

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

In the Matter of)
)
Lifeline and Link Up Reform and Modernization) WC Docket No. 11-42
)
)

ORDER

Adopted: October 22, 2019

Released: October 22, 2019

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. In this Order, the Wireline Competition Bureau (Bureau) denies recent petitions for waiver filed by the New York State Public Service Commission, the State of Vermont, the Georgia Public Service Commission, the Connecticut Public Utilities Regulatory Authority, and the Nebraska Public Service Commission (collectively, Petitioners).1 These petitions seek to postpone the scheduled full launch for the National Lifeline Eligibility Verifier (National Verifier) in their respective states until the National Verifier has established an automated connection with a state eligibility database. We find that the Petitioners have not shown good cause to delay implementation of the National Verifier in their respective states.

2. At the outset, we note that the Petitioners ask the Federal Communications Commission (Commission or FCC) to solve a problem they have themselves largely created. For example, USAC and Commission staff worked diligently with New York staff through 2016 and 2017 to the point where the parties finalized the statutorily required Computer Matching Agreement (CMA) and the FCC signed the agreement on August 27, 2017.2 When USAC presented the signed CMA to New York for signature, New York declined to sign it,3 forcing USAC to halt final development work and testing with New York. Despite repeated efforts by USAC and FCC staff to obtain New York's signature on the CMA over the following two years, New York refused to engage with USAC in moving forward with an automated

1 Petition of the New York State Public Service Commission for a Waiver of the Implementation of the National Verifier Pursuant to 47 CFR § 1.3, WC Docket No. 11-42 (filed Oct. 7, 2019) (NYPSC Waiver Petition); Petition of the State of Vermont for a Waiver of the Implementation of the National Verifier Pursuant to 47 CFR § 1.3, WC Docket No. 11-42 (filed Oct. 10, 2019) (Vermont Waiver Petition); Petition of the Georgia Public Service Commission for a Waiver of the Implementation of the National Verifier Pursuant to 47 CFR § 1.3, WC Docket No. 11-42 (filed Oct. 16, 2019) (Georgia PSC Petition); Petition of the Nebraska Public Service Commission for a Waiver of the Implementation of the National Verifier Pursuant to 47 CFR § 1.3, WC Docket No. 11-42 (filed Oct. 18, 2019) (Nebraska PSC Petition); Petition of the Connecticut Public Utilities Regulatory Authority for a Waiver of the Implementation of the National Verifier Pursuant to 47 CFR § 1.3, WC Docket No. 11-42 (filed Oct. 18, 2019) (Connecticut Petition).

2 See 5 U.S.C. § 552a(u).

3 Email from Jeffrey Gaskell, Assistant Deputy Commissioner, Employment and Income Support Programs, N.Y. Office of Temporary and Disability Assistance, to Jessica Zufulo, USAC, et al. (Aug. 31, 2017).

eligibility database connection—until September 2019, mere weeks before New York was set for hard launch. To the extent the Petitioners have concerns about the launch of the National Verifier in a timely manner, we suggest the states prioritize establishing an automated connection in a timely manner going forward.

II. BACKGROUND

3. In the *2016 Lifeline Order*, the Commission announced the creation of the National Verifier, which was designed to make eligibility determinations and perform a variety of other functions necessary to enroll subscribers into the Lifeline program.⁴ As explained in the *2016 Lifeline Order*, “[t]he Commission’s key objectives for the National Verifier are to protect against and reduce waste, fraud, and abuse; to lower costs to the Fund and Lifeline providers through administrative efficiencies; and to better serve eligible beneficiaries by facilitating choice and improving the enrollment experience.”⁵ The National Verifier was intended to replace the previous patchwork verification system used by service providers and states to verify Lifeline eligibility by providing a central point of verification.⁶ The National Verifier was also designed to “close one of the main avenues historically leading to fraud and abuse in the Lifeline program: Lifeline providers determining subscriber eligibility.”⁷ The *2016 Lifeline Order* outlined a plan for implementation of the National Verifier, directed the Universal Service Administrative Company (USAC) to build it, and set an expectation that the National Verifier would be launched in all states and territories by December 31, 2019.⁸

4. A Lifeline applicant’s eligibility can be established by demonstrating, among other things, that the applicant participates in one of several federal aid programs: Medicaid, Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income, Federal Public Housing Assistance, or the Veterans and Survivors Pension Benefit.⁹ As part of its National Verifier responsibilities, USAC has established automated connections between the National Verifier and numerous federal and state databases in order to assess as efficiently as possible an applicant’s eligibility for Lifeline. For example, the National Verifier has established automated connections to the Centers for Medicare and Medicaid Services (CMS) for the Medicaid program and to the U.S. Department of Housing and Urban Development (HUD) for the Federal Public Housing Assistance program (FPHA). In addition, since SNAP eligibility data is maintained by states, USAC must work with every state to get permission for the National Verifier connection to that state’s SNAP database. When determining an applicant’s eligibility, the National Verifier first checks all automated connections to federal databases as

⁴ *Lifeline and Link Up Reform and Modernization et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962, 4006, para. 126 (2016) (*2016 Lifeline Order*).

⁵ *Id.* at 4007, para. 128.

⁶ *Id.* at 4007, para. 127; *Id.* at 4008, para. 130.

⁷ *Id.* at 4007-4008, para. 129.

⁸ *Id.* at 4020-21, paras. 161-64.

⁹ *See* 47 CFR § 54.409(a).

well as any available state databases.¹⁰ If the applicant’s eligibility cannot be verified via an automated data source, the National Verifier collects and reviews eligibility documentation from the applicant.¹¹

5. *New York State Public Service Commission Waiver Petition.* In its Waiver Petition filed on October 7, 2019, the New York State Public Service Commission (NYPSC) requests a delay of the October 23, 2019 National Verifier full launch date until either: (1) the National Verifier establishes a connection with the New York State Office of Temporary and Disability Assistance (OTDA); or (2) December 31, 2019, whichever is later.¹² The NYPSC argues that a temporary delay of the hard launch will serve the public interest because it would prevent current qualified Lifeline consumers from being de-enrolled during the eligibility reverification process while the New York OTDA and USAC work to enter into a data sharing agreement. The NYPSC further argues that strict adherence to the announced launch date would “likely cause otherwise eligible low-income consumers to be denied Lifeline benefits during this transitional period.”¹³ The NYPSC also claims that absent an extension of time, low-income consumers in New York could face hardship because Lifeline services are critical to their health, safety, and well-being.¹⁴ The NYPSC argues that without an automated connection to state data, USAC will need to manually verify consumers whose eligibility cannot be verified via the federal Medicaid and FPHA data sources, a process that the NYPSC claims is more labor-intensive and error-prone.¹⁵ The NYPSC asserts that there have been lower participation and reverification rates in states where the National Verifier has hard launched and that its request is consistent with a Lifeline Resolution adopted by NARUC in July 2019.¹⁶

6. *State of Vermont Waiver Petition.* On October 10, 2019, the State of Vermont filed a Petition for Waiver that is similar—and in some places identical to—the NYPSC Waiver Petition. Vermont requests a six-month waiver of the full launch date for the National Verifier, which is also currently scheduled for October 23, 2019.¹⁷ Vermont argues that a waiver will “(1) prevent current qualified Lifeline consumers from being de-enrolled and (2) continue to allow qualified low-income consumers to access Lifeline benefits while Vermont and USAC work on a state database sharing agreement that would allow for the automated verification of a consumer’s low income status and Lifeline eligibility.”¹⁸ Vermont argues that implementing the scheduled hard launch on October 23, 2019 is not in the public interest because it would prevent otherwise eligible consumers from receiving critical Lifeline services.¹⁹ Vermont expresses concern that because the National Verifier does not have an automated

¹⁰ The National Verifier has automated connections with twelve state databases in the following states where the National Verifier has launched: Colorado, Mississippi, New Mexico, Utah, Missouri, North Carolina, Pennsylvania, Tennessee, Indiana, Kentucky, Michigan, and Iowa. These state databases allow the National Verifier to verify whether a consumer receives SNAP or Medicaid benefits. In Michigan, the state database also allows the National Verifier to check whether the consumer receives SSI benefits. We expect additional state database connections to be added in 2019 and 2020.

¹¹ See USAC, Lifeline National Verifier Plan, WC Docket Nos. 11-42, 17-287, 09-197, and 10-90, at 25 and 39-44 (filed July 31, 2019) (National Verifier Plan).

¹² NYPSC Waiver Petition at 6.

¹³ *Id.* at 1.

¹⁴ *Id.* at 2-3.

¹⁵ *Id.* at 4-5.

¹⁶ *Id.*

¹⁷ Vermont Waiver Petition at 2.

¹⁸ *Id.* at 3.

¹⁹ *Id.*

connection to state eligibility data, Lifeline applicants will need to submit eligibility documentation, which the state argues is more labor intensive and prone to errors.²⁰ Vermont also claims that “Lifeline eligibility, Lifeline re-verification of the eligibility of existing Lifeline subscribers, and Lifeline participation have dropped precipitously in states where USAC has hard-launched the Verifier and where there is no low-income database connection.”²¹ Vermont also argues that application failure rates are higher where there is no automated state connection (compared to states with an automated connection) and that failure rates for applications requiring manual review in states where there is no automated connection are much higher than in states where there is an automated connection.²²

7. *Georgia Public Service Commission Waiver Petition, Nebraska Public Service Commission Petition, and Connecticut Public Utilities Regulatory Authority Waiver Petition.* On October 16, 2019, the Georgia Public Service Commission (PSC) filed a Petition for Waiver that is similar and in some places identical to the NYPSC Petition, requesting a waiver of the full launch of the National Verifier in Georgia until the state has achieved a state eligibility database connection with the National Verifier.²³ Additionally, on October 18, 2019, the Nebraska Public Service Commission (PSC) and the Connecticut Public Utilities Regulatory Authority filed Petitions for Waivers that are similar and in some places identical to the previously-filed petitions, requesting a waiver of the full launch of the National Verifier for an additional six months,²⁴ and nine months,²⁵ respectively. These Petitioners argue that a temporary delay of the hard launch will serve the public interest because it would prevent current qualified Lifeline consumers from being de-enrolled during the eligibility reverification process while the state and USAC work to enter into a data sharing agreement and strict adherence to the announced launch date would “cause many otherwise eligible low-income consumers not to receive critical Lifeline benefits during this transitional period.”²⁶ Additionally, the Georgia PSC and Connecticut argue that without an automated connection to state data, USAC will need to manually verify consumers whose eligibility cannot be verified via the federal Medicaid and FPHA data sources, a process that they claim is more labor-intensive and error-prone,²⁷ and that there have been lower participation and reverification rates in states where the National Verifier has hard launched.²⁸ The Nebraska PSC further argues that because the state administers Lifeline eligibility verification and recertification in that state, a delay will not result in waste, fraud, and abuse.²⁹

III. DISCUSSION

8. We conclude that postponing the scheduled full launch for the National Verifier, as Petitioners have requested, is not warranted under the present circumstances.³⁰ *The 2016 Lifeline Order,*

²⁰ *Id.* at 4.

²¹ *Id.*

²² *Id.* at 5 (citing to Letter from Ajit Pai, Chairman, FCC to Congresswoman Yvette Clarke et al. (May 13, 2019)).

²³ Georgia PSC Petition at 3.

²⁴ Nebraska PSC Petition at 5.

²⁵ Connecticut Waiver Petition at 5.

²⁶ Georgia PSC Petition at 1; Nebraska PSC Petition at 2; Connecticut Waiver Petition at 2.

²⁷ Georgia PSC Petition at 2; Connecticut Waiver Petition at 3.

²⁸ Georgia PSC Petition at 2; Connecticut Waiver Petition at 3. Similarly, Nebraska argues that “[t]he failure rates for applications processed by the National Verifier in other states are significant.” Nebraska PSC Petition at 4.

²⁹ Nebraska PSC Petition at 2.

³⁰ Although Petitioners have submitted their requests as petitions for waiver, the petitions do not ask the Commission to waive the application of a particular rule. Accordingly, we treat the petitions as requests for an extension of the National Verifier’s full launch date, currently scheduled for October 23, 2019.

which was released on April 27, 2016, outlined a plan for implementation of the National Verifier and set an expectation that the National Verifier would be launched in all states and territories by December 31, 2019. As a result, all states and territories have been on notice since April 2016 that the National Verifier would be launched by December 31, 2019 and have had ample opportunity to work with USAC and the FCC over the last three and a half years to establish an automated connection to state eligibility data, if the state or territory so chose. Over that period, USAC had numerous discussions with the Petitioners' staff about automated connections to state databases and about the timing of the National Verifier implementation in these states. Petitioners have failed to show why circumstances in their states justify an extension of the implementation timeline.

9. Contrary to the arguments raised by the Petitioners, the National Verifier is able to promptly review and process Lifeline applications in states where the National Verifier has launched even without automated connections to state eligibility databases because of the connections to the federal eligibility data, as well as the eligibility document review process. The automated federal connections verify the eligibility of a substantial percentage of Lifeline applicants who participate in Medicaid or FPHA, including many applicants in Petitioners' states. Any concerns that eligible consumers will not be reverified or have their eligibility confirmed absent a connection to a state database have been significantly mitigated by the CMS and FPHA connections.

10. As support for their concerns, Petitioners reference May 2019 data. Notably, however, the May 2019 data reflects activity from June 18, 2018 to March 31, 2019—before USAC had established the CMS connection.³¹ With the addition of the CMS automated connection, many more applications will have their initial eligibility verified and their ongoing eligibility reverified automatically.³² In the weeks since USAC established the CMS automated connection (September 17, 2019 through October 14, 2019), in states *without* automated state database connections, nearly 60% of applications to the National Verifier have passed the automated eligibility checks. On average, an additional 9% of total applicants could not initially be verified via an automated connection and have subsequently successfully verified their eligibility by submitting documentation. Preliminary data during the soft launch period indicate that the automated eligibility verification rate will be at or above the national average after the full launch in Connecticut (69%), Nebraska (64%), New York (67%), and Vermont (67%). And while current soft launch data indicate an automated eligibility verification rate in Georgia of 52%, this rate is based on a low application volume and it has been USAC's experience that the automated eligibility rate will increase as the volume of applications to the National Verifier increases.

³¹ Letter from Ajit Pai, Chairman, FCC, to Yvette D. Clarke, Congresswoman, U.S. House of Representatives, Attachment (May 13, 2019); Letter from Ajit Pai, Chairman, FCC, to Anna Eshoo, Congresswoman, U.S. House of Representatives, Attachment (May 13, 2019); Letter from Ajit Pai, Chairman, FCC, to Mike Doyle, Congressman, U.S. House of Representatives, Attachment (May 13, 2019); Letter from Ajit Pai, Chairman, FCC, to G.K. Butterfield, Congressman, U.S. House of Representatives, Attachment (May 13, 2019); Letter from Ajit Pai, Chairman, FCC, to Tony Cárdenas, Congressman, U.S. House of Representatives, Attachment (May 13, 2019); Letter from Ajit Pai, Chairman, FCC, to Jerry McNerney, Congressman, U.S. House of Representatives, Attachment (May 13, 2019); Letter from Ajit Pai, Chairman, FCC, to Marc Veasey, Congressman, U.S. House of Representatives, Attachment (May 13, 2019).

³² The NYPSC also references a NARUC resolution adopted in July 2019 in support of its arguments that Lifeline participation and reverification rates have dropped in states where the National Verifier has hard launched. NYPSC Waiver Petition at 4-5. The NARUC resolution in question was adopted, however, before the CMS connection was added to the National Verifier and thus did not account for the higher automated verification rates available as a result of this connection. Importantly, the NARUC resolution also does not examine the potential causes of changes in Lifeline subscribership or enrollment rates that are unrelated to the National Verifier, nor does it address whether changes in enrollment patterns after the hard launch of the National Verifier are caused by decreases in waste, fraud, and abuse in the program.

11. When an applicant is unable to be verified through an automated data source, he or she is not precluded from enrolling in Lifeline and can submit eligibility documentation for the National Verifier's review.³³ Low-income consumers that participate in SNAP will not be denied Lifeline service solely due to a lack of an automated connection to a state database because these consumers will still be able to qualify by submitting eligibility documentation. We believe that the National Verifier's document review process provides a reasonable approach for Lifeline applicants or subscribers seeking to demonstrate their eligibility in these situations. The National Verifier provides guidance on a range of documents that consumers may use to demonstrate their eligibility,³⁴ and consumers may submit documents through the National Verifier's online portal, through the mail, or via their service provider.³⁵ For documents submitted during business hours, the National Verifier conducts a review of the submitted documents in an average of six minutes, and documents submitted by mail or outside of business hours are reviewed in an average of nine hours.³⁶ Additionally, during the one-time reverification of existing subscribers' eligibility upon the launch of the National Verifier in each state, the National Verifier will also accept any qualifying eligibility documentation that the Lifeline subscriber's service provider has available, to avoid the need for additional consumer outreach altogether.³⁷ In conclusion, contrary to the claims of the Petitioners, the National Verifier document review process provides a reasonable alternative for subscribers to demonstrate their eligibility; moving to full launch in the Petitioners' states would therefore not result in unnecessarily denying benefits to eligible applicants or subscribers.

12. Petitioners have also argued that we should delay the National Verifier launch because of concerns about having otherwise eligible consumers de-enrolled during the reverification process simply because the National Verifier does not have a connection to the state SNAP databases.³⁸ These concerns are based on a misunderstanding of the reverification process. The National Verifier uses several different methods to confirm a subscriber's eligibility during reverification, which is the one-time process used to confirm that all *existing* Lifeline subscribers are eligible for the Lifeline benefit. First and foremost, no subscribers are de-enrolled simply because a state has not provided the National Verifier access to a state eligibility database. Similar to the process described above for application eligibility checks, during the reverification process, USAC conducts eligibility checks by first using available database connections.³⁹ Thus, the reverification process will use the automated connections available

³³ After receiving a response from the National Verifier regarding an application, an applicant has 45 days to submit additional documentation for a manual review. Since the CMS connection was only added on September 17, 2019, this timeframe is still open for most applicants that have submitted applications between September 17, 2019 and October 14, 2019.

³⁴ See USAC National Verifier, Error Messages Relating to Your Eligibility (last visited Oct. 16, 2019), <https://www.lifelinesupport.org/ls/nv/eligibility-error-message.aspx>.

³⁵ See USAC National Verifier, Responding to National Verifier Error Messages (last visited Oct. 16, 2019), <https://www.lifelinesupport.org/ls/nv/documentsneeded/default.aspx>.

³⁶ See USAC, High Cost and Low Income Committee Briefing Book, at 53 (July 2019), <https://www.usac.org/res/documents/about/pdf/bod/materials/2019/High-Cost&Low-Income-Briefing-Book-July.pdf> (valid through Nov. 8, 2019), or <https://www.usac.org/wp-content/uploads/about/documents/bod/materials/High-CostLow-Income-Audit-Briefing-Book-July.pdf> (valid on Nov. 11, 2019 and after).

³⁷ See USAC, Lifeline National Verifier (last visited Oct. 16, 2019), <https://www.usac.org/li/tools/national-verifier/migration.aspx> (valid through Nov. 8, 2019), or <https://www.usac.org/lifeline/eligibility/national-verifier/reverification/> (valid on Nov. 11, 2019 and after).

³⁸ NYPSC Waiver Petition at 1; Vermont Waiver Petition at 3; Georgia PSC Petition at 1; Nebraska PSC Petition at 4; Connecticut Petition at 2.

³⁹ National Verifier Plan at 57-60.

through CMS and HUD to reverify eligibility. If the National Verifier cannot confirm the consumer's eligibility through these automated connections, service providers are given the opportunity to submit documentation to USAC to confirm the subscriber's continued eligibility for Lifeline; since each of these subscribers is already enrolled in Lifeline, service providers can be expected to have this eligibility documentation on hand.⁴⁰ If, however, the service provider fails to provide the National Verifier with acceptable eligibility documentation, the National Verifier will give the existing Lifeline subscriber the opportunity to provide eligibility documentation. Moreover, USAC also gives service providers the opportunity to assist existing Lifeline subscribers in responding to the inquiry from the National Verifier.⁴¹

13. Petitioners argue that Lifeline recipients will lose access to important Lifeline services that are critical to their health, safety, and well-being if we launch the National Verifier without a connection to the state SNAP systems.⁴² We encourage all states to establish automated connections between the National Verifier and relevant databases in their respective states and the FCC and USAC remain willing to work with any states that seek to establish such connections. For the reasons discussed above, however, even where there is no automated connection to a state database, the reverification of continued eligibility is conducted in a timely and efficient manner by the National Verifier and subscribers are given multiple opportunities to demonstrate continued eligibility for the Lifeline program. As a result, existing eligible Lifeline subscribers will not lose access to Lifeline services.

14. We also find that nationwide implementation of the National Verifier will serve the public interest by fulfilling the objectives set forth in the Commission's *2016 Lifeline Order* of protecting against and reducing waste, fraud, and abuse; lowering costs to the Universal Service Fund and Lifeline providers through administrative efficiencies; and better serving eligible beneficiaries by facilitating choice and improving the enrollment experience.⁴³ We also note that the *2016 Lifeline Order*'s goal of improving the Lifeline program through a unified administrative system also applies to states in which a state agency administers eligibility verification and recertification.⁴⁴

15. Finally, we note that the actions of the Petitioners themselves appear to have delayed finalizing the SNAP connection with the National Verifier in each state, leading to the prospect of a hard launch in each state without establishing additional automated connections. For example, at the initial start of USAC's efforts to develop the National Verifier, representatives from New York expressed strong interest to the FCC and USAC in building a connection between the National Verifier and New York's databases. Beginning in late 2016, USAC and the FCC began working with New York to establish an automated connection between the New York OTDA database and the National Verifier. These efforts included negotiating a CMA, as required under the Privacy Act of 1974,⁴⁵ and technical development of the database connection. Both USAC and New York achieved considerable technical development throughout 2017, and by August 2017, the technical development was nearly complete.

16. At the same time, after several months of negotiations with New York, the parties finalized all language for the CMA, which by statute was required to be approved and signed by the Data Integrity Board at the FCC and by OTDA in New York. The computer matching agreement was then

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² NYPSC Waiver Petition at 2-3; Vermont Waiver Petition at 3; Georgia PSC Petition at 3; Nebraska PSC Petition at 3; Connecticut Petition at 3.

⁴³ *2016 Lifeline Order*, 31 FCC Rcd at 4007, para. 128.

⁴⁴ *See id.*, 31 FCC Rcd at 4007, 4008, paras. 127, 130; Nebraska PSC Petition at 2-3.

⁴⁵ *See* 5 U.S.C. § 552a(o).

approved by the FCC's Data Integrity Board and signed by the FCC on August 27, 2017.⁴⁶ When USAC presented the signed computer matching agreement to New York for signature, the State then declined to sign it,⁴⁷ forcing USAC to halt final development work and testing with New York. Moreover, subsequent efforts to complete the automated connection to New York's databases were undertaken by the FCC and USAC in late 2017, early 2018, and late 2018, but all were unsuccessful due to New York's unwillingness to engage in any meaningful discussions towards finalizing the connection. USAC then conducted further outreach to New York through the New York State Governor's Washington, D.C. Office during and after the February 2019 National Governors Association Meeting; New York, however, did not take any further steps toward establishing an automated connection despite USAC's outreach efforts.

17. Having no choice but to move forward, in June 2019, USAC announced that it would begin the process of folding New York into the National Verifier. Not until September 2019—more than two years after New York could have finalized the connection between the National Verifier and its databases with a computer matching agreement signature—did New York express an interest to USAC in moving forward with an automated eligibility database connection.

18. Similarly, USAC was working with Vermont to establish a connection to the National Verifier after the release of the *2016 Lifeline Order*, and Vermont has also had ample time to pursue an automated connection. In late 2016, USAC began working with Vermont to establish an automated connection with the Department of Children and Families (DCF) database. USAC also began working in parallel with the Vermont Department of Public Service (DPS).⁴⁸ USAC spent 2017 working with DCF to determine if the state would be able to sign the computer matching agreement developed by USAC and the FCC, and USAC had several discussions with the DCF throughout 2017. In mid-2017, Vermont requested that the Commission allow it to participate in the National Lifeline Accountability Database (NLAD) instead of continuing to conduct its own duplicate check, which would require USAC to redirect resources away from National Verifier work to migrating Vermont's Lifeline subscriber data into the NLAD.⁴⁹ The Bureau granted Vermont's request, and from late 2017 through 2018 USAC worked with Vermont to load Vermont subscribers into the NLAD for the duplicate check function.⁵⁰ After the completion of that work, USAC continued discussions with Vermont about establishing an automated National Verifier connection, and technical and legal discussions remain ongoing.

19. Likewise, Georgia, Nebraska, and Connecticut have had sufficient time to establish automated connections with the National Verifier for state eligibility data. Each of these states has engaged in multiple discussions with USAC about establishing connections to the state databases and, had the states worked with USAC in a timely manner, an automated connection could have been established well before hard launch. For example, after negotiations that began in late 2016, the Georgia Department of Human Services, Department of Children and Family Services entered into a Computer Matching

⁴⁶ See 5 U.S.C. § 552a(u).

⁴⁷ Email from Jeffrey Gaskell, Assistant Deputy Commissioner, Employment and Income Support Programs, N.Y. Office of Temporary and Disability Assistance, to Jessica Zufolo, USAC, et al. (Aug. 31, 2017).

⁴⁸ In January 2017, the DPS proposed changes to state statutes. These changes, which were approved by the legislature later in 2017, included streamlining eligibility to align with federal criteria and modifying language so the DCF could work with USAC toward implementing a connection to the National Verifier.

⁴⁹ See Letter from Ken Schatz, Commissioner, Vermont Department for Children & Families, and Daniel C. Burke, Special Counsel, Public Advocacy, Vermont Department for Public Service, to Kris Monteith, then Acting Chief, Wireline Competition Bureau, FCC, WC Docket No. 11-42 (filed Apr. 10, 2017).

⁵⁰ See *Lifeline and Link Up Reform and Modernization*, Order, WC Docket No. 11-42 (WCB Aug. 1, 2017).

Agreement with the FCC and USAC in April 2019,⁵¹ and a draft agreement from USAC to reimburse Georgia for additional technical development has been with the state agency for review since May 2019. In Nebraska, technical development of an automated connection has not begun because the Nebraska Department of Health & Human Services has asked USAC to delay technical discussions regarding such development until a CMA is finalized. Further, it is worth noting that Connecticut repeatedly informed USAC from June 2018 to September 2019 that it was prohibited by state statute from sharing any eligibility data with the National Verifier, and as a result, could not establish an automated connection with the National Verifier—a fact which it does not mention in its Waiver Petition.

20. In sum, we conclude that Petitioners have not asserted facts or circumstances sufficient to meet the Commission's waiver standard, nor do we find that the public interest would be served by granting the requested waivers. Contrary to Petitioners' arguments, launching the National Verifier in a state without a connection to a state database will not deprive eligible consumers of Lifeline services. The National Verifier is able to promptly review and process Lifeline applications even without automated connections to state eligibility databases due to its connections to federal eligibility data, as well as the eligibility document review process. Moreover, the National Verifier uses several other effective methods to enroll a consumer even when that consumer's eligibility cannot be determined via an automated connection to a database. Delaying the launch in these states would also undermine the Commission's directive in its *2016 Order* in which it set forth key objectives it sought to achieve in establishing the National Verifier.⁵² We find that granting the Petitioners' requests would be contrary to meeting those objectives and, accordingly, deny the requests.

IV. ORDERING CLAUSES

21. ACCORDINGLY, IT IS ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that the request filed by the New York State Public Service Commission is DENIED.

22. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that the request filed by the State of Vermont is DENIED.

23. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that the request filed by the Georgia Public Service Commission is DENIED.

24. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that the request filed by the Nebraska Public Service Commission is DENIED.

⁵¹ See Computer Matching Agreement Between Georgia Department of Human Services, Department of Children and Family Services and Universal Service Administrative Company and Federal Communications Commission (last visited Oct. 22, 2019), <https://www.fcc.gov/sites/default/files/ga-computer-matching-agreement-signed-042319.pdf>. The Georgia PSC notes in its petition that it expects it could execute a CMA with the FCC and USAC by February 2020. Georgia PSC Petition at 3. We clarify that, for Georgia, a CMA that authorizes data sharing with the National Verifier is already in effect, but the technical development remains incomplete, which prevents the National Verifier from using the state's data in making eligibility determinations.

⁵² See *2016 Lifeline Order*, 31 FCC Rcd at 4007, para. 128.

25. IT IS FURTHER ORDERED, pursuant to the authority contained in sections 1-4 and 254 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-154 and 254, and sections 0.91, 0.291, and 1.3 of the Commission's rules, 47 CFR §§ 0.91, 0.291, 1.3, that the request filed by the Connecticut Public Utilities Regulatory Authority is DENIED.

26. IT IS FURTHER ORDERED that, pursuant to section 1.102(b)(1) of the Commission's rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau