

**Before the  
Federal Communications Commission  
Washington, D.C.**

In the Matter of )  
 )  
Petition of Time Warner Cable Information )  
Services (Maine), LLC for ) WC Docket-No. 09-197  
Designation as a Lifeline-Only Eligible )  
Telecommunications Carrier in the )  
State of Maine )

**JOINT COMMENTS OF THE TELECOMMUNICATIONS ASSOCIATION OF  
MAINE AND THE MAINE OFFICE OF THE PUBLIC ADVOCATE**

The Telecommunications Association of Maine (“TAM”)<sup>1</sup> and the Maine Office of the Public Advocate (“OPA”)<sup>2</sup> hereby jointly offer the following comments on Time Warner Cable Information Services (Maine), LLC (“TWC”) Request for approval as an Eligible Telecommunications Carrier (“ETC”) for Lifeline purposes only in the above-captioned proceeding.

In *In the Matter of Lifeline and Link Up Reform*, WC Docket No. 11-42, FCC 13-44, **Memorandum Opinion and Order**, released April 15, 2013, (hereinafter “FCC Lifeline Order”), the Commission granted a blanket forbearance for telecommunications service providers seeking to receive Lifeline-only ETC status from the requirements of conforming with underlying rural incumbent local exchange carrier exchange boundaries.

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<sup>1</sup> TAM’s members are FairPoint Communications of Northern New England, Northland Telephone Company, China Telephone Company, Maine Telephone Company, Standish Telephone Company, Sidney Telephone Company, Cobboosecontee Telephone Company, Community Service Telephone Company, Hampden Telephone Company, Hartland & St. Albans Telephone Company, Somerset Telephone Company, The Islands Telephone Company, Warren Telephone Company, Oxford Telephone Company, Oxford West Telephone Company, Unitel Inc., Mid-Maine Telecom, Saco River Telegraph & Telephone Company, The Pine Tree Telephone & Telegraph Company, Lincolnville Networks and Tidewater Telecom.

<sup>2</sup> The Maine OPA is statutorily tasked with representing the interests of public utility customers in proceedings before State and Federal agencies and the Maine Legislature. 35-A MRSA Chapter 17, §§ 1701 *et seq.*

A concern had been raised that the blanket forbearance would limit the ability of jurisdictions to ensure that entry by these new Lifeline-only ETCs would be in the public interest. In response to this concern, the Commission stated:

“The Act already requires designating commissions to affirmatively determine that designating a carrier as an ETC within a rural service area is in the public interest and that determination is not affected by this grant of forbearance. As a result, any concerns raised by a rural telephone company will be evaluated by the designating authority when considering designating a limited, Lifeline- only ETC.”

*FCC Lifeline Order*, at ¶ 13. The Maine Public Utilities Commission (MPUC) recently amended its Lifeline Rules in a manner that expressly removed the State from participating in any new ETC approvals for Lifeline purposes. In doing so, the MPUC expressly shifted the responsibility to act as designating authority to the Commission. Accordingly, TAM and the OPA are filing these comments to ensure that the public interest in Maine is preserved in this proceeding.

TAM and the OPA do not oppose the request by TWC to provide Lifeline-only service in Maine so long as it complies with all of the MPUC rules regarding Lifeline in Maine. While the MPUC did remove itself from the designation process for Lifeline-only ETCs, the MPUC did not completely remove itself from involvement with Lifeline. Specifically, the MPUC maintained an additional obligation for all ETCs operating in Maine to include a further discount of \$3.50 above and beyond the existing federal discount levels. Section 3 of Chapter 294 of the Rules of the MPUC states:

“Federal Lifeline support amounts per qualifying low-income customer shall be provided according to federal rules. In addition to any federal support, an ETC offering Lifeline service shall reduce by \$3.50 the monthly amount of intrastate charges paid by qualifying low-income customers who receive local service of a package or bundle containing

local service from the ETC.”

This is an obligation that would flow to any and all ETCs offering lifeline service, whether designated as ETCs by the MPUC or the Federal Communications Commission (FCC). This obligation clearly furthers the goals of the FCC in making diverse communications opportunities available to as many customers as possible, and it seems to be in line with TWC’s expressed desire to reach out to low-income customers in Maine.

While this MPUC Rule clearly promotes services for low-income individuals, TAM and the OPA understand that there is occasionally some misunderstanding regarding obligations placed on telecommunications providers such as TWC by State jurisdictions. The obligations that exist in the current circumstance include both the obligation to provide an additional \$3.50 in discounts to Lifeline customers as well as the submission to the authority of the MPUC’s Consumer Assistance Division (CAD) involving any disputes relating to the administration of the Lifeline program by any ETC operating in Maine. Moreover, in enacting this Rule the MPUC has clearly made a policy decision that it is in the public interest for the State of Maine to maintain this additional benefit for low-income customers in the State. Accordingly, it is in the public interest to expressly require TWC to comply with all provisions of the MPUC’s Rules on Lifeline, including this additional benefit to low-income customers.

In conclusion, TAM and the OPA do not oppose the request for Lifeline-only ETC status by TWC on the condition that, in granting approval to TWC for designation as an ETC for Lifeline purposes in Maine, the Commission preserve the public interest as established by the MPUC and explicitly condition any approval on TWC complying with

all Lifeline obligations as set forth in the MPUC Rules, including but not limited to the additional \$3.50 rate reduction for qualifying customers.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "B. Sanborn".

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