

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
Lifeline Compliance Filings ) WC Docket No. 14-171

ORDER

Adopted: February 14, 2023

Released: February 14, 2023

By the Chief, Wireline Competition Bureau:

I. INTRODUCTION

1. Lumen Technologies, Inc. (Lumen) filed a request for waiver of the Federal Communications Commission (FCC or Commission) Form 555 annual filing deadline. The waiver requests an extension of the deadline to February 14, 2023 to allow Lumen to file its annual Form 555 separately for each of its study area codes (SAC), in light of a condition in the Universal Service Administrative Company’s (USAC) system that is only permitting Lumen to upload accurate filings individually, instead of through a bulk upload process. The Bureau finds that good cause exists to extend the filing deadline until February 28, 2023, for Lumen and other filers which may be similarly impacted by the condition.

II. DISCUSSION

2. The Commission’s rules may be waived for good cause shown. The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy.

3. The Lifeline program provides qualifying low-income consumers discounts on voice or broadband Internet access service to help ensure that all Americans have access to affordable communications service. The Lifeline program’s rules require that eligible telecommunications carriers (ETC) annually confirm their compliance with the Commission’s rules by certifying their agreement with several statements. These certifications are captured through FCC Form 555, which is due January 31 of

1 Petition of Lumen Technologies, Inc. for Waiver of the FCC Form 555 Annual Filing Deadline, WC Docket No. 14-171 (filed Jan. 31, 2023), https://www.fcc.gov/ecfs/document/1020179827867/1 (Lumen Petition).

2 47 CFR § 1.3.

3 Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

4 WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969); Northeast Cellular, 897 F.2d at 1166.

5 See Bridging the Digital Divide for Low-Income Consumers, WC Docket No. 11-42, Fifth Report and Order, Memorandum Opinion and Order and Order on Reconsideration, and Further Notice of Proposed Rulemaking, 34 FCC Rcd 10886, 10887, para. 3 (2019) (2019 Lifeline Order).

6 47 CFR § 54.416.

each year.<sup>7</sup> In its petition, Lumen explains that this year it was unable to complete an accurate upload of its Form 555 covering all impacted SACs by the January 31 deadline.<sup>8</sup> Lumen asserts that when it attempted to upload its Form 555 using USAC's bulk upload feature, USAC's system incorrectly changed certifications in SACs where Lumen had provided Lifeline service and claimed Lifeline support.<sup>9</sup> Lumen states that it identified the issue for USAC and was advised not to rely on the bulk upload feature.<sup>10</sup> However, Lumen asserts that they did not have enough time to file corrected Form 555s individually and is seeking this extension to make such filings.<sup>11</sup>

4. After reviewing the information provided by Lumen, we believe that a waiver of the January 31 deadline is appropriate for Lumen.<sup>12</sup> Although this deadline is necessary to ensure that we annually receive the certifications that are required by our rules, given the identified system issue preventing Lumen from accurately making certain certifications using the bulk upload feature, we find that good cause exists to provide more time. Lumen, or other filers which may have been similarly impacted by the condition, will be deemed to be in compliance with that requirement if they submit their corrected FCC Form 555s to USAC no later than February 28, 2023. While Lumen only requested an extension to February 14,<sup>13</sup> we believe a longer extension to February 28 is appropriate to allow sufficient time to upload the corrected filings.<sup>14</sup>

### III. ORDERING CLAUSES

5. 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, and 1.3, that sections 47 CFR §§ 54.416 of the Commission's rules are WAIVED to the limited extent provided herein.

6. 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

Trent B. Harkrader  
Chief  
Wireline Competition Bureau

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<sup>7</sup> See USAC, *Annual Filings*, <https://www.usac.org/lifeline/rules-and-requirements/forms/annual-filings/> (last visited Feb. 14, 2023) (noting that the Form 555's submission deadline is January 31 of each year).

<sup>8</sup> Lumen Petition at 1-2.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.* at 2.

<sup>11</sup> *Id.*

<sup>12</sup> While the Bureau has not heard of other ETCs encountering the issues identified by Lumen, we extend the relief granted to Lumen to similarly situated ETCs.

<sup>13</sup> Lumen Petition at 2-3.

<sup>14</sup> We note that USAC is working to rectify this issue before 2024 Form 555 submissions are due.