



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU SEEKS COMMENT ON STATE CERTIFICATIONS TO OPT-OUT OF THE NATIONAL LIFELINE ACCOUNTABILITY DATABASE

WC Docket Nos. 11-42, 03-109, 12-23;
CC Docket No. 96-45

Comment Date: January 9, 2013

Reply Comment Date: January 24, 2013

The Wireline Competition Bureau (Bureau) seeks comment on state certifications to opt-out of the National Lifeline Accountability Database (national database) filed by California, Texas, Vermont, Oregon and Puerto Rico.¹

In the *Lifeline Reform Order*, the Commission directed the Universal Service Administrative Company to establish the national database to detect and eliminate duplicative Lifeline support and prevent incidences of duplicative Lifeline support going forward.² The Commission recognized that a number of states had already or were prepared to move forward with their own system to detect, eliminate and prevent duplicative Lifeline support.³ In order to facilitate these efforts, the Commission established a process by which states could “opt-out” of the national database under section 54.404(a) of the Commission’s rules.⁴ To opt-out, states were required to file a one-time certification that the state has a

¹ See Petition of the State of California Public Utilities Commission and the People of the State of California to Opt Out of National Lifeline Accountability Database; WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45 (filed Dec. 3, 2012); Petition of the Puerto Rico Telecommunications Board to Opt Out of the National Lifeline Accountability Database, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45 (filed Nov. 30, 2012); Petition and Certification of the Public Utility Commission of Oregon to Opt-Out of the National Lifeline Database, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45 (filed Nov. 30, 2012); Amendment to the Petition To Opt-Out of the National Database Pursuant to CFR 47 § 54.404(a) by the Public Utility Commission of Texas; WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45 (filed Nov. 16, 2012) (amending Petition To Opt-Out of the National Database Pursuant to CFR 47 § 54.404(a) by the Public Utility Commission of Texas; WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45 (filed Sept. 13, 2012)); Petition and Certification of the Vermont Public Service Commission to Opt-Out of the National Lifeline Accountability Database and Petition for Waiver of § 54.410, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45 (filed Nov. 1, 2012).

² See *Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Rulemaking, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45, 27 FCC Rcd 6656, 6734-6756 at paras. 179-225 (*Lifeline Reform Order*).

³ See *id.*, 27 FCC Rcd at 6752-6753, para. 221.

⁴ See *id.*

comprehensive system in place to check for duplicative federal Lifeline support that is at least as robust as the processes adopted by the Commission and that covers all ETCs in the state.⁵ The certification must itemize with particularity each functionality of the state's system that corresponds to the federal rules.⁶ If the Bureau does not act on a certification within 90 days of filing, it will be automatically granted.⁷ ETCs operating in the states whose certifications have been granted by the Bureau are not required to comply with the rules and obligations with respect to the national database.⁸

On October 11, 2012, the Bureau released a public notice providing guidance to states regarding the opt-out certification process.⁹ In that public notice, the Bureau also provided a waiver of the deadline to file opt-out certifications until December 1, 2012.¹⁰ California, Texas, Vermont, Oregon and Puerto Rico filed opt-out certifications on or before December 1, 2012.¹¹ In order to facilitate review of the state certifications by the Bureau and public, the Bureau now seeks comment on these state certifications.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before the dates indicated above.¹² Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).¹³

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy 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. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554.

⁵ *See id.*

⁶ *See id.*

⁷ *See id.*

⁸ *See id.*; 47 C.F.R. § 54.404.

⁹ *Wireline Competition Bureau Clarifies Minimum Requirements for States Seeking To Opt Out Of The National Lifeline Accountability Database*, WC Dkt. No. 11-42 *et al.*, CC Dkt. No. 96-45, Public Notice, 27 FCC Rcd 12321 (2012).

¹⁰ *See id.*, 27 FCC Rcd at 12321-12321, pp. 1-2.

¹¹ *See supra* n.1.

¹² 47 C.F.R. §§ 1.415, 1.419.

¹³ *See Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes 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 must be addressed to 445 12th Street, SW, Washington DC 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).

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

- (1) Jonathan Lechter, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B510, Washington, DC 20554; e-mail: jonathan.lechter@fcc.gov; and
- (2) Charles Tyler, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-A452, Washington, DC 20554; e-mail: Charles.Tyler@fcc.gov.

The proceeding this Notice initiates shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.¹⁴ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

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

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¹⁴ 47 C.F.R. §§ 1.1200 *et seq.*