



PUBLIC NOTICE

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WIRELINE COMPETITION BUREAU ANNOUNCES THE NEXT NATIONAL LIFELINE ELIGIBILITY VERIFIER LAUNCH IN THREE STATES

WC Docket No. 11-42

By this Public Notice, the Wireline Competition Bureau (Bureau) announces the soft launch of the National Lifeline Eligibility Verifier (National Verifier) in California, Oregon, and Texas, effective Friday, December 20, 2019.¹

Given the unique circumstances in these three states, including these states' earlier approved requests to opt out of the National Lifeline Accountability Database (NLAD) pursuant to the *2012 Lifeline Order*,² the Bureau and USAC are partnering with California, Oregon, and Texas to execute a modified soft launch of the National Verifier in these states. Unlike all other states, territories, and the District of Columbia, these three states operate their own comprehensive systems, in place of the NLAD, to prevent duplicative federal Lifeline support.³ As a result, the Lifeline program continues to rely on these states' systems for eliminating duplicative Lifeline support.⁴ Similarly, each of these states has its own system in place to determine subscriber eligibility for the federal Lifeline program in addition to its own state-based low-income discount program.

The National Verifier will operate in these three states by using state eligibility data to validate eligible telecommunications carriers' (ETCs') claims for federal Lifeline support and will perform reviews of state eligibility information and documentation to ensure that state eligibility determinations are made in accordance with the Commission's rules. Additionally, for Lifeline applications that these states are unable to review (e.g., the Lifeline administrator in California does not determine the eligibility of broadband-only Lifeline applicants), the National Verifier will accept applications through the service provider portal during the soft launch period, or service providers may continue to conduct their own eligibility checks using their legacy processes.⁵ If an ETC uses existing eligibility processes to enroll

¹ See *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, 4021, para. 165 (2016) (*2016 Lifeline Order*) (directing the Bureau to "issue a notification to all interested participants providing information about effective dates and any other relevant obligations" as USAC deploys the National Verifier in each state).

² See *Lifeline and Link Up Reform and Modernization et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6752, para. 221 (2012) (*2012 Lifeline Order*); *Wireline Competition Bureau Clarifies Minimum Requirements for States Seeking to Opt Out of the National Lifeline Accountability Database*, Public Notice, 27 FCC Rcd 12321 (WCB 2012).

³ See *id.*

⁴ See *id.*; 47 CFR § 54.404 (describing operations of the NLAD except in states where the state agency has opted out of the NLAD and runs its own duplicate prevention system).

⁵ USAC will be available to provide additional details should ETCs in the relevant states have any questions about their obligations in relation to the National Verifier during soft launch.

subscribers during the soft launch period, the ETC must comply with the Commission's existing rules for eligibility determinations.⁶

During this soft launch, consumers in California, Oregon, and Texas will continue to apply for the federal Lifeline benefit through the state's application process and the state will continue to perform eligibility determinations and check for duplicate subscribers. The state will regularly submit the necessary data for the National Verifier to validate ETCs' claims for support.

The Bureau finds that partnering with California, Oregon, and Texas to soft launch the National Verifier in this manner furthers the goals of *2016 Lifeline Order* in several ways. Lifeline applications in these states will be reviewed by the state agency or its administrator—an independent, objective third party—as opposed to being solely handled by the ETC receiving reimbursement from the program, and the claims based on those eligibility results will then be validated by the National Verifier to prevent improper payments.⁷ Relying upon the states' existing processes and automated data sources will improve administrative efficiency,⁸ streamline review of all applications, minimize consumer confusion, and support a single process for applicants to apply for both the federal Lifeline benefit and the state low-income subsidy.⁹ Finally, leveraging existing state systems will reduce National Verifier costs and therefore minimize the contribution burden on consumers and businesses.¹⁰

This partnership is contingent on the continued good faith cooperation by the states in providing necessary data and information for the National Verifier to validate eligibility and duplicate checks. To the extent the Bureau determines that this approach no longer meets the above objectives or a state is not complying with the conditions upon which it was permitted to opt out of the NLAD, the Bureau may revoke a state's NLAD opt-out status and rely exclusively on the National Verifier federal processes for conducting both duplicate and eligibility checks in the future.

Finally, we emphasize that, even where the National Verifier is launched, ETCs remain responsible for any fraud that forms the basis of their claims for Lifeline reimbursement, and the National Verifier does not provide a “safe harbor” for ETCs that improperly claim or obtain reimbursement.¹¹

For further information, please contact Allison Jones of the Wireline Competition Bureau's Telecommunications Access Policy Division at (202) 418-1571.

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⁶ See 47 CFR §§ 54.410(a), 54.410(b)(1), 54.410(c)(1), 54.410(d), 54.410(g).

⁷ See *2016 Lifeline Order*, 31 FCC Rcd at 4007-4008, para. 129.

⁸ See *id.* at 4008-4009, para. 130. For example, Texas has automated connections with its state Medicaid and SNAP databases and Oregon has connections with its state Medicaid, SNAP, and Supplemental Security Income databases, which enable both states to automatically verify Lifeline subscriber eligibility based on participation in those qualifying programs.

⁹ See *id.* at 4009, para. 131.

¹⁰ See *2012 Lifeline Order*, 27 FCC Rcd at 6670-80, paras. 24-50.

¹¹ See *Lifeline Providers Remain Liable for Ensuring the Eligibility of Their Subscribers to Receive Lifeline Service*, EA No. 2019-07, Public Notice, FCC Enforcement Advisory, DA 19-1211 (EB 2019); *Wireline Competition Bureau Reminds Eligible Telecommunications Carriers of Their Ongoing Responsibility to Claim Lifeline Support Only for Eligible Low-Income Consumers*, Public Notice, 32 FCC Rcd 5129 (WCB 2017).