**BEFORE THE PUBLIC SERVICE COMMISSION**

**OF THE STATE OF MISSOURI**

In the Matter of a Proposed )

Rulemaking to the Missouri ) File No. TX-2013-0324

Universal Service Fund )

**COMMENTS OF AT&T MISSOURI**

Southwestern Bell Telephone Company, d/b/a AT&T Missouri (”AT&T Missouri”) respectfully submits its Comments with respect to the Commission’s proposed amendments to its Universal Service Fund (“MoUSF”) and Eligible Telecommunications Carrier (“ETC”) rules. *See*, 38 Mo. Reg. 1461 (September 16, 2013).

**SUMMARY**

Communications technology and consumers’ use of such technology is rapidly changing and state universal service funding mechanisms and administration are being modified to reflect these dramatic changes. So too should Missouri’s universal service funding mechanisms and administration, by means of this rulemaking proceeding.

The focus of future federal Connect America Fund (“CAF”) high-cost universal service funding is on broadband availability in areas likely lacking a private sector business case for deployment.[[1]](#footnote-1) Companies will choose whether to voluntarily accept federal CAF support in exchange for meeting certain obligations imposed by the FCC to make available broadband services,[[2]](#footnote-2) and for satisfying other substantive and reporting obligations, likewise imposed by the FCC, in areas eligible for support in states like Missouri. AT&T Missouri thus suggests that Missouri’s public policies should not be written in a manner that erects unnecessary barriers to accepting federal CAF funding in Missouri.

Furthermore, in some instances, the proposed rules attempt to re-impose regulations that lawmakers have indicated should no longer apply. Lawmakers have made clear they want competition and customers to drive the communications marketplace and have repeatedly passed bills eliminating historical, monopoly-era regulations (e.g., SB 237 in 2005, HB 1779 in 2008, HB 338 and HB 339 in 2011, and HB 331 in 2013). The Commission should not seek to re-impose through an ETC rulemaking the same types of regulations lawmakers have rejected as contrary to the competitive marketplace.

For these reasons, the Commission should create a minimal set of forward-looking requirements that 1) ensure that funds are used as intended, 2) do not duplicate FCC requirements; 3) are consistent with FCC requirements; and 4) do not impose additional, unnecessary burdens on companies. In many respects, the rules proposed in this rulemaking proceeding run counter to these principles. For example, the rules would impose legacy plain old telephone service- (“POTS-”) like regulations on CAF support recipients (e.g., the reporting of service quality metrics throughout the state for historical landline voice telephone service in response to the receipt of CAF support for broadband deployment in some small unserved part of the state – the two have nothing to do with each other). Imposing state-specific requirements that go beyond those required by the FCC can create an environment suggesting an attempt to regulate an industry that is now lightly regulated at the state level, undermining the goal of a uniform national regulatory framework for CAF recipients, which will create significant disincentives to broadband deployment and other new technology investment.

The Commission has already fairly acknowledged that it should make the state MoUSF rules more consistent with their counterpart federal USF rules. For example, the Commission’s proposed rules acknowledge that the Commission’s authority and responsibilities derive from “the promulgation of federal rules pursuant to federal statutes.” Proposed Rule 31.010(7). Likewise, the commission has already aligned the low-income eligibility criteria of the MoUSF with the criteria of the federal USF to account for Federal Poverty Guideline considerations. Uniformity between the state and federal rules should prevail with respect to other of the Commission’s rules as well.

As the FCC also noted in its *Connect America Fund Order*:

[O]ne benefit of a uniform reporting and certification framework for ETCs is that it will minimize regulatory compliance costs for those ETCs that operate in multiple states. ETCs should be able to implement uniform policies and procedures in all of their operating companies to track, validate, and report the necessary information. Although we adopt a number of new reporting requirements below, we conclude that the critical benefit of such reporting -- to ensure that statutory and regulatory requirements associated with the receipt of USF funds are met - outweighs the imposition of some additional time and cost on individual ETCs to make the necessary reports. Under this uniform framework, ETCs will provide annual reports and certifications regarding specific aspects of their compliance with public interest obligations to the Commission, USAC, and the relevant state commission, relevant authority in a U.S. Territory, or Tribal government, as appropriate by April 1 of each year. These annual reporting requirements should provide the factual basis underlying the annual section 254(e) certification by the state commission (or ETC in the case of federally designated ETCs) by October 1 of every year that support is being used for the intended purposes.[[3]](#footnote-3)

In sum, for providers like AT&T Missouri and its affiliates which operate in multiple states, uniform rules facilitate compliance and allow the realization of administrative efficiencies that are not possible with state-specific rules. Consequently, in these comments, AT&T Missouri suggests that the Commission modify some of its proposed rules, and eliminate others from consideration. It makes other recommendations, so as to assist the Commission in better administering the MoUSF. For the reasons explained in greater detail below:

* The proposed rules should be greatly streamlined to avoid duplicating the FCC’s rules.
* The proposed rules should be made consistent with the FCC’s rules.
* The proposed rules should not impose additional burdens that add unnecessary costs and create disincentives to new technology investment in Missouri.

**DISCUSSION**

**Proposed Rule 31.010 (Definitions)**

Proposed Rule 31.010(8) – The proposed definition of “Federal Universal Service Fund” is underinclusive in that, while it properly refers to the federal Lifeline program, it does not refer to the federal high-cost program. Yet, it should, because several of the Commission’s proposed rules would relate to the federal high-cost program (e.g., rules directed to ETC application requirements, at proposed rule 31.130(1); ongoing ETC requirements, at proposed rule 31.130(2); and, ETC annual filing requirements, at proposed rule 31.130(3). Proposed Rule 31.010(8) should thus be modified, as follows:

Federal Universal Service Fund (FUSF) - The federal program **administered by the Federal Communications Commission which includes the high-cost and low-income support mechanisms**~~that provides funds to companies that offer free or reduced-price voice telephony service to low-income households~~.[[4]](#footnote-4)

Proposed Rule 31.010(13) – The proposed definition of “Lifeline Service” does not adequately convey all of the elements of the service. These elements are, however, fully captured by the FCC’s rules. *See*, 47 CFR 54.401(a). Moreover, should the elements of the service later be changed by the FCC, it would be very useful that the elements of the MoUSF’s Lifeline service change with them, automatically, and thus, without the need to embark on another rulemaking proceeding. AT&T Missouri recommends modifying proposed rule 31.010(13), as follows:

Lifeline Service - **Has the same meaning as in 47 CFR 54.401(a)** ~~Refers to a retail voice telephony service offering with free or reduced monthly charges to qualifying low-income consumers. Lifeline is a government funded program provided as described in 47 CFR Part 54 Subpart E and these rules~~.

Alternatively, the rule could be modified as follows to simply mirror the language of present FCC Rule 54.401(a) (47 C.F.R. § 54.401(a)), recognizing, however, that any future change in the federal rule might necessitate a rulemaking proceeding to ensure that the MoUSF’s definition tracks the change:

Lifeline Service - **Means a non-transferable retail service offering for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in 47 CFR 54.403; and that provides qualifying low-income consumers with voice telephony service as specified in 47 CFR 54.101(a). Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service. If an eligible telecommunications carrier charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering**~~Refers to a retail voice telephony service offering with free or reduced monthly charges to qualifying low-income consumers. Lifeline is a government funded program provided as described in 47 CFR Part 54 Subpart E and these rules~~.

Proposed Rule 31.010(17) – The proposed definition of “Net Jurisdictional Revenue” should more precisely reflect that the term *means* all retail revenue received from end user customers resulting from the provision of intrastate regulated telecommunications and interconnected Voice over Internet Protocol (“IVoIP”)services. The proposed definition would merely require that the term “include” retail revenues received from customers of such services, leaving open the incorrect implication that Net Jurisdictional Revenue may include revenues other than retail revenues received from end-user customers, which it does not. In addition, the clarification proposed by AT&T Missouri would leave it unnecessary for the term to describe wholesale services at all. Moreover, at present, the proposed rule does not fully capture all wholesale services (leaving out, for example, unbundled network elements which the FCC has determined are no longer required to be provided as such (i.e., “declassified UNEs”).

Proposed Rule 31.010(17) should thus be modified, as follows:

Net jurisdictional revenue - Net jurisdictional revenue **means** ~~shall include~~ all **retail** revenues **received from end-user customers***~~[received by an applicable carrier from retail customers]~~* resulting from the provision of intrastate regulated telecommunications **and IVoIP** services, but shall not include revenue from payphone operations, taxes, and uncollectibles. **~~Wholesale~~** *~~[R]~~***~~r~~**~~evenues received from another provider of~~ *~~[telecommunications services]~~* **~~voice telephony service~~** ~~for the provision of switched and special exchange access services and for the provision of unbundled network elements and resold services shall not be considered retail revenues.~~

**Proposed Rule 31.020 (Organization, Powers, and Meetings of the Board)**

Proposed Rule 31.020(9) – The proposed rule would allow the Board to “establish” an enrollment form for ETCs to use; it would then provide that ETCs “shall use the form established by the Board.” ETCs should not be limited to using a Board-approved form. Instead, they should be permitted to use an enrollment form which complies with the FCC’s rules. The FCC does not require a “one-size-fits-all” form for purposes of the federal USF, and the Commission should allow companies the flexibility to use a form for MoUSF purposes which complies with the FCC’s rules.[[5]](#footnote-5)

While the FCC requires that ETCs’ forms comply with specific rules, the FCC has not dictated the actual form that must be used. Rather, it allows companies to use their own discretion with respect to format and presentation, while prescribing the form’s contents. In particular, FCC Rule 54.410(d) (47 CFR 54.410(d)) requires that ETCs “must provide prospective subscribers Lifeline certification forms that in clear, easily understood language” meet subparts (1) through (3) of the rule. FCC Rule 54.410(d)(1) states that ETCs' forms must convey to prospective Lifeline subscribers several items of certain prescribed information; Rule 54.410(d)(2) states that forms must require each prospective subscriber to provide the ETC certain prescribed information; and, Rule 54.410(d)(3) states that the forms must require each subscriber to “certify, under penalty of perjury,” to a number of items.

These requirements are no less sufficient for Missouri's purposes as they are for federal purposes. The Commission should allow ETCs to use an enrollment form which either has been established by the board *or* which complies with the FCC's rules relating to such forms. As the FCC's rules recognize, carriers should be allowed flexibility in creating enrollment forms, so long as the forms include all of the elements required by the rules.

Adopting the proposed rules in their present form would require that ETCs in Missouri either forego the flexibility they have under federal rules applicable in Missouri or utilize two forms, one for purposes of the federal USF and the other for purposes of the MoUSF. Worse yet, there would be but one choice for those ETCs not receiving any MoUSF support at all, as proposed rule 31.120(3)(A) would nevertheless require that federal USF-only support recipients forego their right to use an FCC-compliant form altogether. There is no good reason to force these outcomes on Missouri ETCs. They should be afforded the opportunity to design a single form that can be used for both federal and state purposes.

AT&T thus suggests the following edits to proposed rule 31.020(9):

The board may establish a form for Eligible Telecommunications C**arrier**~~enter~~ (ETCs) to use to enroll end-users in the Lifeline or Disabled programs and shall post a generic acceptable form on

its website. All ETCs shall use the form established by the board **or a form which complies with 47 CFR 54.410(d)**~~If a company wants to provide additional information for the applicant, such as that information which is interpreted by the company as required by Federal Communications Commission (FCC) compliance order, then a company may be permitted to attach an additional sheet(s) to the form. At least one (1) business day prior to use, the ETC shall electronically submit a copy of~~

~~such additional sheet(s) to the board staff. If the additional~~

~~sheet(s) is changed, the ETC shall electronically submit a copy of~~

~~that additional sheet(s) to the board staff with the changes highlighted,~~

~~at least one (1) business day prior to the use of the changed form. There is no obligation on the board or its staff to review or approve such sheet(s)~~.[[6]](#footnote-6)

**Proposed Rule 31.120 (Lifeline Program and Disabled Program)**

Proposed Rule 31.120(2)(C) – The proposed rule states in part that, with respect to an ETC’s annual recertification process, “[a] subscriber shall submit proof of eligibility at least once every two (2) years” unless the ETC either can verify eligibility by automated means or its recertification process is administered by the FUSFA. The requirement to submit “proof” every two years is more exacting than the FCC’s requirements and should be eliminated.

The FCC’s “recertification” rules, like those of the Commission, would require annually verifying a customer’s continued eligibility for fund discounts. 47 CFR 54.410(f). However, unlike the Commission’s proposal that would call for “proof” of eligibility, the FCC permits ETCs to obtain “a signed certification from the subscriber that meets the certification requirements in paragraph (d) of this section.” 47 CFR 54.410(f)(2)(iii). Paragraph (d)(3) of FCC Rule 54.410, in turn, requires “each prospective subscriber to certify, under penalty of perjury,” to a host of separate items, including that:

(i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline;

(ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.

(iii) Must keep and maintain accurate records detailing the data source a carrier used to determine a subscriber's program-based eligibility or the documentation a subscriber provided to demonstrate his or her eligibility for Lifeline.

(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;[[7]](#footnote-7)

(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;

(vii) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,

(viii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and

(ix) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits.

There is no reason to impose additional, state-specific requirements, particularly where, as here, there has been no suggestion that the FCC’s measures are not sufficient for Missouri’s purposes or that the added costs upon Missouri ETCs to obtain “proof” of eligibility provide a benefit not achieved by the FCC’s rule. While an argument can be made that companies can bypass this requirement by simply permitting the Universal Service Administrative Company (“USAC”) to perform the recertification process, companies may elect to manage the recertification process themselves, for example, to ensure their customers are receiving a good customer experience.

Accordingly, proposed rule 31.120(2)(C) should be modified as follows:

An ETC shall annually recertify a subscriber’s continued eligibility for participation in the Lifeline program. A subscriber shall submit **a signed certification from the subscriber in compliance with 47 CFR 54.410(f)(2)(iii)** ~~proof of eligibility at least once every two (2) years~~ unless an ETC has an automated means of verifying subscriber eligibility or alternatively a carrier’s annual recertification process is administered by the FUSFA.

Proposed Rule 31.120(2)(D) – This rule would subject the Disabled program recertification process to the same proof-of-eligibility requirement as would proposed rule 31.120(2)(C) in connection with the Lifeline program. For the same reasons such a requirement is not required for FCC purposes (albeit in connection with Lifeline), it should not be required for the MoUSF Disabled program, for which a signed certification should be sufficient. AT&T Missouri thus proposes modifying proposed rule 31.120(2)(D), as follows:

(D) An ETC shall annually recertify a subscriber’s participation in the Disabled program using either of the following procedures:

1. **Obtain a signed certification from** ~~Apply the same procedure as identified in subsection (2)(C) to~~ all Disabled program participants; or

2. Limit annual recertification efforts to any household participating

in the disabled program whereby the qualifying disabled customer

is not listed as the voice telephony subscriber. In such situations

the ETC may limit its inquiry to the voice telephony subscriber

as to whether the qualifying disabled customer remains within the household.

Proposed Rule 31.120(3)(A) – This rule should be modified for the same reasons as explained in connection with proposed rule 31.020(9), so as to allow ETCs the flexibility to use an enrollment form for MoUSF purposes which complies with the FCC’s rules. AT&T Missouri suggests the following modification:

All consumers shall complete **an**~~the~~ application form ~~approved by the board~~ **which complies with 47 CFR 54.410** and submit adequate proof of eligibility. A**n** ~~board-approved~~ application shall be required even if a carrier only seeks federal Lifeline support.

Proposed Rule 31.120(3)(C) – This rule would require that a subscriber’s participation in the Lifeline or Disabled programs be denied or discontinued “if it is discovered the subscriber has submitted incorrect, false or fraudulent information to the carrier.” The rule would place ETCs in the untenable position of having to police their customers. Moreover, the standards by which it would be expected to do so are vague and overly broad. For example, the submission of “incorrect” information may or may not be eligibility-affecting; in either event, it may be inadvertent and possible to quickly correct, but the proposed rule would require denial or discontinuance of Lifeline discounts nonetheless. Moreover, telephone companies do not share the training and skills of criminal prosecutors whose duties normally include weighing various facts and circumstances to determine whether one’s intent rises to the level of “fraudulent.”

Furthermore, the proposed rule is unnecessary in light of other safeguards reflected in the proposed rules. First, proposed rule 31.120(3)(A) would already require applicants to “submit adequate proof of eligibility." Second, proposed rule 31.120(4) would establish ETC procedures for de-enrollment of participants that no longer meet eligibility criteria. Consequently, proposed rule 31.120(3)(C) should be withdrawn from further consideration.

**Proposed Rule 31.130 (Eligible Telecommunications Carrier Requirements)**

Proposed Rule 31.130(1)(B)4 – The proposed rule appears to emulate the advertising commitments required by the FCC to be contained in ETC applications, but a portion appears to not accurately do so. The third sentence of the proposed rule, directed to direct mail, states: “If an applicant intends to advertise its service by direct mail then the company shall explain how it will target those mailings to consumers reasonably likely to qualify for the service.” However, this sentence, while tracking somewhat the FCC’s general rule not limited to direct mail, varies somewhat. FCC Rule 54.405(b) (47 CFR 54.405(b)) requires an ETC to “[p]ublicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.” AT&T Missouri recommends clarifying proposed rule 31.130(1)(B)4 as follows, so that it more closely aligns with the FCC’s own rule, while still addressing the matter of direct mailings:

A statement certifying the applicant will advertise the availability of its supported service and its price, using media of general distribution. The applicant shall also provide an explanation of how the applicant will advertise. **The availability of Lifeline service shall be publicized in a manner reasonably designed to reach those likely to qualify for the service.** ~~If an applicant intends to advertise its service by direct mail then the company shall explain how it will target those mailings to consumers reasonably likely to qualify for the service.~~ An applicant shall provide examples of advertising, **including direct mail advertising,** when available;

Proposed Rule 31.130(1)(B)5 – The proposed rule would require that ETC applications contain a certification that the applicant will comply with “the applicable service requirements in 47 CFR 54.201(d)(2).” However, the cited FCC rule states that an ETC must “[a]dvertise the availability of such services and the charges therefore using media of general distribution.” This subject was already addressed in the first sentence of proposed rule 31.130(1)(B)4, discussed immediately above. It appears that the proposed rule means to reference FCC Rule 54.201(d)(1), which is directed to service requirements. That rule states that an ETC must “[o]ffer the services that are supported by federal universal service support mechanisms under subpart B of this part and section 254(c) of the Act, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier)[.]” Accordingly, AT&T Missouri recommends modifying proposed rule 31.130(1)(B)5, as follows:

A certification that the applicant will comply with the applicable service requirements in 47 CFR 54.201(d)(**1**~~2~~);

Proposed Rule 31.130(1)(B)11 – This proposed rulewould require that ETC applications contain a “commitment to maintain a record of customer complaints, including an agreement to make such records available upon request to the commission staff. “ These requirements are very broad and overly burdensome, particularly given the more limited information required to be provided to the FCC. The pertinent FCC Rules, 54.313(A)(4) (47 CFR 54.313(a)(4)) and 54.422(b)(2) (47 CFR 54.422(b)(2)) instead require high-cost and Lifeline ETCs to report to the FCC annually, among other things, “[t]he number of complaints per 1,000 connections (fixed or mobile) in the prior calendar year.” Moreover, both rules require that these annual reports also be filed with “the relevant state commissions.” *See*, 47 CFR 54.313(i); 47 CFR 54.422(c).

The proposed rule could require ETCs to report every single complaint or to submit information in a manner the ETC does not keep. There is no indication insofar as AT&T Missouri has been made aware that the information required to be submitted to the FCC pursuant to its rules is insufficient for Missouri purposes. Moreover, because the federal rules already require that this information be provided to relevant state commissions, proposed rule 31.130(1)(B)11 should be deleted in its entirety.

Proposed Rule 31.130(1)(B)14 – This proposed rulewould require that ETC applications describe how, if at all, the applicant will provide access to directory assistance services, operator services, and interexchange services. The proposed rule should be withdrawn.

Previously, the FCC required ETCs to offer USF-supported service comprised of nine specific features and functionalities, as has the Commission. The FCC has since collapsed these nine supported features and functionalities into the single term “voice telephony service,” which no longer requires ETCs to offer access to interexchange services, directory assistance services, or operator services.[[8]](#footnote-8) The Commission has followed the FCC’s lead, and correctly so, in that its proposed rule 31.010(18) would define the term “voice telephony service” in the same manner as does the FCC. Given that access to these three services are no longer required universal service elements, information regarding whether an ETC will provide such access is likewise no longer needed. Moreover, as future ETC applications may involve the receipt of federal funding for broadband deployment, discussing these particular services makes even less sense.

Proposed Rule 31.130(1)(C) – This proposed rulewould require that ETC applications contain information regarding the ETC’s “disciplinary history,” including extensive information regarding the applicant’s affiliates and ownership interests, as well as the details of “any matter brought in the last ten (10) years by any state or federal regulatory or law enforcement agency” against the applicant, any entity holding more than a 10% ownership interest in the applicant, or any affiliated company. Such extensive and detailed information is not required to be provided pursuant to the FCC’s ETC designation rules. Moreover, the rule’s reporting obligation would attach to the mere bringing of a matter, whether civil, regulatory or otherwise (formal or informal), without regard to whether any actual finding of fault or culpability occurred, and without regard to whether the matter is truly material to ETC designation. AT&T Missouri has been unable to identify any state having promulgated such a rule as this.

ETC applicants generally should not be subjected to such broad and free-ranging information collection and reporting requirements, at least in the absence of some identifiable cause for concern. Such requirements are particularly burdensome on large companies that operate in many jurisdictions. And, in fact, it is some of the larger companies that will likely be the near-term recipients of federal funds from the Connect American Fund and the CAF Mobility Fund. To the extent that a particular ETC applicant’s history or character should give the Commission pause, the Commission’s Staff may direct focused data requests to the applicant to address the concern. In the meantime, proposed rule 31.130(1)(C) should be withdrawn.

Proposed Rule 31.130(1)(D)7 – This proposed rule would require that ETC applications contain a commitment to use only the Board-approved enrollment form and commitments relating to any “supplemental” or changed forms. This rule should be modified for the same reasons as explained in connection with proposed rule 31.020(9), so as to allow ETCs to use an enrollment form for MoUSF purposes which fully complies with the FCC’s rules. AT&T Missouri suggests the following modification to proposed rule 31.130(1)(D)7:

A commitment that the applicant will only use a Lifeline ~~or Disabled~~ Application form **which complies with 47 CFR 54.410**~~approved by the board, and that any supplemental form, as well as any changes to the supplemental form, will be submitted to the commission staff at least one (1) business day prior to use of the form in Missouri~~;

Proposed Rule 31.130(1)(D)9.B – This proposed rule would require that certain commitments relating to “non-usage” be given by ETCs that do not assess or collect a monthly fee for Lifeline service. However, it does not accurately convey the contents of the FCC’s Rule 54.403(e)(3) (47 CFR 54.403(e)(3)),[[9]](#footnote-9) which directly relates to the subject, nor does it identify what shall constitute “use” of the service, as does FCC Rule 54.407(c)(2) (47 CFR 54.407(c)(2))which is directly referenced by FCC Rule 54.403(e)(3)). AT&T Missouri suggests that the proposed rule cure these deficiencies by merely referencing the FCC rules directly, as follows:

If the applicant does not assess or collect a monthly fee for

Lifeline service, it shall explain how it will comply with the following

requirements:

A. The applicant will not receive universal service support

until the subscriber activates the service; and

B. **De-enrollment for non-usage as provided in 47 CFR 54.403(e)(3)**~~The applicant will only receive support for a subscriber using the service within the last sixty (60) days, including a description of its process to monitor and de-enroll a subscriber that fails to~~

~~use the service for sixty (60) consecutive days~~;

Proposed Rule 31.130(1)(F) – This proposed rule would require that high-cost ETC applicants provide additional information to the Commission specifically related to a number of subjects about which the Commission has inquired of ETC applicants in the past. For example, the proposed rule would require information regarding the applicant’s five-year “build-out plan” (at subparagraph 3); how the applicant will handle unusual construction or installation charges (at subparagraph 4); and, how the applicant intends to monitor the company’s quality of service (at subparagraph 6). However useful this information remains in the context of either traditional wireline or wireless services, it has no utility with respect to services deployed pursuant to either the CAF or CAF Mobility Fund established by the FCC’s *Connect America Fund Order*. In its *Connect America Fund Order*, the FCC “adopt[ed] support for broadband-capable networks as an express universal service principle under section 254(b) of the Communications Act” and further, for the first time, “set specific performance goals for the high-cost component of the USF that we are reforming today, to ensure these reforms are achieving their intended purposes.”[[10]](#footnote-10)

The Commission’s existing rules (including its five-year build out plan and several other rules referenced in Proposed Rule 31.130(1)(F)) were written in an era when high-cost support was devoted solely to traditional wireline services (i.e., Plain Old Telephone Service, or “POTS”) and wireless services. The Commission’s proposed rules were likewise written with these services in mind, without regard to the broadband-focused deployment made uniquely possible by the FCC’s *Connect America Fund Order*. The FCC’s order signals an entirely new framework. As the FCC explained:

We believe that the framework adopted today provides all stakeholders with a clear path forward as the Commission transitions its voice support mechanisms to expressly include broadband and mobility, from the PSTN to IP, and toward market-based policies, such as competitive bidding. We will closely monitor the progress made and stand ready to adjust the framework as necessary to protect consumers, expand broadband access and opportunities, eliminate new arbitrage or inefficient behavior, ensure USF stays within our budget, and continue our transition to IP communications in a competitive and technologically neutral manner.[[11]](#footnote-11)

For these reasons, the introduction of proposed rule 31.130(1)(F) should be modified as follows:

Any application seeking ETC designation for the intended purpose of receiving federal high-cost support**, excluding applications for designation solely for the purpose of deploying or operating services pursuant to either the Connect America Fund or the CAF Mobility Fund established by the FCC’s *Connect America Fund Order,* 26 FCC Rcd 17663 (2011) (“CAF Support”),** shall provide the following additional information:….

Proposed Rule 31.130(1)(F)6 – This proposed rule would require that high-cost ETC applicants describe to the Commission how they intend to monitor several aspects of the company’s “quality of service.” While this rule (and paragraphs 1 through 5 of proposed rule 32.130(F)) should be eliminated for the reasons expressed immediately above, the “service quality” obligation should be eliminated for other reasons as well. First, the rule is contrary to existing state law under which AT&T Missouri has been specifically exempted from the application of the Commission’s various service quality standards and reporting requirements. Second, the rule also has no basis in federal law, as the FCC itself does not require such information to be provided it by high-cost recipients, or even by Connect America Fund support recipients.

It has been over five years since the Missouri legislature determined, in HB 1779, that ILECs deemed competitive “shall not be required to comply with” various of the Commission’s rules, including “network engineering and maintenance rules, and rules requiring the recording and submitting of service objectives or surveillance levels established by the [C]ommission.” Section 392.245.5(8), RSMo. Furthermore, Section 392.461, RSMo, added by HB 338 in 2011, expressly allows a company to elect to be exempt from rules relating to the “installation, provisioning, or termination of retail service.” The same legislation allows waiver of “the application and enforcement of” various Commission rules, including its “quality of service” rules. Section 392.420, RSMo. As a consequence, AT&T Missouri has long since been relieved of various Commission service quality standards and reporting requirements. *See*, Order Concerning Election of Waivers,” Case No. IE-2009-0082, November 10, 2008 (based on HB 1779); see also, Notice Acknowledging Election of Waivers, File No. TE-2012-0073, March 19, 2012 (based on HB 338).

In any case, the proposed rule simply cannot be justified by any state high-cost considerations, because there are none. As the Commission repeatedly acknowledges in its notice of proposed rulemaking, the MoUSF “does not currently provide high-cost support and is not expected to provide such funding in the foreseeable future.” 38 Mo. Reg. at 1465, 1468. These legal and factual circumstances do not allow the Commission to lawfully proceed to adopt proposed rule 31.130(3)(B)3.

Nor might the proposed rule be justified by any federal considerations of which AT&T Missouri is aware. While federal USF high-cost recipients are required to provide certain information annually to the FCC, the extent of the information that must be provided as it specifically relates to service quality is “[c]ertification that [the recipient of high-cost support] is complying with applicable service quality standards.” *See*, 47 CFR 54.313(a)(5). Moreover, the FCC’s rules applicable to recipients of Connect America Fund support (Phases I and II) do not require more. *See*, 47 CFR 54.313(b), (e). In neither context does the FCC require, as would the Commission’s proposed rule, that the support recipient explain how it “monitors” the quality of service it provides, or that it further explain whether the company monitors the timeliness of providing service and remedying out-of-service conditions.

Notably, the Commission’s proposed rules would already require that high-cost ETC applicants provide information regarding their ability to remain functional in emergency situations. In addition, federal high-cost support recipients must report detailed information regarding outages in accordance with the FCC’s ETC outage reporting requirements (47 CFR 54.313(a)(2)). Such reports must be provided to “relevant state commissions.” (47 CFR 54.313(i). Consequently, the Commission will receive the same information as is required by the FCC in this area, and this information should be sufficient to meet the Commission’s needs.

For these reasons, proposed rule 31.130(1)(F)6 should be withdrawn in its entirety or, at a minimum, exclude from its coverage an ETC applicant whose application is for CAF Support to be used for the purpose of deploying services pursuant to either the Connect America Fund or the CAF Mobility Fund established by the FCC’s *Connect America Fund Order*. For these reasons, proposed rule 31.130(1)(F)6 should be withdrawn in its entirety.

Proposed Rule 31.130(2) – This proposed rule, and its subparts ((A) through (O)), would impose a number of requirements upon ETCs. For similar reasons as were noted with respect to the additional high-cost information requirements governing ETC applications (32.130(1)(F)) and others, these proposed rules should be eliminated.

The FCC has sufficiently identified the substantive, reporting and other obligations with which ETCs must comply for purposes of receiving high cost (including CAF and Mobility Fund) and Lifeline support.  These are all federal support mechanisms administered by the FCC, and the FCC intended a national framework for ETC requirements.   For the reasons discussed earlier favoring national uniformity, the requirements in proposed rule 31.130(2) are unnecessary and would impose additional burdens on ETCs without corresponding benefit.

Service providers are making decisions about which areas in which states they will pursue CAF and/or Mobility Fund support. States with no or relatively few requirements beyond the FCC’s substantive and reporting requirements will tend to be more attractive states for acceptance of such support; states with relatively more, and more burdensome, requirements will tend to be relatively less attractive for acceptance of support.  To the extent that state policymakers wish to avoid discouraging providers from accepting support, they should refrain from imposing requirements beyond those imposed by the FCC.

For these reasons, proposed rule 31.130(2) should be withdrawn in its entirety. To the extent the Commission may disagree, AT&T Missouri nevertheless directs further comments to subsections (C), (H), (J) and (M), below.

Proposed Rule 31.130(2)(C) – This proposed rule mirrors an FCC rule that is no longer in effect and thereby imposes more burdens than the FCC’s rules now impose. Accordingly, it should be withdrawn or, at a minimum, modified.

Prior FCC rules regarding wireless ETCs designated by the FCC (for states that lack authority to designate wireless carriers as ETCs) *formerly* required wireless ETC applicants to “[c]ommit to provide service throughout its proposed designated service area to all customers making a reasonable request for service.” *See*, 47 CFR 54.202(a)(1)(i) as it existed prior to the FCC’s *Connect America Fund Order*. However, in its *Connect America Fund Order*, the FCC eliminated this requirement, and in light of the differing obligations applicable to CAF, CAF I, CAF II, Mobility Fund Phase I, and Mobility Fund Phase II, instead amended Rule 54.202(a)(1)(i) to require an ETC applicant to “[c]ertify that it will comply with the service requirements applicable to the support that it receives.” Proposed rule 31.130(2)(C) does not say this.

Additionally, it should be noted that ETCs receiving federal high-cost support are also already required to annually report the “number of requests for service from potential customers within the [ETC’s] service areas that were unfulfilled during the prior calendar year” and “how [the ETC] attempted to provide service to those potential customers.” 47 CFR 54.313(a)(3). All such reports filed with the FCC must also be provided to “relevant state commissions.” 47 CFR 54.313(i). Moreover, the imposition of a requirement to provide voice telephony service throughout an entire service area based on the receipt of federal funding to deploy broadband to some small unserved area (e.g., CAF and Mobility Funds) certainly makes no sense and would impose a burden on companies that could disincent them from voluntarily accepting federal broadband funding.

For these reasons, proposed rule 31.130(2)(C) should be modified as follows:

An ETC shall **comply with the service requirements applicable to the support that it receives**~~make available voice telephony service to all subscribers in the ETC’s service area upon reasonable request~~.

Proposed Rule 31.130(2)(H) – This proposed rule would impose requirements that exceed the Commission’s statutory authority. For example, telecommunications companies are permitted under Missouri law to be exempt from tariffing obligations for their retail services, so long as in connection with such “de-tariffing,” they publish their “generally available retail prices for those services available to the public on a publicly accessible website.” Section 392.461, RSMo. No similar obligation extends to requiring the publishing of terms, conditions and other provisions of such services. Additionally, the Commission has very limited authority with respect to IVoIP services (Sections 386.020(54)(j), 392.550, RSMo), and this authority does not extent to requiring providers of such services to publish on a website the prices, terms, conditions and other provisions concerning their IVoIP services. Accordingly, proposed rule 31.130(2)(H) should be withdrawn.

Proposed Rule 31.130(2)(J) – This proposed rule would require ETCs to notify the Commission of “any proceeding initiated by a state or federal regulatory authority alleging the ETC or any person or entity identified in subsection (1)(C) above is violating any state or federal

universal service program requirements. Such notice shall also be required if any allegations of fraud, tax evasion, or the commitment of a felony by the ETC or such person or entity are made.” This rule far exceeds any reasonable inquiry and, as noted earlier, any Commission concerns regarding a specific ETC can be addressed by data requests (and subsequent enforcement action, if and as needed). Proposed rule 31.130(2)(J) should be withdrawn for the same reasons as the proposed rule to which it relates (31.130(1)(C)).

Proposed Rule 31.130(2)(M) – This proposed rule would require ETCs to comply with periodic audits and/or data requests by the Commission’s Staff “to monitor compliance with this chapter.” AT&T Missouri merely suggests here that the rule be confined to MoUSF compliance, as ETCs are already subject to significant audit requirements at the federal level for both the high-cost and low-income programs. Proposed rule 31.130(2)(M) should be thus modified:

An ETC shall cooperate and comply with periodic audits and/or requests for information by the commission staff to monitor compliance with **the MoUSF Lifeline and Disabled program rules set forth in** this chapter.

Proposed Rule 31.130(3)(A)1.B – This proposed rule would require Lifeline ETCs to annually submit a certification that the company “complies with all Missouri Lifeline Program and Disabled Program procedures.” This rule should be modified, as follows, to account for the fact that *not all ETCs participate in the MOUSF-supported LL and Disabled programs:*

In order for an ETC to continue to receive Lifeline support for the following calendar year, all ETCs, including an ETC solely receiving Lifeline support, shall annually submit, no later than July 1 of each year the following information to the Missouri Commission’s Electronic Filing and Information System:

1. A certification by an officer of the company, under penalty of

perjury, that—

…

B. The company complies with all **applicable** Missouri Lifeline Program

and Disabled Program procedures as identified in 4 CSR 240-31.120;

Proposed Rule 31.130(3)(A)1.C – This proposed rule would require Lifeline ETCs to annually certify that the company “is using a Lifeline and/or Disabled application form approved by the Missouri USF board.” This rule should be corrected for reasons earlier stated, so as to continue to allow ETCs the flexibility to use an enrollment form which complies with FCC requirements. In keeping with earlier suggested changes to this effects, AT&T Missouri recommends the following modification to proposed rule 32.130(3)(A)1.C:

In order for an ETC to continue to receive Lifeline support for the following calendar year, all ETCs, including an ETC solely receiving Lifeline support, shall annually submit, no later than July 1 of each year the following information to the Missouri Commission’s Electronic Filing and Information System:

1. A certification by an officer of the company, under penalty of

perjury, that—

. . .

C. The company is using a Lifeline and/or Disabled application form approved by the Missouri USF board **or a form which complies with 47 CFR 54.410**;

Proposed Rule 31.130(3)(A)2 – This proposed rule would require an ETC to provide “[a] statement indicating whether the company offers access to interexchange services, directory assistance services, and operator services.” This requirement should be withdrawn for the reasons stated with regard to proposed rule 31.130(1)(B)14, as none of the services are required elements of voice telephony service.

Proposed Rule 31.130(3)(A)5 – This proposed rule (and subparts A through E) would require ETCs to annually report various Lifeline and/or Disabled subscribership data, including the number of Lifeline/Disabled subscribers at the beginning of the twelve-month period, the number of new subscribers activated during the period, the number of subscribers de-enrolled during the period, and the number of subscribers at the end of the period. The Commission should merely require ETCs to report the number of subscribers at the end of the reporting period. The number of subscribers at the beginning of the period should be reflected in the prior year’s report (as the number at the end of the period therein reported). Further, it is not at all apparent how the Commission might be benefited, if at all, by also being provided the numbers of subscribers activated and de-enrolled. Companies should not have to assume the costs of collecting and reporting information absent a clear explanation of why the information is necessary or useful.

Furthermore, under section 54.416(b) of the FCC’s Lifeline rules (47 CFR 54.416(b)), beginning this year, ETCs are required to annually file a Form 555 providing the results of their required re-certification efforts (performed pursuant to 47 CFR 54.410(f)) to the FCC, USAC, and state commissions. The MO commission would have received all 2013 Form 555s last January, and under this rule, will receive it going forward. The proposed 2014 form is available at: <http://www.usac.org/_res/documents/li/pdf/forms/FCC-Form-555-DRAFT.pdf>; and among other things, in its present form, requires the submission of data regarding total subscribers; the number of subscribers contacted to recertify; the number of subscribers who responded; the number who didn’t respond; the number who responded that they are no longer eligible; and the number of subscribers de-enrolled. Since FCC rules already require ETCs to submit this report to state commissions (*see* 47 CFR 54.416(b)), proposed Rule 31.130(3)(A)5 is both unnecessary and redundant, and to the extent it imposes reporting requirements that differ reflected on the Form 555 filing, it would impose additional burdens on ETC without any corresponding need or benefit. So the rule should be eliminated; or if it is not eliminated, should be revised to make clear that the submission of the Form 555 satisfies the requirement and that ETCs are not required to submit the Form 555 more often than is required under 54.416(b).

For these reasons, proposed rule 32.130(3)(A)5, A through E, should be eliminated.

Proposed Rule 31.130(3)(A)6 – This proposed rule would require Lifeline ETCs to annually submit a “summary of any USF- or ETC-related audits conducted within the past year. Such audits include the independent audits as contemplated by 47 CFR 54.420 and audits conducted by the FUSFA.” The rule would also require that the company provide a status report regarding any audit reports previously produced to the Commission pursuant to proposed rule 32.130(2)(K) that identify any non-compliance issues. The requirement to produce a “summary” of audits is wholly unnecessary given the requirement in proposed rule 32.130(2)(K) to produce the “audit results” themselves. In addition, the obligation to provide information regarding “any” audit is far too expansive. Proposed rule 32.130(2)(K) properly confines itself to “audit results concerning the company’s compliance with universal service program requirements as conducted by FUSFA or by an independent auditor as contemplated by 47 CFR 54.420.” Proposed rule 31.130(3)(A)6 should likewise be confined. The proposed rule should be modified as follows:

In order for an ETC to continue to receive Lifeline support for the following calendar year, all ETCs, including an ETC solely receiving Lifeline support, shall annually submit, no later than July 1 of each year the following information to the Missouri Commission’s Electronic Filing and Information System:

. . .

6. ~~A summary of any USF- or ETC-related audits conducted within the past year. Such audits include the independent audits as contemplated by 47 CFR 54.420 and audits conducted by the FUSFA.~~ If **the results of** an audit **provided to the Commission pursuant to subsection (2)(K) of section 32.130 of these rules** identifies any non-compliance issue then the company shall provide the status of resolving the issue. The ~~full and finalized audit report shall have been previously submitted to the manager of the commission’s Telecommunications Unit as described in 4 CSR 240-3.570(3)(H) so the~~ company shall identify the date the audit **results**~~report~~ **were**~~was~~ provided to the commission;

Proposed Rule 31.130(3)(A)7 – This proposed rule would require Lifeline ETCs to annually submit a “list of any proceedings alleging the company is violating universal service fund requirements.” Such a submission is not required by FCC rules and is also no less overly broad than the similar “disciplinary history” requirements of proposed rule 31.130(1)(C). For the same reasons that proposed rule 31.130(1)(C) should be withdrawn, so too should proposed rule 32.130(3)(A)7.

Proposed Rule 31.130(3)(B)3 – This proposed rule would require all ETCs receiving high-cost support to submit to the Commission annually “[a]n explanation of how the company monitors, if at all, the quality of service provided by the company for voice telephony service. This explanation shall include whether the company monitors the timeliness of providing service and remedying out-of-service conditions. The company shall provide results of its most recent consecutive three (3) months of quality of service measurements, if available.”

For the reasons stated with respect to proposed rules 31.130(1)(F), 31.130(1)(F)6 and 31.130(2), this proposed rule should be withdrawn in its entirety or, at a minimum, exclude from its coverage ETCs whose high-cost support consists solely of CAF Support, that is, as noted earlier, support used solely for the purpose of deploying voice and broadband services pursuant to either the Connect America Fund or the CAF Mobility Fund established by the FCC’s *Connect America Fund Order*. Should the Commission choose the latter course, proposed rule Proposed Rule 31.130(3)(B)3 should be modified as follows:

All ETCs receiving high-cost support shall submit, no later than July 1 of each year in order for an ETC to continue to receive high-cost support for the following calendar year, the following additional information with the company’s annual filing to the commission’s Electronic Filing and Information System:

…

3. **With respect solely to those ETCs whose federal high-cost support is not confined to CAF Support, a**~~A~~n explanation of how the company monitors, if at all, the quality of service provided by the company for voice telephony service. This explanation shall include whether the company monitors the timeliness of providing service and remedying out-of-service conditions. **Such**~~The~~ company shall provide results of its most recent consecutive three (3) months of quality of service measurements, if available.

Proposed Rule 31.130(4)(A) – This proposed rule would provide that “ETCs shall also comply with the laws, rules, and procedures for other states in which they are an ETC, the state administrators in states in which they are an ETC, FUSFA, and the FCC.” The Commission's jurisdiction is limited to intrastate matters or to those matters over which the Commission has lawfully been delegated federal authority. Neither consideration applies here. Moreover, there has been no showing that other states or the FCC needs or wants Commission oversight with respect to matters over which they alone have lawful jurisdiction and lone complete enforcement authority. Proposed rule 31.130(4)(A) should be withdrawn in its entirety.

**Miscellaneous: proposed rules 31.130(1) and 31.060(3)(B).**

The Commission should delete omit the term “certificated” in referring to telecommunications companies.The MoUSF is funded by “assessments” applied to the net jurisdictional revenues of certain companies, including “telecommunications companies,” (Section 392.248, RSMo) and registered interconnected VoIP providers (Section 392.550, RSMo). Proposed rule 31.130(1) would define the term “assessable carrier” to include “certificated telecommunications companies” (in addition to registered interconnected VoIP providers). Similarly, proposed rule 31.060(3)(B) would, for purposes of deriving the appropriate company-specific assessment, require each “certificated telecommunications company” (and registered interconnected VoIP provider) to provide its net jurisdictional revenues to the MoUSF Administrator. The term “certificated” should be deleted from each of the proposed rules.

The MoUSF enabling statute, Section 392.248, RSMo states that “[t]he universal service fund shall be funded through assessments on all telecommunications companies in the state.” Since the MoUSF’s inception AT&T Missouri has regularly been assessed by the MoUSF, just like other telecommunications companies, and on each occasion it has paid its assessment. Likewise, AT&T Missouri has participated in the billing and collection of surcharges posted on its customers’ bills, in the same manner as other telecommunications companies. For these reasons, the Commission’s proposed rules should simply apply to “telecommunications companies” (and interconnected VoIP providers. Moreover, retaining the term “certificated” in these rules would neglect to account for the fact that AT&T Missouri operates pursuant to a state charter which excuses it from having to obtain a certificate. Consequently, the term “certificated should be deleted from proposed rules 31.130(1) and 31.060(3)(B).

**CONCLUSION**

For the reasons explained above, AT&T Missouri respectfully requests that the Commission consider and adopt its recommendations with respect to the Commission’s proposed rules.

Respectfully submitted,

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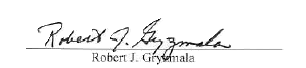
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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing document were served to all parties by e-mail on the 16th day of October, 2013.



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1. *See*, In the Matter of the Connect America Fund, WC Docket No. 10-90, Report and Order and Further Notice of Proposed Rulemaking, 26 F.C.C.R. 17663 (2011) (“*Connect America Fund Order*”). In its *Connect America Fund Order*, the FCC “adopt[ed] support for broadband-capable networks as an express universal service principle under section 254(b) of the Communications Act.” *Id*., at ¶ 17. A copy of the FCC’s accompanying October 27, 2011 press release is attached to these comments. [↑](#footnote-ref-1)
2. Companies are required to offer voice service, the supported service, in areas where they make broadband available. [↑](#footnote-ref-2)
3. *Connect America Fund Order*, at ¶ 575. [↑](#footnote-ref-3)
4. In these comments, rule language proposed to be added is **bolded**, while rule language proposed to be deleted is ~~stricken~~. [↑](#footnote-ref-4)
5. Various other proposed rules likewise would require all ETCs to use an enrollment form established by the board. *See*, proposed rule 31.020(9) (“All ETCs shall use the form established by the board.”); *see also*, proposed rule 31.120(3)(A) (“All consumers shall complete the application form approved by the board and submit adequate proof of eligibility. A board approved application shall be required even if a carrier only seeks federal Lifeline support.”); 31.130(3)(A)1.C (stating that an ETC's annual filing must certify that the company “is using a Lifeline and/or Disabled application form approved by the Missouri USF board.”). For the same reasons, proposed rule 31.020(9) should be modified, so too should these proposed rules, as discussed later in these comments. [↑](#footnote-ref-5)
6. Additionally, in the text above and in proposed rule 31.090(1), for grammatical purposes the word “Carriers” should be substituted for the word “Center.” [↑](#footnote-ref-6)
7. AT&T Missouri understands, however, that this portion of the FCC’s rule has not as yet gone into effect. [↑](#footnote-ref-7)
8. *See*, 47 CFR 54.101(a); *see also*, *Connect America Fund Order*, at ¶ 78. Indeed, with respect to the latter two, the FCC specifically stated: “we do not mandate that ETCs provide operator services or directory assistance; we find the importance of these services to telecommunications consumers has declined with changes in the marketplace.” *Connect America Fund Order*, at n.114. [↑](#footnote-ref-8)
9. 54.405(e)(3) states: “De-enrollment for non-usage. Notwithstanding paragraph (e)(1) of this section, if a Lifeline subscriber fails to use, as “usage” is defined in § 54.407(c)(2), for 60 consecutive days a Lifeline service that does not require the eligible telecommunications carrier to assess or collect a monthly fee from its subscribers, an eligible telecommunications carrier must provide the subscriber 30 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 30–day notice period will result in service termination for non-usage under this paragraph. If the subscriber uses the Lifeline service within 30 days of the carrier providing such notice, the eligible telecommunications carrier shall not terminate the subscriber's Lifeline service. Eligible telecommunications carriers shall report to the Commission annually the number of subscribers de-enrolled for non-usage under this paragraph. This de-enrollment information must be reported by month and must be submitted to the Commission at the time an eligible telecommunications carrier submits its annual certification report pursuant to

   § 54.416.” [↑](#footnote-ref-9)
10. *Connect America Fund Order*, at ¶ 17. [↑](#footnote-ref-10)
11. *Id*., at ¶ 16. [↑](#footnote-ref-11)