



create a conflict and unintended harm for those Lifeline subscribers who have a need to maintain the confidentiality of their residential address.

NASUCA commends the WCB for bringing this problem to the public's attention and requesting public comment on a possible resolution through waiver of certain regulations. In the Lifeline Reform Order, the FCC ensured that separate households that share an address may each obtain Lifeline service.<sup>3</sup> The FCC also agreed with commenters "who state that consumers without permanent addresses should not be precluded from participation in Lifeline."<sup>4</sup> The FCC's revised Lifeline program thus clarified that the benefits of more affordable telephone service should be available to eligible households, regardless of their housing situation. Nonetheless, the low income household must yield certain personal information, including the applicant's residential address, as a condition of receipt of Lifeline.<sup>5</sup> The National Network to End Domestic Violence (NNEDV) raised the concern in a 2011 ex parte that the FCC's reforms, including a bar against the Lifeline applicant's use of a Post Office box, may adversely impact survivors of domestic abuse "who are utilizing State-run Address Confidentiality Programs that use a P.O. Box address."<sup>6</sup>

NASUCA strongly supports grant of waivers and any clarifications necessary to help these consumers, who both meet the low income criteria for Lifeline and have obtained an alternative confidential address under state Address Confidentiality Programs for the receipt of

---

<sup>3</sup> 47 C.F.R. § 54.410(d).

<sup>4</sup> In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, Report and Order and FNPRM, 27 FCC Rcd. 6656, ¶ 89 (rel. Feb. 6, 2012)(Lifeline Reform Order).

<sup>5</sup> 47 C.F.R. § 54.404(b)(9).

<sup>6</sup> Ex Parte Letter by Erica L. Olsen, MSW, on behalf of the National Network to End Domestic Violence, submitted in WC Docket Nos. 11-42, 03-109, CC Docket No. 96-45,

legal documents and personal mail. This action by the FCC will advance the goals of universal service.

## Comments

As part of the Lifeline Reform Order, the FCC revised the Lifeline enrollment process in a way that still makes the address of the Lifeline applicant a critical piece of information.<sup>7</sup> Pursuant to Section 54.410(d) Lifeline applicants must complete Lifeline certification forms and provide their full name, full residential address, whether the residential address is permanent or temporary, and billing address if different from the residential address.<sup>8</sup> The FCC will allow the use of a P.O. Box for the billing address but not the consumer's residential or "Lifeline address."<sup>9</sup> The application also requires the Lifeline applicant to certify, under penalty of perjury:

- (iv) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;
- (v) If the subscriber provided a temporary residential address to the eligible telecommunications carrier, he or she will be required to verify his or her temporary residential address every 90 days;
- (vi) The subscriber's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service....<sup>10</sup>

---

<sup>7</sup> Lifeline Reform Order, ¶¶ 78, 85-89.

<sup>8</sup> 47 C.F.R. § 54.410(d)(2)(i)-(iv).

<sup>9</sup> Lifeline Reform Order, ¶ 87.

<sup>10</sup> 47 C.F.R. § 54.410(d)(3)(iv).

The completed Lifeline certification form is then reviewed by the ETC or state agency that engages in the initial review to determine the applicant's eligibility.

As a check against fraud and abuse, the Lifeline applicant's residential address is a key data point for use of the National Lifeline Accountability Database (NLAD). Section 54.404(b) requires ETCs operating in states that do not handle certification of the applicant's Lifeline eligibility to query the NLAD, once it is operational. The purpose of the query is two-fold: "[T]o determine whether a prospective subscriber who has executed a certification pursuant to §54.410(d) is currently receiving a Lifeline service from another eligible telecommunications carrier; and whether anyone else living at the prospective subscriber's residential address is currently receiving a Lifeline service."<sup>11</sup> To populate or later query the database, the ETC must transmit information, including the full name and full residential address of the Lifeline applicant or subscriber, in the format specified by the NLAD administrator.<sup>12</sup>

At present, the FCC's Lifeline regulations require ETCs to provide the Lifeline applicant with notice that the applicant's personal information will be submitted and maintained by the NLAD Administrator. The ETC must also obtain the Lifeline applicant's consent. Pursuant to Section 54.404(b)(9), "[p]rior to obtaining consent," the ETC must "describe to the subscriber, using clear, easily understood language, the specific information being transmitted..." and that the information being transmitted to the NLAD Administrator is "to ensure the proper administration of the Lifeline program."<sup>13</sup> If the prospective Lifeline consumer does not consent

---

<sup>11</sup> 47 C.F.R. § 54.404(b)(1).

<sup>12</sup> 47 C.F.R. § 54.404(b)(6).

<sup>13</sup> 47 C.F.R. § 54.404(b)(9).

to the transmission of the consumer's personal information, including full residential address, such "failure to provide consent will result in subscriber being denied the Lifeline service."<sup>14</sup>

Lifeline eligible households that have established confidential addresses through state programs should not have to make the choice between foregoing receipt of telephone service with Lifeline assistance or maintaining the confidentiality of their residential addresses. State Address Confidential Programs exist to provide survivors of domestic violence and other victims deemed in need of this special protection with an alternative address for the receipt of legal documents as well as personal mail.<sup>15</sup> According to the NNEDV, twenty-four states offer the option of this important mail forwarding service to survivors of domestic violence and others in need of address protection.<sup>16</sup> Under many state ACPs, the person who requests assignment of a confidential address is screened by a trained third party to determine whether his or her circumstances warrant this important protection.<sup>17</sup> Some states provide a person who has an

---

<sup>14</sup> *Id.*

<sup>15</sup> For example, participants in Maryland's Safe at Home program "designate the Maryland Secretary of State as their agent for service of process and receipt of mail. The Secretary of State accepts legal documents on their behalf.... Each day, ACP staff collects the mail and forwards first-class mail, registered mail, certified mail, and legal papers to the mailing address designated by the participant. The ACP does not forward magazines or packages." See, Maryland Safe at Home Factsheet, [www.sos.state.md.us/acp/safeathome.aspx](http://www.sos.state.md.us/acp/safeathome.aspx).

<sup>16</sup> NNEDV's website lists 24 states that offer an ACP, as of July 2013. See <http://nnedv.org/resources/safetynetdocs/155-privacy/923-acp-state-by-state.html>.

<sup>17</sup> See Massachusetts ACP website: "[i]n order to apply to become a program participant, an applicant must complete the ACP application with an application assistant certified by the Secretary of the Commonwealth. Program participants must have recently relocated to a new address that is unknown to the perpetrator. The application is submitted by the application assistant to the Secretary for certification. ACP will notify the applicant whether they have been certified as a program participant," at <http://www.sec.state.ma.us/acp/acphowto.htm#acp2>. See also New York's ACP website: "**Using an ACP substitute address.** Upon certification as an ACP participant, the participant will be provided with an ID card which will contain his/her name, unique ID number and the substitute address, which is a Post Office box in Albany, New York. The card will also indicate the expiration date for the program participant. ACP contact information is on the back of the ID card. The participant should use this substitute address in all dealings with state and local agencies, which are required by law to accept this address. Private companies such as utility providers, stores and other companies may not automatically accept the substitute (continued...)

approved confidential address with a card or other documentary proof.<sup>18</sup> The assigned confidential address is intended to be unique to the approved person or household. These state ACP procedures should provide confidence that a consumer who provides a confidential addresses part of his or her Lifeline application has both an appropriate, unique address and has already established the need for confidential treatment of his or her true residential address.

The FCC should allow these consumers to supply their confidential address in place of both their residential and billing address for the purpose of Lifeline enrollment and continued receipt of Lifeline assistance. NASUCA urges the FCC and the NLAD Administrator to work with state ACP administrators and public interest groups to resolve any technical issues needed to account for differences in how state ACPs assign confidential addresses or provide consumers with proof that they qualify for this important mail-forwarding service.<sup>19</sup>

---

(Continued from previous page)

address. Participants should show their ACP ID card to any of these entities when attempting to use the substitute address,” at <http://www.dos.ny.gov/acp/index.html>.

<sup>18</sup> California’s Safe at Home program advises businesses that the consumer with a confidential address may present a laminated Safe at Home card, that will include the consumer’s unique authorization ID number. Businesses are directed to include the Safe at Home consumer’s authorization ID number as part of the mailing address, in combination with the Safe at Home P.O. Box. *See* California Safe at Home website, <http://www.sos.ca.gov/safeathome/businesses-and-public.htm>.

*See also* New York’s ACP website: “**Using an ACP substitute address.** Upon certification as an ACP participant, the participant will be provided with an ID card which will contain his/her name, unique ID number and the substitute address, which is a Post Office box in Albany, New York. The card will also indicate the expiration date for the program participant. ACP contact information is on the back of the ID card. The participant should use this substitute address in all dealings with state and local agencies, which are required by law to accept this address. Private companies such as utility providers, stores and other companies may not automatically accept the substitute address. Participants should show their ACP ID card to any of these entities when attempting to use the substitute address,” at <http://www.dos.ny.gov/acp/index.html>.

<sup>19</sup> The privacy protections contained in Section 54.410 should be preserved. The FCC does not allow ETCs to make and retain copies of any documentation submitted by Lifeline applicants or subscribers as proof of eligibility. *See* 47 C.F.R. § 54.410(b)(1)(ii), (c)(1)(ii). These provisions afford important protection to consumers with state-approved confidential addresses. Depending on how recently the consumer received a state-approved confidential (continued...)

These issues may include assuring that ETCs do not reject Lifeline applications submitted by these consumers simply because a check of a third party database such as Lexis shows some different address. ETCs should recognize that consumers, particularly domestic abuse survivors or victims with protection plans, may have very new addresses, addresses which should not appear in such third party databases. ETCs that ship a wireless handset to the Lifeline subscriber may need to make alternative arrangements to deliver the handset, as the some state ACPs will not forward packages.<sup>20</sup> The FCC should consider allowing additional time for Lifeline applicants or subscribers with a confidential address to receive or respond to mailings from an ETC, due to additional time required by ACPs to forward mail. The effort to identify and resolve these implementation issues should yield public benefit. Not only will this joint effort help those consumers who qualify for both a confidential address and Lifeline but their family, friends, employers, and others will have a way to communicate with them by telephone.

---

(Continued from previous page)

address, the proof of Lifeline eligibility documentation may reflect the consumer's prior or current residential address. This sensitive information should not become part of an ETC's records.

<sup>20</sup> See, e.g. Maryland Safe at Home Factsheet, [www.sos.state.md.us/acp/safeathome.aspx](http://www.sos.state.md.us/acp/safeathome.aspx), Footnote 15 *supra*.

## **Conclusion**

NASUCA supports grant by the Federal Communications Commission of the waivers of the FCC's Lifeline program regulations that are necessary to permit a consumer who has received a state-approved confidential address to submit that address in place of the full residential address that is otherwise required from Lifeline applicants and subscribers.

Respectfully submitted,

**Charles A. Acquard**  
**Executive Director**

NASUCA  
8380 Colesville Road, Suite 101  
Silver Spring, MD 20910  
Phone (301) 589-6313  
Fax (301) 589-6380

December 5, 2013

*177429.docx*