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
Advancing Broadband Availability Through Digital Literacy Training	WC Docket No. 12-23

PUBLIC UTILITY COMMISSION OF OREGON

AND OREGON TELECOMMUNICATIONS ASSOCIATION

PETITION FOR EXTENSION OF WAIVER

March 12, 2013

The Public Utility Commission of Oregon (OPUC) and the Oregon Telecommunications Association (OTA)[1] respectfully request an extension of the waiver of the Federal Communications Commission's (FCC) uniform eligibility criteria for the Lifeline program established in the *Lifeline Reform Order*[2] and required by section 54.409 of the FCC's rules. The FCC previously granted a temporary waiver of these rules until April 1, 2013.[3] For reasons described herein, the OPUC and the OTA request that the current waiver be extended until July 1, 2013.

BACKGROUND

On April 19, 2012, the OPUC and OTA filed a request for a temporary waiver[4] until July 1, 2013, to adopt the uniform Lifeline eligibility criteria in Oregon as required by the FCC's *Lifeline Reform Order*. The purpose of the waiver request was to allow time to implement the necessary changes in Oregon law. The July 1, 2013 date for the waiver was selected because the Oregon Legislature was slated to convene in early 2013 and adjourn at the end of June 2013. As the administrator for the state and federal Lifeline programs in Oregon, the OPUC (and OTA) explained that the Oregon statute governing Lifeline eligibility criteria does not correspond to the eligibility criteria set forth in the new FCC's rules. The OPUC and OTA stated that until Oregon law is amended, absent a waiver, verification of eligibility criteria not permitted under existing

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[1] The OTA comprises all of the incumbent local exchange carriers operating in Oregon and some competitive local exchange carriers. Exhibit A lists Oregon's incumbent local exchange carriers. Most OTA members are Eligible Telecommunications Carriers (ETCs).

[2] Lifeline and Link Up Reform and Modernization et al., Report and Order and Further Notice of Proposed Rulemaking, WC Dkt. Nos. 11-42, et al., CC Dkt. No. 96-45, FCC 12-11 (rel. February 6, 2012) (*Lifeline Reform Order*).

[3] See Lifeline and Link Up Reform and Modernization, Waiver Order, WC Docket No. 11-42, DA 12-863 (released May 31, 2012) (*Waiver Order*).

[4] Lifeline and Link Up Reform and Modernization et al., Public Utility Commission of Oregon and Oregon Telecommunications Association, Petition for Waiver, WC Dkt. Nos. 11-42, et al., CC Dkt. No. 96-45 (filed Apr. 19, 2012) (*Oregon Petition*).

statute would need to be performed by Oregon ETCs for the first time and would result in an interim bifurcated approach with negative effects. The OPUC and OTA described the benefits of a unified program administration and argued that the temporary bifurcated process would result in undue and unnecessary burdens on the ETCs and also contribute to customer confusion and disparity. The Wireline Competition Bureau of the FCC found good cause to grant the OPUC and OTA a temporary waiver from the uniform eligibility requirements, but only until April 1, 2013. In the *Waiver Order* (DA 12-863), the FCC required the OPUC (and OTA), as a condition of granting the temporary waiver petition, to notify the FCC of the status of its legislative efforts no later than March 1, 2013.

On March 1, 2013, Staff of the OPUC submitted a status report and provided a timeline of the events that have transpired since the 77th Oregon Legislative Assembly 2013 Regular Session commenced on January 14, 2013. *See* Exhibit B.

BASIS FOR THE WAIVER EXTENSION

In the status report, Staff of the OPUC notified the FCC that the OPUC-sponsored bill[5] had passed out of the Senate with twenty-eight (28) ayes and two (2) excused, and that Staff was waiting for a public hearing and work session to be scheduled at the House of Representatives Human Services and Housing Committee. As a result of the Oregon Senate's actions, Staff of the OPUC expressed confidence that the OPUC-sponsored bill will become enacted into law, but maintained concern about whether the Oregon Legislature can amend the law before the current April 1, 2013 limited waiver deadline expires.

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[5] *See* http://www.leg.state.or.us/13reg/measpdf/sb0200.dir/sb0203.intro.pdf

If the waiver extension request is not granted, the bifurcated process described in the *Oregon Petition* would have to be implemented, but in all likelihood only for the three months or less until the Oregon law change can be accomplished. A bifurcated process would curtail the OPUC's continuing efforts. ETCs would be subjected to undue and unnecessary burdens and customer confusion and disparity would result. An extended temporary limited waiver from the uniform eligibility criteria is still consistent with the FCC's policies and rules established in the *Lifeline Reform Order*.

In conclusion and for the reasons explained above, the OPUC and the OTA respectfully request that the FCC expeditiously grant an extension of the waiver of sections 54.409(a) and 54.409(b) of its rules until July 1, 2013.

Respectfully submitted,

THE PUBLIC UTILITY COMMISSION
OF OREGON

Susan Ackerman
Chair

Stephen Bloom
Commissioner

John Savage
Commissioner

THE OREGON TELECOMMUNICATIONS ASSOCIATION

Brant Wolf
Executive Vice President

Exhibit A

Oregon Telecommunications Association Members

Asotin Telephone Company d/b/a TDS Telecom
Beaver Creek Cooperative Telephone Company
Canby Telephone Association d/b/a Canby Telecom
Cascade Utilities, Inc., d/b/a Reliance Connects
Century Tel of Oregon, Inc., d/b/a Century Link
CenturyTel of Eastern Oregon, Inc., d/b/a CenturyLink
Clear Creek Telephone & Television
Colton Telephone Company, d/b/a ColtonTel
Eagle Telephone System, Inc.
Frontier Communications Northwest, Inc.
Gervais Telephone Company
Helix Telephone Company
Home Telephone Company d/b/a TDS Telecom
Midvale Telephone Exchange
Molalla Communications, Inc. d/b/a Molalla Communications
Monitor Cooperative Telephone Company
Monroe Telephone Company
Mt. Angel Telephone Company
Nehalem Telecommunications, Inc., d/b/a RTI Nehalem Telecom
North-State Telephone Co.
Oregon-Idaho Utilities, Inc.
Oregon Telephone Corporation
People's Telephone Co.
Pine Telephone System, Inc.
Pioneer Telephone Cooperative
Qwest d/b/a Century Link
Roome Telecommunications Inc.
St. Paul Cooperative Telephone Association
Scio Mutual Telephone Association
Stayton Cooperative Telephone Company
Trans-Cascades Telephone Company, d/b/a Reliance Connects
United Telephone Company of the Northwest d/b/a CenturyLink

Exhibit B

March 1, 2013 Status Report

Oregon
John A. Kitzhaber, MD, Governor

Public Utility Commission
Residential Service Protection Fund
Telephone Assistance Programs
550 Capitol St NE Ste 215
PO Box 2148
Salem OR 97308-2148
1-800-848-4442
TTY: 1-800-648-3458
Fax: 1-877-567-1977
Web: www.rspf.org
Email: puc.rspf@state.or.us

March 1, 2013

Marlene Dortch, Office of the Secretary
Federal Communications Commission ("FCC")
445 12th Street SW, Room TW-B204
Washington, D.C. 20554

Re: CC Docket No. 96-45; WC Docket No. 11-42; WC Docket No. 03-109; WC Docket No. 12-23.

Dear Ms. Dortch:

Staff of the Public Utility Commission of Oregon ("OPUC") submits this status report as required by the *Waiver Order* (DA 12-863) adopted and released on May 31, 2012. In the *Waiver Order*, the Wireline Competition Bureau granted the OPUC and the Oregon Telecommunications Association's temporary waiver petition[1] of the uniform eligibility requirements adopted in the *Lifeline Reform Order*[2] and set forth in section 54.409(a) and (b) of the FCC's rules until April 1, 2013.

To meet the conformance requirements, the OPUC initiated action to amend Oregon statute. The following is a timeline of the events that have transpired since the 77th Oregon Legislative Assembly 2013 Regular Session commenced on January 14, 2013.

- The OPUC-sponsored bill[3] was introduced and a first reading by the Senate President was held on January 14, 2013.
- The bill was referred to the Senate Business and Transportation Committee on January 18, 2013.
- A public hearing and work session was held on February 4, 2013 with a "do pass" recommendation on February 5, 2013.
- A second reading was held on February 5, 2013.
- A third reading was held on February 7, 2013 and was carried by Senator Lee Beyer and passed out of the Senate with 28 ayes and 2 excused.
- A first reading was held on February 11, 2013 and referred to the House of Representatives Speaker's desk.

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[1] *See* Lifeline and Link Up Reform and Modernization et al., Public Utility Commission of Oregon and Oregon Telecommunications Association, Petition for Waiver, WC Dkt. Nos. 11-42 et al., CC Dkt. No. 96-45 (filed Apr. 19, 2012).

[2] Lifeline and Link Up Reform and Modernization et al., Report and Order and Further Notice of Rulemaking, WC Dkt. Nos. 11-42 et al., CC Dkt. No. 96-45, FCC 12-11 (rel. Feb 6, 2012) (*Lifeline Reform Order*).

[3] *See* http://www.leg.state.or.us/13reg/measpdf/sb0200.dir/sb0203.intro.pdf.

- A first reading was held on February 11, 2013 and referred to the House of Representatives Speaker's desk.
- The bill was referred to the House of Representatives Human Services and Housing Committee on February 18, 2013.

Staff of the OPUC is waiting for the public hearing and work session to be scheduled with the House of Representatives Human Services and Housing Committee. While Staff of the OPUC is confident that the Oregon Legislature will pass the bill, there is concern about whether this can be accomplished before the current April 1, 2013 limited waiver deadline expires. Therefore, Staff of the OPUC respectfully requests guidance from the FCC as to whether the OPUC should file a petition for a waiver extension for an additional two months or until July 1, 2013 when the 77th Oregon Legislative Assembly 2013 Regular Session is slated to adjourn.

Pursuant to § 1.1206(b) of the FCC's rules, this letter is being filed electronically. Please contact the undersigned with questions or concerns.

Respectfully,

Jon Cray, Program Manager
OPUC
Residential Service Protection Fund ("RSPF")
jon.cray@state.or.us
503-373-1400

Cc: Jonathan Lechter, Staff of the Wireline Competition Bureau
Kimberly Scardino, Staff of the Wireline Competition Bureau

Susan Ackerman, OPUC Chair
Stephen Bloom, OPUC Commissioner
John Savage, OPUC Commissioner
Michael Dougherty, OPUC Chief Operating Officer
Kay Marinos, OPUC Telecommunications Division Program Manager
Julie Thompson, OPUC RSPF Administrative Specialist