



PUBLIC NOTICE

Federal Communications Commission
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WIRELINE COMPETITION BUREAU REQUESTS CARRIER AFFIRMATIONS CONCERNING PENDING LIFELINE COMPLIANCE PLANS OR ETC PETITIONS

WC Docket Nos. 11-42, 09-197

In this Public Notice, the Wireline Competition Bureau (Bureau) seeks an affirmation from any carrier with a currently pending Lifeline compliance plan request or petition for designation as a Lifeline-only eligible telecommunications carrier (ETC), containing an affirmative written statement that the carrier remains interested in having the Bureau review its application.¹ This statement must be filed with the Bureau no later than **June 7, 2016**.

The Bureau has pending before it numerous applications from prospective Lifeline carriers that fall into two categories. First, any carrier that seeks to provide Lifeline service to eligible consumers must be designated as an eligible telecommunications carrier (ETC).² Section 214(e)(1)(A) of the Communications Act of 1934, as amended (Act) provides that, in order to be designated as an ETC, a carrier must “offer the services that are supported by Federal universal service support mechanisms... either using its own facilities or a combination of its own facilities and resale of another carrier’s services”³ As a result, several carriers have petitioned the Commission for an ETC designation in the states for which the Commission is responsible for designating Lifeline carriers pursuant to current program rules.⁴

Second, the Bureau is also responsible for reviewing and approving Lifeline compliance plans filed by non-facilities based carriers. In the *2012 Lifeline Reform Order*, the Commission provided blanket forbearance of the facilities requirement to all telecommunications carriers seeking Lifeline-only ETC designation, subject to demonstrated compliance with certain 911 and enhanced 911 (E911) public safety requirements and Bureau approval of a compliance plan regarding the carrier and its proposed

¹ For purpose of this Public Notice, “application” shall refer to any pending Lifeline compliance plan or petition for designation as an ETC solely for the purposes of receiving reimbursement through the Lifeline program.

² See 47 U.S.C. § 254(e) (providing that only ETCs designated pursuant to section 214(e) are eligible for universal service support).

³ 47 U.S.C. § 214(e)(1)(A); 47 U.S.C. § 214(e)(6).

⁴ See *id.*; *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214(e)(6) of the Communications Act*, 12 FCC Rcd 22947, 22948-49, paras. 1-5 (1997) (delegating to the Wireline Competition Bureau the authority to designate ETCs for the purpose of the Lifeline program); *c.f. Lifeline and Link Up Reform and Modernization et al.*, WC Docket No.11-42 et al., Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6814, 6819, paras. 368, 389 (2012) (*2012 Lifeline Reform Order*); *Wireline Competition Bureau Provides Guidance for the Submission of Compliance Plans Pursuant to the Lifeline Reform Order*, 27 FCC Rcd 2186 (WCB 2012) (*2012 Compliance Plan Public Notice*) (clarifying the requirements for ETC designation and compliance plans for the purposes of the Lifeline program).

Lifeline service offerings.⁵ As a result of this requirement, many carriers have sought compliance plan approval from the Bureau.

While the applications have been pending, the Commission has adopted several orders amending the Lifeline rules and requirements, some of which have changed significantly.⁶ For example, the Commission's recent *2016 Lifeline Modernization Order* made significant changes to the program. Many carriers filed applications with the Bureau prior to these programmatic changes and have not updated their applications or communicated a continued willingness to participate in the Lifeline program.⁷ In order to efficiently process currently pending Lifeline ETC designation petitions and compliance plan requests, the Bureau requires carriers with pending applications filed prior to October 1, 2015 to file an affirmative statement that the carrier remains interested in having the Bureau review its application. The affirmative statement need only attest to the carrier's continued desire to have the application reviewed, and does not need to produce additional information. This affirmation must be filed no later than **June 7, 2016**. The pending application(s) of any carrier that does not respond by June 7 will be denied without prejudice. Responsive carriers' applications will be reviewed in accordance with the standard process outlined above.

Carriers must file their affirmation in **WC Docket No. 09-197**. Affirmations may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁸

- Electronic Filers: Affirmations may be filed electronically using the Internet by accessing the ECFS <http://appsint.fcc.gov/ecfs/upload/display>
- 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, D.C. 20554. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. The filing hours are 8:00 a.m. to 7:00 p.m. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton

⁵ See *2012 Lifeline Reform Order*, 27 FCC Rcd at 6814, para. 373.

⁶ See *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42, et al., Second Further Notice of Proposed Rulemaking, Order on Reconsideration, Second Report and Order, and Memorandum Opinion and Order, 30 FCC Rcd 7818, 7925-29, Appendix B (2015) (*2015 Second Reform Order*) (requiring ETCs to provide service directly to consumers, requiring ETCs to use a uniform "snapshot" date for FCC Form 497, and requiring ETCs to retain eligibility documentation for subscribers); *2016 Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42, et al., Third Report and Order, Further Report and Order, and Order on Reconsideration, FCC 16-28 (2016) (*2016 Lifeline Modernization Order*) (modernizing the program to include broadband as a supported service, require minimum service standards, and a number of other significant program changes).

⁷ The changes to the rules affecting ETC and compliance plan designations made in the *2016 Lifeline Modernization Order* have not yet become effective. Carriers that receive designations as ETCs must comply with the Lifeline rules, including any amendments or changes to the rules as they become effective. Petitions will be reviewed under the Lifeline rules in effect at the time of the designation.

⁸ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, S.W., Washington D.C. 20554.

In addition, one copy must be sent via email or mail to the following:

- Christian Hoefly, Telecommunications Access Policy Division, Wireline Competition Bureau, 445 12th Street, SW, Room 5-B441A, Washington, D.C. 20554; e-mail: christian.hoefly@fcc.gov

For further information, please contact Christian Hoefly, Wireline Competition Bureau, Telecommunications Access Policy Division, at (202) 418-3607 or via e-mail at christian.hoefly@fcc.gov.

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