

March 25, 2014

FILED VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, D.C. 20554

**Re: *Ex Parte* Notification
WC Docket No. 11-42**

Dear Ms. Dortch:

On behalf of Smith Bagley, Inc. d/b/a Cellular One (“SBI”), the undersigned had a telephone discussion on March 21, 2014, with Anita Patankar-Stoll and Jonathan Lechter of the Wireline Competition Bureau (“Bureau”). During the call, we discussed the Track 1 and Track 2 duplicate resolution processes, as well as certain features of the National Lifeline Accountability Database (“NLAD”).

First, we discussed the Commission’s two proposed methods for resolving Track 2 duplicates. Under Option 1, USAC sends letters directing each customer at the address to complete a multi-household worksheet (“MHW”) and then forward it to the carrier within 35 days. The carrier then reports the results to USAC. Under Option 2, USAC sends letters directing each customer at the address to call USAC and complete a MHW via Integrated Voice Response (“IVR”), also within 35 days. Under both options, USAC would then resolve the duplicates based on the responses from the customers.

Undersigned counsel explained the following potential problems with the procedures outlined in the FCC’s proposal:

- Lack of mail service. For both Track 1 and Track 2 duplicates, it would be difficult, or in many cases impossible, for USAC to get a letter to a customer in a reservation or near-reservation area in a timely manner. As SBI has previously demonstrated in the record, the Navajo Nation does not have standard addressing that is necessary for mail to reach residences on the reservation.¹ This is true of substantially all the tribal areas SBI serves, as well as many near-reservation areas. Many inhabitants must travel as far as 50 miles to reach a post office or other mail pickup location and therefore check their mail only infrequently. As a result, many customers might not see a USAC duplicate resolution letter until several weeks after it is sent.

¹ See SBI Reply Comments in WC Docket No. 11-42 (Dec. 10, 2012) at p. 2 and Exh. A.

- Lack of mailing addresses in NLAD. Many customers do not have mailing addresses in NLAD. (Mailing addresses are optional.) Without a mailing address in the system, Neither Option 1 nor Option 2 would work in such cases since they both depend on USAC sending a letter to the customer.
- Difficulty of returning multi-household worksheet to the ETC. Under Option 1, even if the customer is contacted in a timely manner, he or she may not be able to get to a Cellular One store, or to a mail pickup location to send the MHW to Cellular One, in time to return it within the 35-day period.
- Language/cultural/communication barriers. Under Option 2, many customers would be unable to complete the MHW via IVR because they are hard of hearing, lack knowledge of English (or Spanish), or are unfamiliar with USAC and are mistrustful of authority.

To address these problems, we discussed the following proposed solutions:

- Allow ETCs to obtain the MHW from their own customers. Customers are used to dealing with, and will be more receptive to being contacted by, their providers. Carriers already know the best way to contact their customers and know how to use mail, texts, phone calls, “hotlining” or other methods. To allow this to happen in an orderly fashion, USAC should advise carriers of the start of the time window to collect the MHW from subscribers on the Track 2 list.
- Give customers sufficient time to return the MHW. In Tribal and near-reservation areas, 35 days will not be sufficient because of the difficulties customers have in receiving and sending mail. To allow sufficient time, any customer whose address is checked off as “Tribal” or “Rural Non-deliverable” should be allowed 60 days from the date they are contacted by the carrier. This will enable carriers and their customers to resolve many false duplicates on the front end and save USAC the cost of processing them unnecessarily later.
- Give carriers advance notice of the start of the 35-day carrier selection period. Under Track 1, and under both proposed Track 2 approaches when there is a confirmed household duplicate, it will be critical for carriers in Tribal and near-reservation areas to conduct outreach and advise their customers of what they need to do to make their carrier selection. USAC’s letters alone will be insufficient for many customers to have a meaningful opportunity to choose, and many customers will end up having a carrier selected for them through no fault of their own. To allow an adequate opportunity for this crucial outreach to occur, USAC should alert carriers before sending the letters so they can time their outreach efforts appropriately.
- Allow carriers an opportunity to update Track 1 and Track 2 subscribers. To further minimize unnecessary duplicate resolution processes, carriers should be given an opportunity to update subscriber records before those processes begin. For example, if a

subscriber on the Track 1 duplicate list de-enrolls from one carrier before USAC's Track 1 letter goes out, then the customer should be automatically enrolled with the other carrier with no need for duplicate resolution. Similarly, if a Track 2 customer submits an address change, the carrier should be able to update the address in NLAD so the customer can be removed from the Track 2 list.

Lookup function

We also discussed the Lookup feature. Lookup is an important tool because it allows carriers to give certain types of NLAD users – generally retail associates or agents – the limited ability to perform a check for duplicates and other issues on the front end, without having access to more sensitive functions like Enroll, Update, and De-enroll. Allowing all retail associates and agents full access to the more sensitive functions could produce an unacceptable risk of error.

We explained that Lookup does not work if a Tribal or Rural Non-deliverable address is entered; the system simply returns an 'AMS failure' message without proceeding to check for duplicates or other issues. In addition, Lookup does not allow users to check for TPIV failures.

In a series of conference calls with industry representatives, USAC has committed to add an option to conduct a separate Lookup without entering the address. However, USAC has declined to add a TPIV check.

We explained that it is critical to have the full functionality of Verify in the Lookup tool, so that carriers can have a robust screening capability at the point of sale without an unnecessarily large risk of error. If this is not feasible, then carriers should be allowed to set up separate authorizations to allow certain account holders to use Verify but not Enroll/Update/De-enroll.

We also seconded the request by other industry representatives for the Verify feature to be modified to allow TPIV resolution requests to be submitted without the need to initiate the Enroll function. If the Lookup feature is modified to include a TPIV check, then it should similarly be modified to allow a TPIV resolution request.

In response to staff's concern that adding a TPIV check to the Lookup feature would result in more TPIV checks and therefore greater costs to USAC, these requested measures would not result in an increase in TPIV checks. If a retail associate does a Lookup for a new applicant and it returns a TPIV failure, allowing this preliminary check and opportunity for a resolution request will eliminate the need to conduct another TPIV check during the Enrollment step.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. LaFuria".

David A. LaFuria
Steven M. Chernoff

Counsel for Smith Bagley, Inc.

cc: Anita Patankar-Stoll
Jonathan Lechter