

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

**In re the Matter of a Proposed
Rulemaking to the Missouri Universal
Service Fund**

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File No. TX-2013-0324

CENTURYLINK'S COMMENTS

CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink and CenturyTel of Northwest Arkansas, d/b/a Century Link (collectively "CenturyLink"), through undersigned counsel, files its formal comments to the Missouri Public Service Commission's ("Commission") proposed rules to amend portions of Chapter 31 relating to the Missouri Universal Service Fund.

I. Introduction

Over the course of the last year, CenturyLink has participated in workshops and filed individual and joint comments to the Commission's proposed changes to the Missouri Universal Service Rules. Most recently, CenturyLink joined with the Missouri Telecommunications Industry Association ("MTIA") to file comments and suggested language in File No. TO-2012-0012 in response to draft rules relating to the Missouri Universal Service Fund as provided by the Commission Staff. While CenturyLink's comments will focus on the specific rules it believes are most problematic, CenturyLink continues to support the MTIA comments and suggested language.

At the outset CenturyLink would like to highlight two overarching concerns. First, CenturyLink continues to believe that the Commission rules should retain references to the statutory language regarding high-cost areas. The funding of high-cost areas remains an explicit

statutory purpose for the Missouri Universal Service Fund and the elimination of all references to this potential aspect of the Missouri Universal Service Fund is unnecessary and does not serve any specific purpose. CenturyLink believes that due to recent regulatory and legislative actions that have occurred at the state and federal level within the past year, the Commission should revisit the necessity of providing high-cost support from the Missouri Universal Service Fund in order to accomplish the statutory goals. The removal of all references to high-cost support from the Commission rules is premature.

Second, given the very specific reforms by the Federal Communications Commission (“FCC”) that apply to all carriers that offer Lifeline pursuant to the FCC program, the Commission should, as much as possible, utilize the FCC’s Lifeline definitions, eligibility requirements, and procedures. The FCC has set forth very strict guidelines for the application, provision and recertification of Lifeline, and variances in state programs create unnecessary conflict and confusion, as well as costs for carriers. The best way to ensure the smoothest, most effective operation of Lifeline, both at the Federal and state levels, is to align the processes as closely as possible at the state level and between states by using consistent definitions, criteria, and other processes whenever possible. Because the Commission’s Lifeline program clearly mirrors that of the FCC, it makes sense to mirror the requirements for ease of administration.

II. Comments

4 C.S.R. 240-31.020(9), 31.120(3)(A) and 31.130(3)(A)1.C. *Board Required Form*

The FCC rules mandate specific content and criteria for eligibility for the Lifeline enrollment; however, recognizing that the systems and processes of companies can vary, the FCC does not mandate the use of a specific form. The Missouri Universal Service Fund rules as drafted would require the use of a Board-approved form by all companies. This requirement

places the Board and supporting Staff in the position of making certain that any mandated form contains all the required information and stays current with potentially changing FCC requirements. The Commission should follow the FCC's lead and revise the proposed rule instead to mandate that company-developed application forms be compliant with the FCC and state program requirements. Further, we believe the Commission should allow companies the option to submit their own draft forms to the Commission for a compliance review to minimum requirements, and thereafter allow companies to utilize such forms. This process would then be consistent with the FCC's approach.

If the Commission does not revise the language requiring the use of a Board-approved form, CenturyLink believes the current form and instructions require revisions. CenturyLink believes the current form does not fully comply with the federal certification requirements and urges any mandated forms completely comply with the federal certification requirements. The FCC indicated to CenturyLink that we need acknowledgment (*i.e.*, initials or checkmark) for each customer certification outlined in 47 C.F.R. § 54.410(d)(3). The current mandated Missouri form does not provide for individual acknowledgements of these points.

Further, CenturyLink believes the directions on the current form are unclear and could be improved. For example, the form asks for the Applicant's name, but also asks for the name on the account if that name is different from the Applicant's name. The Lifeline Applicant must be the customer on our account records; however, someone else in the Applicant's household may be receiving program benefits (for example, Medicaid, School Lunches) that make the Applicant qualified. In addition, we need the Applicant's Social Security Number and Date of Birth, not the Social Security Number and Date of Birth of the person receiving program benefits. The form as it is currently structured is not clear as to whose information needs to be populated in

those fields. Since the FCC's new National Lifeline Accountability Database ("NLAD") will utilize these customer-specific fields to identify duplicate Lifeline benefits, it is essential that we have the correct information for each customer or the NLAD will reject the entry.

Finally, CenturyLink believes customer confusion and company representative input errors could be largely avoided if the Commission would allow separate forms for the Lifeline and Disability programs. Customers often mark the current form to include both Lifeline and Disability eligibility programs, yet the documentation they provide only proves participation in one or the other program. Because carriers cannot retain the documentation, it is later impossible to know just from looking at the application form which program, Lifeline or Disability, the person actually qualified for.

4 C.S.R. 240-31.120(1)(A) *Lifeline and Disabled Program Described*

To avoid potential confusion or inconsistencies if the federal criteria for eligibility change, CenturyLink recommends that these subsections refer specifically to FCC rule 47 C.F.R. § 54.409 for Lifeline eligibility criteria or list the FCC criteria exactly as they are shown in that rule.

4 C.S.R. 240-31.120(2)(C), and 31.120(4)(A) *Annual Recertification and De-enrollment*

These proposed rules go beyond the requirements of the FCC Lifeline reforms and will introduce new burdens on consumers and Lifeline providers. While subscribers must recertify annually, they are not required under federal rules to provide proof of continued eligibility. Instead, the federal recertification process relies on accessing eligibility databases first, if available, then customer self-certification. Further, the every two-year requirement will be administratively difficult to implement on a by-customer basis and it could lead to the requirement of proof annually from all Lifeline customers.

The FCC has made significant progress in reforming the federal Lifeline program using an annual self-recertification process and Missouri should adopt the same procedures to properly balance the need for an accurate funding process and the burden on customers and providers.

4 C.S.R. 240- 31.130(3)(A) *Annual Filing Requirements for ETCs*

The FCC requires an annual officer certification pursuant to 47 C.F.R. § 54.416 “that the carrier has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline” and “that the carrier is in compliance with all federal Lifeline certification procedures”. In addition, Eligible Telecommunications Carriers (“ETC”) must report the results of their recertification efforts annually as part of the officer certification report (the Form 555). Each state and tribal area the ETC serves must also receive a copy of the Form 555.

It would be redundant to require additional certification of ETCs stating they are compliant with Lifeline processes and procedures. Instead, the Form 555, which is filed with the FCC and state Commissions annually by January 31, should be sufficient to demonstrate to the Commission the ETC’s certification of compliance with the Lifeline rules. Thus, the rules should be amended to reference the 47 C.F.R. § 54.416 annual certification requirements and remove the specifics currently proposed in subsections (3)(A)1.A, B, C, D, E, F, and G, and (3)(A)4 of this rule.

Subsection (3)(A)5: The FCC’s Form 555 was developed to allow for reporting of the 47 C.F.R. § 54.416(b) recertification results. The form requires Lifeline providers to report the Lifeline subscribers enrolled in the program at the time the recertification subscriber list is pulled (generally equivalent to January 1 of the current year), the number of subscribers who demonstrated continued eligibility, and those that either did not respond or were no longer eligible at the end of the recertification period. It’s unclear why the Commission would need

subscriber counts and de-enrollments that are in addition to similar quantities reported on the Form 555. Requiring the reporting of the total number of new Lifeline subscribers activated during the twelve-month period would require carriers to develop new tracking processes as they are not reported elsewhere. However, carriers do report current subscriber counts monthly to the Missouri Lifeline Administrator. Adding more reports to these existing reports that already provide similar counts to what is proposed in this rule appears to be unnecessary and would put additional burdens and costs on carriers. It is also unclear in the proposed rule if the “most recent twelve-month period” would be different from the period the FCC requires for 47 C.F.R. § 54.416(b) reporting. There is no reason to think that the most recent twelve-month figures would be any better indicator of activity than what is reported on the Form 555 and the existing monthly state reports. Thus, CenturyLink suggests that the additional Lifeline reports in subparagraphs 5.A, B, C, and D of this subsection be removed from the proposed rule.

Subsection (3)(A)5.E.: CenturyLink can appreciate the Commission wanting a separate officer certification for the Disabled Program since it is separate from the Lifeline program. However, CenturyLink suggests that the Commission develop similar requirements to the FCC’s Lifeline Form 555, which includes the officer certification and the report of annual recertification results.

Since carriers currently report Disability subscriber counts on monthly claims forms, but do not currently report results of recertification efforts, CenturyLink also can understand the Commission’s desire to see those results. However, CenturyLink suggests that results similar to what is being reported on the FCC’s Form 555 for Lifeline should be reported to the Commission for the Disabled program. That would mean that carriers would report the number of Disabled subscribers asked to recertify, the number of subscribers who re-enrolled, and the number of

subscribers who either did not respond or were no longer eligible at the end of the recertification time period. Because carriers generally apply the same process to the Disabled program recertification that they use for Lifeline recertification, it would likely be administratively simpler and less costly by requiring them to track similar information that is reported for Lifeline.

As suggested above for Lifeline, requiring the reporting of the total number of new Disabled Program subscribers activated during the twelve-month period would require carriers to develop new tracking processes. Since carriers report current subscriber counts monthly to the Missouri Lifeline Administrator, adding more reports to these existing reports appears to be unnecessary and would put additional burdens and costs on carriers. CenturyLink suggests that the additional Disabled Program in subsection 3(A)5.E of this rule be deleted from the proposed rule.

Respectfully submitted,


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