



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Fax-On-Demand 202 / 418-2830
TTY 202 / 418-2555
Internet: <http://www.fcc.gov>
ftn fcc.gov

DA 07-1241

Released: March 12, 2007

THE WIRELINE COMPETITION BUREAU SEEKS TO REFRESH THE RECORD ON LIFELINE AND LINK-UP

PLEADING CYCLE ESTABLISHED

WC Docket No. 03-109

Comment Date: [30 days after date of publication in the Federal Register]

Reply Comment Date: [45 days after date of publication in the Federal Register]

1. By this Public Notice, the Wireline Competition Bureau (Bureau) seeks to refresh the record on issues raised in the *Further Notice of Proposed Rulemaking* in the Lifeline and Link-Up docket.¹ Because comments on the issue were filed several years ago, the passage of time and intervening developments may have rendered the records developed by those commenters stale. Moreover, some issues raised by commenters may have become moot or irrelevant in light of intervening events. For these reasons, the Bureau requests that parties refresh the record with any new information or arguments they believe to be relevant to deciding the issues still pending. The refreshed record will enable the Commission to undertake appropriate consideration of the issue of how best to provide support through the Lifeline and Link-Up programs to more low-income individuals and families.

2. Section 254 of the Communications Act of 1934, as amended (the Act),² codified the Commission's and the states' historical commitment to advancing the availability of telecommunications services for all Americans.³ Among other things, this section reflects the principle that consumers in all regions of the Nation, including low-income consumers, should have access to telecommunications and information services that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged in urban areas.⁴ The Lifeline/Link-Up program is one of several universal service support mechanisms that further these goals.⁵

¹ See *Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302 (2004) (*Lifeline/Link-Up Report and Order*).

² Pub. L. No. 104-104, 110 Stat. 56 (1996). The Telecommunications Act of 1996 (the 1996 Act) amended the Communications Act of 1934 (the Act).

³ 47 U.S.C. § 254.

⁴ 47 U.S.C. § 254(b).

⁵ The Commission adopted Lifeline/Link-Up prior to passage of the 1996 Act pursuant to its general authority under sections 1, 4(i), 201, and 205 of the Act. See *Federal-State Joint Board on Universal Service*, CC Docket No.

3. Currently, federal default criteria specify that a consumer is eligible for Lifeline/Link-Up support when the consumer's income is at or below 135% of the Federal Poverty Guidelines (FPG), or if the consumer participates in one of several federal assistance programs, such as Temporary Assistance for Needy Families (TANF) or the National School Lunch's free lunch program (NSL).⁶

4. In the *Further Notice of Proposed Rulemaking* issued on April 24, 2004, the Commission sought comment on whether the income-based criterion in the federal default eligibility criteria should be increased to 150% of the FPG to make phone service affordable to more low-income individuals and families. The Commission also sought to explore whether adoption of rules governing the advertisement of the Lifeline/Link-Up program, as opposed to guidelines, would strengthen the operation of these programs.⁷ For example, should an ETC be required to distribute materials in a second language if a certain percentage of the population in a given area speaks a language other than English, and if so, what percentage would trigger the requirement? The Commission now seeks to refresh the record on these and all other issues raised in the *Further Notice of Proposed Rulemaking*.

Interested parties may file comments and reply comments on or before the date indicated on the first page of this document. Comments may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/> or the Federal eRulemaking Portal: <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

96-45, Report and Order, 12 FCC Rcd 8776, 8952-53, para. 329 (1997) (*1997 Universal Service Order*); 47 U.S.C. §§ 151, 154(i), 201, 205.

⁶ See *Lifeline and Link-Up Report and Order*, 19 FCC Rcd at 8308, para. 10.

⁷ Currently, sections 54.405 and 54.411 of the Commission's rules require all eligible telecommunications carriers (ETCs) to publicize the availability of Lifeline and Link-Up in a manner reasonably designed to reach those likely to qualify for the service. 47 C.F.R. §§ 54.405(b), 54.411(d).

The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

You may submit comments, identified by the above noted docket number, by any of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- Federal Communications Commission's Web Site: <http://www.fcc.gov/cgb/ecfs/>. Follow the instructions for submitting comments.
- People with Disabilities: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: FCC504@fcc.gov or phone: 202-418-0530 or TTY: 202-418-0432.

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: 202-488-5300 fax: 202-488-5563; and
- (2) Antoinette Stevens, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5B-521, Washington, D.C. 20554; e-mail: antoinette.stevens@fcc.gov; and
- (3) Erika Olsen, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, S.W. Room 5A-423, Washington, D.C. 20554; e-mail: erika.olsen@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: 202-488-5300, fax: 202-488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁸ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and

⁸47 C.F.R. §§ 1.1200 *et seq.*

arguments presented generally is required.⁹ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.¹⁰

For further information, please contact Erika Olsen, Telecommunications Access Policy Division, Wireline Competition Bureau at 202-418-7400 or TTY (202) 418-0484.

- FCC -

⁹See 47 C.F.R. § 1.1206(b)(2).

¹⁰47 C.F.R. § 1.1206(b).