**Before the**
**Federal Communications Commission**
**Washington, D.C. 20554**

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| In the Matter of | ) | |
| | ) | |
| D[redacted] Smothers[1] | ) | |
| | ) | File No. EB-13-IH-0977 |
| Illegal Receipt of Duplicate | ) | |
| Lifeline Support | ) | |
| | ) | |

**CITATION AND ORDER**

**Adopted: June 6, 2013** **Released: June 6, 2013**

By the Deputy Chief, Investigations and Hearings Division, Enforcement Bureau:

1. This is an official **CITATION AND ORDER** issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (Communications Act),[2] to D[redacted] Smothers ("you") for violations of the Federal Communications Commission's rules for the Universal Service Lifeline Program, which helps qualifying low income consumers get access to phone service.[3]

2. According to our records, you currently receive Lifeline-supported service on four customer accounts from TracFone Wireless, Inc. d/b/a SafeLink Wireless, Nexus Communications, Inc. d/b/a Reachout Wireless, Virgin Mobile USA, LLC d/b/a Assurance Wireless, and Global Connection Inc. of America d/b/a Stand Up Wireless. As you should know, your household can have only one Lifeline-supported phone service.[4] When you signed up for Lifeline-supported phone service, you should have signed a form where you certified, under penalty of perjury, that you and other members of your household do not already have Lifeline-supported phone service.[5] You also should have certified that you were eligible for Lifeline service, and that all of the information in your application was truthful.[6]

[1] The name of the recipient of this Citation and Order has been redacted in part to protect the recipient's personal privacy interests. *See* 5 U.S.C. § 552(a); *see also* 47 C.F.R. § 0.455(g) ("To the extent required to prevent a clearly unwarranted invasion of personal privacy . . . the Commission may delete identifying details or confidential information when it makes available or publishes any document described in this section."). We take this action because, in this case, the individual's identity has no bearing or effect on the subject matter of the document, and there is no need for the general public to know it. Therefore, at this juncture, the interest in protecting the private citizen's right to be secure in his or her personal affairs outweighs any purported interest the public might have in knowing the individual's identifying information.

[2] 47 U.S.C. § 503(b)(5).

[3] The Commission is issuing this Citation and Order pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended, 47 U.S.C. § 503(b)(5).

[4] *See* 47 U.S.C. § 54.410(d)(3).

[5] *See* 47 C.F.R. § 54.410(d)(3)(vi).

[6] *See* 47 C.F.R. § 54.410(d)(3).

3. By obtaining Lifeline service from multiple providers, you violated the rule limiting each household to only one Lifeline-supported phone service, and you apparently made multiple false certifications that are punishable by law. **Therefore, we ORDER you to cease and desist from applying for—or receiving—more than one Lifeline-supported phone service.**

4. In addition, you should have received a letter from the Universal Service Administrative Company dated May 7, 2013 directing you to choose a single Lifeline service provider and explaining that you would no longer receive benefits for more than one Lifeline-supported phone service.

5. **If you continue to violate the Communications Act or the Commission's rules in any manner described in this letter after you receive this Citation and Order, the Federal Communications Commission may impose monetary fines of up to $16,000 for each violation and up to $112,500 for a single continuing violation.**[7]

6. You may respond to this Citation and Order within 30 days from the date of this letter by requesting an interview or by submitting a written response explaining your position. If you want to schedule an interview, please contact the Investigations and Hearings Division at (202) 418-1420 and please reference the EB File Number and that you received a Lifeline citation and order. The interview can be conducted in person at the FCC Field Office that is closest to your residence or by telephone with an FCC representative in Washington, D.C. If you prefer to send a written response, you must send it within 30 days of the date of this letter either by email to LifelineCitations@fcc.gov or by mail to:

Lifeline Citations
Investigations & Hearings Division
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW, Rm. 4-C330
Washington, DC 20554
**Re: File No. EB-13-IH-0977**

7. However you respond, you should explain the actions that you are taking to ensure that you do not violate the FCC's rules governing the Lifeline program.

8. The Commission's staff will use all relevant material information before it, including information that you disclose in your interview or written statement, to determine what, if any, enforcement action is required to ensure your compliance with the Communications Act and the Commission's rules.

9. The knowing and willful making of any false statement, or the concealment of any material fact, in reply to this Citation and Order is punishable by fine or imprisonment under 18 U.S.C. § 1001.

10. Under the Privacy Act of 1974, any statement or information you provide may be used by the Commission to determine if further enforcement action is required.[8] Section 1.17 of the Rules also requires that you provide truthful and accurate statements to the Commission.[9] Any knowingly or

[7] *See* 47 C.F.R. § 1.80(b)(3).

[8] *See* Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

[9] *See* 47 C.F.R. § 1.17.

willfully false statement, or concealment of any material fact, made in reply to this Citation and Order is punishable by fine or imprisonment.[10]

11. Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation needed, including as much detail as possible. Also include a way we can contact you if we need more information. Please allow at least five (5) calendar days advance notice; last minute requests will be accepted, but may be impossible to fill. Requests may be submitted by email to fcc504@fcc.gov or by phone to the Commission's Consumer & Governmental Affairs Bureau:

For sign language interpreters, CART, and other reasonable accommodations:
202-418-0530 (voice), 202-418-0432 (tty);

For accessible format materials (braille, large print, electronic files, and audio format):
202-418-0531 (voice), 202-418-7365 (tty).

12. **IT IS ORDERED** that pursuant to Sections 4(i), 4(j), and 403 of the Communications Act of 1934, as amended, you must cease and desist from applying for—or receiving—more than one Lifeline-supported phone service.

13. **IT IS FURTHER ORDERED** that a copy of this Citation and Order shall be sent by email, First Class U.S. Mail, return receipt requested, and Certified Mail to the recipient of this Citation and Order at the address of record.

**FEDERAL COMMUNICATIONS COMMISSION**

Pamela S. Kane
Deputy Chief, Investigations & Hearings Division
Enforcement Bureau

[10] *See* 18 U.S.C. § 1001 *et seq*.