Communications, LLC. (“PTC”), pursuant to Sections 1.2 and 1.3 of the Commission’s rules,¹ hereby petition for a one-time waiver of Section 54.410(f) of the Commission’s Rules² to avoid de-enrolling approximately 10,000 Lifeline customers in Illinois who continue to use the service but that have not yet been able to verify their continued program eligibility. All of these customers were either newly enrolled or recertified by PTC between January 1, 2012 and May 31, 2012, and each was required to respond to questions demonstrating the customer’s understanding of Lifeline program eligibility requirements. Though substantially similar, these customers have not yet responded to subsequent recertification requests that are based specifically on the rules adopted by the Commission the *Lifeline Reform Order*, which took effect June 1, 2012.

The Commission’s *Lifeline Reform Order* required Eligible Telecommunications Carriers (“ETCs”) to recertify all Lifeline subscribers as of June 1, 2012 by December 31, 2012, and to report the results to USAC on or before January 31, 2013.³ In the single state in which

¹ 47 C.F.R. §§ 1.2, 1.3.

² 47 C.F.R. § 54.410(f).

³ *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

PTC is an ETC (Illinois), PTC enrolled and recertified subscribers in Lifeline during the first five months of 2012 using a comprehensive certification process that documented the subscribers' eligibility for Lifeline, nearly consistent with the Commission's now-applicable verification rules. In particular, subscribers were not simply permitted to self-certify their eligibility, but rather were required to accept and acknowledge a set of ten (10) verification questions to demonstrate their eligibility.

As a result, for PTC subscribers who enrolled or were recertified between January 1, 2012 and May 31, 2012, the recertification process imposes needless and undue burdens, as the existing enrollment process was sufficiently comprehensive to establish the subscribers' eligibility and to detect and prevent waste, fraud, and abuse. Far from advancing the Commission's objectives, requiring recertification with respect to subscribers whose eligibility was fully documented last year would introduce significant confusion among those subscribers and could result in the loss of approximately 10,000 eligible Lifeline subscribers (given the possibility that many subscribers who recently enrolled or recertified in the first five months of 2012 would not respond to recertification notices due to confusion).⁴ PTC will recertify all of its customers in 2013, in accordance with Section 54.410(f) of the Commission's Rules and de-enroll those customers that do not recertify, in accordance with Section 54.405(e)(4) of the Commission's Rules.

In these circumstances, PTC submits that a limited, one-time waiver of the recertification requirement—which would apply only to PTC Lifeline subscribers in Illinois who enrolled or recertified between January 1, 2012 and May 31, 2012— would advance the

Further Notice of Proposed Rulemaking, WC Docket Nos. 11-42, 03-109, 12-23, CC Docket No. 96-45, ¶¶ 130, 132 (rel. Feb. 6, 2012) (“*Lifeline Reform Order*”).

⁴ PTC has confirmed that all of the Lifeline customers that have not responded to the recertification request have used their phones within the past 30 days.

public interest. Good cause exists for the waiver because it will not undermine the Commission's policies, it will avoid unnecessary burdens and consumer confusion, and it will reduce the loss of legitimate Lifeline subscribers who depend on the benefits of the Lifeline program.

BACKGROUND

PTC is a designated ETC in Illinois and has enrolled (and continues to enroll) Lifeline subscribers.⁵ Between January 1, 2012 and May 31, 2012, PTC enrolled or recertified Lifeline subscribers in Illinois and also used a comprehensive verification process to establish those subscribers' eligibility for the Lifeline program. Specifically, Lifeline applicants were required to agree to and accept the terms of the Lifeline program by acknowledging their understanding of the questions they were asked at the time of enrollment, as part of establishing their participation in one of several qualifying programs. The PTC enrollment representatives reviewed the terms of the Lifeline program, in detail, with applicants, ensuring their understanding of the program, performed an address verification using the USPS Address Matching System (AMS), then performed a manual duplicate search prior to submission for an automated duplicate search. Once submitted for a duplicate search, PTC's system would check against all existing enrollments for a match on First, Last, and Address, or First, Last, SSN. This includes a search with first name variations to ensure an applicant using John Smith is matched to Jon Smith, if they are at the same address or share the same SSN. At all times, PTC has been proactive as it relates to recommendations from FCC staff, implementing those recommendations before they were required by FCC orders. For example, PTC required responses to the 10 certification/verification questions in March 2012, three months before the rules went into effect.

⁵ PTC began enrolling Lifeline customers in March 2011. PTC's compliance plan was approved last month. See Public Notice, WC Docket Nos. 09-197 and 11-42, DA 12-2063 (rel. Dec. 26, 2012).

The relevant Lifeline application and recertification materials are attached hereto as Exhibit 1.

As reflected in the attached materials, Lifeline applicants and current subscribers were required to certify under penalty of perjury that they understood that Lifeline assistance is available only for one phone line per household, and that the information in their application was true and correct. Applicants also agreed in writing to notify PTC if they added Lifeline on another phone line, as well as if they ceased participation in their qualifying programs. Lifeline applicants were not permitted to self-certify their Lifeline eligibility. Approximately 100,000 Lifeline subscribers enrolled or recertified using these procedures between January 1, 2012 and May 31, 2012. From June 1, 2012-December 31, 2012, PTC undertook extraordinary measures to contact these customers, including by phone calls, texts and regular mail, and alert them about the loss of benefits if the recertification form was not completed by the due date. PTC believes subscribers may be confused by the request to recertify within the same calendar year that they had either enrolled in the service or had already recertified.

ARGUMENT

I. GOOD CAUSE EXISTS FOR A ONE-TIME WAIVER OF SECTION 54.410(f)

The Commission may waive any provision of its rules upon a showing of “good cause.”⁶ In these circumstances, there is good cause for the limited, one-time waiver of the re-certification requirement for the specific subset of PTC Lifeline subscribers described above.

A. The Commission’s Policies Will Not Be Undermined by a One-Time Waiver

The Commission’s *Lifeline Reform Order* established rules that, among other things, aimed to modernize and reform the Lifeline program and to better detect and prevent waste, fraud, and abuse.⁷ Among the reforms were enhanced initial and annual certification

⁶ 47 C.F.R. §§ 1.3.

⁷ See, e.g., *Lifeline Reform Order* ¶¶ 1, 4.

requirements that required ETCs to engage in rigorous certification procedures for Lifeline subscribers, including obtaining documentation of eligibility and requiring consumers to make certifications regarding their eligibility.⁸ The Commission also instituted an obligation that ETCs obtain a re-certification of all Lifeline subscribers enrolled in the program as of June 1, 2012 by December 31, 2012.⁹

The limited, one-time waiver that PTC requests is consistent with the policies and reforms set forth in the *Lifeline Reform Order*. PTC required subscribers to certify to the truthfulness of their applications using the required certification questions prior to the Order requirement to do so, as well as their recognition that Lifeline is available only for one phone line per household. PTC's certification process thus satisfied the fundamental requirements that the Commission introduced in the *Lifeline Reform Order*. Therefore, the limited one-time waiver of the re-certification obligation would not in any way undermine the Commission's policies or reform efforts.

B. Enforcing Section 54.410(f) In This Case Would Have Adverse Results

Far from advancing Commission policy, strict adherence to the recertification requirements for the approximately 10,000 subscribers at issue would result in needless burdens and consumer harm. Recertification creates significant burdens on ETCs, and while those burdens may be justified in many instances as part of necessary reform efforts, in the limited circumstances of PTC's recent enrollees in Illinois, recertification following on the heels of documented enrollment is wholly unnecessary and thus would create burdens without any material corresponding benefits. Moreover, the recertification process is likely to create significant confusion among those subscribers, because they recently enrolled by completing a

⁸ See, e.g., *id.* ¶¶ 98-119.

⁹ See, e.g., *id.* ¶¶ 130-132.

comprehensive verification process and are likely to be puzzled as to why they are being asked to participate in another certification process so soon after enrolling. PTC accordingly believes that many of the subscribers that it enrolled or recertified from January 1 – May 31, 2012, could ignore or discard any recertification forms. In turn, these Lifeline subscribers, who legitimately qualify for Lifeline benefits and had established that qualification with documentation, would lose their benefits because of duplicative and confusing administrative requirements rather than because they have actually lost their eligibility for benefits.

Because PTC's request is limited to a one-time waiver, the relevant Lifeline subscribers will be subject to recertification requirements in 2013 and beyond. In Illinois, PTC employed a thorough certification process that is consistent with the Commission's newly adopted requirements. In these limited circumstances, a waiver is strongly in the public interest and consistent with prior waivers granted by the Commission.¹⁰

This waiver requests extends to (1) the *Lifeline Reform Order*, 27 FCC Rcd 6715 at para. 130 (describing the December 31, 2012, deadline to obtain recertification forms from Lifeline subscribers); (2) Section 54.405(e)(4) of the Commission's Rules (requiring de-enrollment of customers within 30 days of failure to recertify) and (3) would permit PTC to include these approximately 10,000 customers in Column D, Number of Subscribers Responding to ETC contact, on the FCC Form 555, due to be filed by January 31, 2013.

¹⁰ See, Order, In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket 11-42, DA 12-1927 (rel. Nov. 30, 2012); see also See, Order, In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket 11-42, DA 12-2091 (rel. Dec. 27, 2012).

CONCLUSION

For the foregoing reasons, PTC requests a one-time waiver of Section 54.410(f) of the Commission's rules with respect to PTC subscribers who enrolled in the Lifeline program in Illinois between January 1, 2012 and May 31, 2012.

Respectfully submitted,



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January 18, 2013

VERIFICATION

I have read the foregoing Emergency Petition for Waiver and the facts stated therein, other than those of which official notice may be taken, are true and correct to the best of my knowledge, information and belief.

Signature: 

Name: Omar Aqel

Title: Vice-President

Date: 01/18/2013

EXHIBIT 1

PLATINUMTEL LIFELINE APPLICATION AND RECERTIFICATION MATERIALS



P.O. BOX 1109
 BRIDGEVIEW, IL 60455
 Office (855)711- 2222
 Fax (855)722- 2022

**VERIFICATION FORM
 FINAL NOTICE**

YOUR LIFELINE SERVICE WILL BE TERMINATED IN 30 DAYS IF YOU DO NOT COMPLETE VERIFY ELIGIBILITY.

In order to maintain Government Supported Lifeline Service you must verify your eligibility to receive Lifeline benefits. **Failure to verify your eligibility will result in de-enrollment from the program.**

There are three (3) ways to verify your eligibility:

Online: www.carewireless.com/verify **Phone:** 855-711-2222 **Mail:** Care Wireless
 PO BOX 1109
 Bridgeview, IL 60455

First Name: _____ Last Name: _____

Date of Birth: _____ Last four SSN: _____ Zip Code: _____

Please read the information below and **initial each box** to acknowledge that you understand the terms of maintaining Care Wireless Lifeline service. Please note, that **if you do not verify your eligibility, you will be de-enrolled from the Lifeline program.**

I certify under penalty of perjury (Initial Each Certification Below):

- _____ 1) The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
- _____ 2) I am a current recipient of the program(s) checked above.
- _____ 3) I have provided documentation of eligibility if required to do so.
- _____ 4) I understand that I and my household can only have one Lifeline-supported telephone service. Care Wireless has explained the one-per-household requirement. I understand that violation of the one-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline program, and could result in criminal prosecution by the Unites States Government
- _____ 5) I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline-supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.
- _____ 6) I understand that my Care Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.
- _____ 7) I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period during which I may use the service or contact Care Wireless to confirm that I want to continue receiving service.
- _____ 8) I will notify Care Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify Care Wireless if:
 - a) I am receiving more than one Lifeline supported service;
 - b) I no longer satisfy the criteria for receiving Lifeline support.
- _____ 9) I will notify Care Wireless within thirty (30) days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with Care Wireless every ninety (90) days. If I fail to respond to Care Wireless' verification attempts within thirty (30) days, my Care Wireless Lifeline service may be terminated.
- _____ 10) Care Wireless has explained to me that I am required each year to re-certify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, it will result in termination of my Care Wireless Lifeline service.

Signature: _____ Date: _____

Re-Certification is good for up to one (1) year from the date of signing. This Re-Certification must be updated annually to avoid program termination.



FREE WIRELESS PHONE
&
FREE 250 MONTHLY AIRTIME MINUTES

ILLINOIS APPLICATION

A Lifeline Product

This completed form is required in order to enroll you in the Lifeline Program in your state. This authorization form is solely for the purpose of verifying your participation in the programs listed below, and will not be used for any other purpose.

IMPORTANT INFORMATION ABOUT THE LIFELINE PROGRAM

- 1. The Lifeline Program is a federal benefit.
2. Lifeline Service is only available for one line per household. A household cannot receive benefits from multiple providers.
3. A household is defined, for the purposes of the Lifeline Program, as any individual or group of individuals who live together at the same address and share income and expenses.

Please PRINT your information below (applications with missing information will not be processed):

First Name: Last Name: MI: Date of Birth: Month Day Year

Last 4 Digits of Social Security #: Address: Apt #/Unit #:

City: State: Zip Code: Email Address:

This address is (check one): Permanent Temporary Multi-Household Contact Phone #:

I hereby certify under penalty of perjury that I participate in at least one of the following programs (check all that apply):

Initial Here

- SNAP / Food Stamps / WIC
Medicaid
National School Free Lunch Program
Bureau of Indian Affairs
Federal Public Housing Assistance / Section 8
Supplemental Security Income / SSI
Temporary Assistance to Needy Families / TANF
Low Income Home Energy Assistance Program / LIHEAP

I certify under penalty of perjury (Initial Each Certification Below):

- 1) The information contained in my application remains true and correct to the best of my knowledge and I acknowledge that willfully providing false or fraudulent information to receive Lifeline benefits is punishable by law and may result in me being barred from the program.
2) I am a current recipient of the program(s) checked above, or have an annual household income at or below 135% of the Federal Poverty Guidelines.
3) I have provided documentation of eligibility if required to do so.
4) I understand that I and my household can only have one Lifeline-supported telephone service. Care Wireless has explained the one-per-household requirement. I understand that violation of the on-per-household requirement constitutes a violation of the FCC's rules and will result in my de-enrollment from the Lifeline program, and could result in criminal prosecution by the United States Government.
5) I attest to the best of my knowledge, that I and no one in my household is receiving a Lifeline-supported service from any other land line or wireless company such as Safelink, Assurance, or Reachout Wireless.
6) I understand that my Care Wireless Lifeline service is non-transferable. I may not transfer my service to any individual, including another eligible low-income consumer.
7) I understand that if my service goes unused for sixty (60) days, my service will be suspended, subject to a thirty (30) day period during which I may use the service or contact Care Wireless to confirm that I want to continue receiving service.
8) I will notify Care Wireless within thirty (30) days if I no longer qualify for Lifeline. I understand this requirement and may be subject to penalties if I fail to notify my phone company. Specifically, I will notify Care Wireless if:
a) I cease to participate in the above federal or state program, or my annual household income exceeds 135% of the Federal Poverty Guidelines;
b) I am receiving more than one Lifeline supported service;
c) I no longer satisfy the criteria for receiving Lifeline support.
9) I will notify Care Wireless within thirty (30) days of moving. Additionally, if my address listed above is a temporary address, I understand that I must verify my address with Care Wireless every ninety (90) days. If I fail to respond to Care Wireless' verification attempts within thirty (30) days, my Care Wireless Lifeline service may be terminated.
10) Care Wireless has explained to me that I am required each year to re-certify my continued eligibility for Lifeline. If I fail to do so within thirty (30) days, it will result in termination of my Care Wireless Lifeline service.

Applicant Signature

Date