

**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
	)	
Federal-State Joint Board on Universal Service	)	CC Docket No. 96-45
	)	
Lifeline and Link Up	)	WC Docket No. 03-109

**COMMENTS OF**

**ADVOCATES FOR BASIC LEGAL EQUALITY, INC.  
CENTER FOR ACCESSIBLE TECHNOLOGY  
COMMUNITY VOICE MAIL  
CROSSROADS URBAN CENTER  
LEGAL SERVICES ADVOCACY PROJECT  
THE LOW INCOME UTILITY ADVOCACY PROJECT  
NATIONAL CONSUMER LAW CENTER, ON BEHALF OF OUR LOW INCOME  
CLIENTS  
NATIONAL CENTER FOR MEDICAL-LEGAL PARTNERSHIP  
OHIO POVERTY LAW CENTER  
PENNSYLVANIA UTILITY LAW PROJECT  
PRO SENIORS, INC.  
SALT LAKE COMMUNITY ACTION PROGRAM  
TEXAS LEGAL SERVICES CENTER  
VIRGINIA CITIZENS CONSUMER COUNCIL**

**(“CONSUMER GROUPS”)**

**ON FURTHER INQUIRY INTO FOUR ISSUES IN THE UNIVERSAL SERVICE  
LIFELINE/LINK UP REFORM AND MODERNIZATION PROCEEDING**

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**I. INTRODUCTION AND SUMMARY**

These comments are in response to the FCC’s Public Notice seeking comment on four issues in the Universal Lifeline/Link Up Reform and Modernization Proceeding

issued August 5, 2011.<sup>1</sup> The listed organizations (“Consumer Groups”) all represent low-income consumer groups and individuals who benefit from the Lifeline and Link Up program:

**The Advocates for Basic Legal Equality (ABLE)** is a regional non-profit law firm in Ohio that provides a full range of free, high quality legal services to low-income individuals and groups to help them achieve self-reliance, economic opportunity, and equal justice. ABLE serves clients in thirty-two counties in Northwest and Western Ohio as well as migrant farmworkers and immigrant workers statewide. Established in 1969, ABLE has a long history of representing low-income clients in all types of administrative advocacy and complex civil litigation, including consumer protection and utilities matters. Since 1995, ABLE attorneys have actively worked on behalf of community organizations to expand access and ensure affordability of telecommunications services.

**The Center for Accessible Technology (CforAT)** is one of the nation's oldest and most well respected technology training centers, providing access to computers for people with disabilities so children with disabilities can succeed in school, adults with disabilities can find (and keep) jobs, and all people with disabilities can use the internet and email, and benefit from the digital revolution. CforAT supports use of technology to promote independent living for people with disabilities, providing information via an online resource, and engaging in advocacy work to support policies that expand access to technology for people with disabilities, including the many people with disabilities who are low-income.

**Community Voice Mail (CVM)** is a national federation of community based organizations that distribute free phone numbers and information to people who are living in homelessness, poverty, and crisis. Our services are distributed via a network of 2,000 health and human services agencies operating in 400 cities and towns across the country. In 2010, more than 54,000 people used Community Voice Mail services to stay connected to jobs, housing, healthcare, services, family and friends. Our participants receive our services free of charge.

**Crossroads Urban Center (CUC)** is a multipurpose, grassroots, nonprofit organization serving Salt Lake City and the state of Utah. For over forty years Crossroads has helped organize low income, disabled, older and minority Utahns to be advocates on their own behalf in addressing essential issues affecting the quality of their lives. Telecommunication service is one of those issues.

**Legal Services Advocacy Project (LSAP)**, a division of Mid-Minnesota Legal Assistance, provides a voice for low-income Minnesotans by engaging in legislative and administrative advocacy, conducting research and policy analysis,

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<sup>1</sup> DA 11-1346 (rel. August 5, 2011); 76 Fed. Reg. 50969 – 50971 (Aug. 17, 2011)(“Notice”).

and providing community education and training. LSAP has been active for more than a quarter-century, representing the interests of elders, persons with disabilities, and low-income individuals and families on utility, consumer, health, housing issues and other public policy matters affecting basic needs.

**The Low Income Utility Advocacy Project (LIUAP)** engages in administrative and legislative advocacy in Illinois in the utility/energy area on behalf of low income households and not-for-profits. It is a project of the Shriver Poverty Law Center, Voices for Illinois Children and Heartland Alliance for Human Needs and Human Justice.

**National Consumer Law Center (NCLC)** is a non-profit corporation founded in 1969 to assist legal services, consumer law attorneys, consumer advocates and public policy makers in using the powerful and complex tools of consumer law for just and fair treatment for all in the economic marketplace. NCLC has expertise in protecting low-income customer access to telecommunications, energy and water services and publishes *Access to Utility Service* (4<sup>th</sup> edition) as part of its Debtor Rights Series of legal manuals as well as NCLC's *Guide to the Rights of Utility Consumers* and *Guide to Surviving Debt*.

**National Center for Medical-Legal Partnership** promotes the advancement of Medical-Legal Partnerships (MLP) to improve the health and well-being of vulnerable populations. The National Center supports the expansion and integration of MLP through technical assistance and support for partnership sites, facilitation of the MLP Network, promotion of leadership in law and medicine, and coordination of national research and policy activities related to preventive law, health disparities and the social determinants of health.

**Ohio Poverty Law Center (OPLC)** is a nonprofit organization dedicated to using the law to fight poverty in Ohio. OPLC does systemic legal, policy, legislative, and administrative advocacy on poverty law issues and provides assistance to the Ohio legal aid community through litigation support, training, specialty assistance and consulting, task forces, publication and resource development, and other activities. OPLC has a long history of intervention and representing community organizations in southeastern (Appalachian) Ohio in public utilities cases in rulemaking proceedings before the Public Utilities Commission of Ohio (PUCO).

**Pennsylvania Utility Law Project (PULP)** is a non-profit legal aid provider exclusively focused on public utility and energy related issues that impact low income, residential utility consumers in Pennsylvania. PULP provides legal representation to individuals and groups appearing before the Pennsylvania Public Utility Commission ("PUC"); offers technical assistance, training, and support to legal aid and social service providers throughout Pennsylvania; and engages in policy analysis and advocacy. For thirty years, PULP has been the key voice

speaking on behalf of low income, residential utility consumers and safeguarding their interests.

**Pro Seniors, Inc.**, founded in 1975, is a non-profit organization that provides free legal and long-term care help to older adults. Pro Seniors operates an Ohio legal hotline for senior Ohio residents, age 60 and older. Pro Seniors also represents senior clients with respect to legal issues of high impact on Ohio senior citizens.

**Salt Lake Community Action Program (SLCAP)** is a community based non-profit organization that assists low income households in becoming self sufficient through the provision of direct services and advocacy.

**Texas Legal Services Center (TLSC)** is a statewide Legal Aid program that sponsors the TexasLawHelp.org website that provides Texans with free information concerning their legal rights. Pursuant to Texas law, TLSC established a Collaborative Community Network with the State Bar and public libraries known as the Partnership for Legal Access to ensure consumers have free access to consumer-oriented legal information.

**Virginia Citizens Consumer Council (VCCC)** Virginia's volunteer grassroots consumer education and advocacy organization that has been active for over 40 years.

In this round of comments the Commission seeks further information on four issues in the Lifeline/Link Up Reform and Modernization Proceeding: (1) aspects of a Lifeline broadband pilot; (2) further discussion of the one-per-household and one-per-address proposals; (3) further discussion of appropriate Link Up reimbursements and (4) further discussion of issues regarding verification sampling methodology. Consumer Groups have been very active in this docket to reform and modernize the Lifeline and Link Up programs and we incorporate those comments in full by reference.<sup>2</sup>

With regard to these particular issues, Consumer Groups remain strongly supportive of moving forward with low-income broadband pilots. We are supportive of the Benton proposal to expand the eligibility criteria for the pilots to 150% of poverty and to ensure that those living in group housing situations are not excluded. We note that this is consistent with our recommendations for the full Lifeline program. We support pilot

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<sup>2</sup> Consumer Groups' Comments to the Federal-State Joint Board on Universal Service, Lifeline and Link Up (Jul.15, 2010) ("Consumer Groups' Opening Comments to the Federal-State Joint Board") and reply comments (Jul. 30, 2010) ("Consumer Groups' Reply Comments to the Federal-State Joint Board"); Consumer Groups' Comments in Response to the Notice of Proposed Rulemaking on the Lifeline and Link Up Reform and Modernization (April 21, 2011) ("Consumer Groups' Opening Comments") and Reply comments (May 10, 2011) and reply comments (May 25, 2011) ("Consumer Groups Reply").

program designs that protect pilot participants from being forced to purchase additional services that they do not want and that require service providers to process applications in a timely and efficient manner. Consumer Groups urge caution with the consideration of any broadband pilots incorporating leased equipment, as there is a long history of companies targeting abusive lease arrangements at the poor.

Consumer Groups continue to strongly support basing Lifeline eligibility on the income of the consumer applicant's household (which could be a household of one). We oppose any efforts to include the type or form of the consumer's housing situation as an eligibility criterion. Limiting Lifeline benefits to one-per-unique street address discriminates against many of the most vulnerable low-income consumers: those who live in group housing, have doubled-up because they cannot afford separate housing, use P.O. Boxes, or are homeless.

The TracFone interim work-arounds to the one-per-address limitation and the NTIA waiver treatment for those in nursing homes and those with P.O. Boxes are very limited in who they are designed to help. They involve onerous processes that will only provide illusory avenues of participation for those without a unique street address. Low-income consumer advocates in Massachusetts are finding the TracFone "workarounds" ineffective and frustrating for their clients. The MFY Legal Services proposal for provision of Lifeline to those living in certain forms of group housing does provide a workable solution, but it only covers a limited category of housing arrangements. It could be part of an overall solution, but only part.

Consumer Groups support limiting Link Up reimbursement to actual costs for customary charges for commencing telecom service imposed on all customers, not just Lifeline customers. Consumer Groups support having consistent verification sampling methodology and reiterate the important role program design plays in ensuring a high verification return rate. Consumer Groups point to the California Lifeline program as a good model for increasing verification form return rates. There also needs to be in place protective rules that provide adequate notice and opportunity for Lifeline customers to cure enrollment defects before de-enrollment from Lifeline.

## **II. ISSUES FOR COMMENT**

### **A. Designing And Implementing A Lifeline/Link Up Broadband Pilot Program**

Consumer Groups continue to strongly support the inclusion of broadband as a supported service and urge the Commission to classify broadband as a telecommunications service.<sup>3</sup> Consumer Groups urge the Commission to move forward quickly with establishing these pilots and identifying a funding source for the pilots.

#### **1. Use Expanded Consumer Eligibility for the Pilot Program**

Consumer Groups support the Benton Foundation's recommendation that the income eligibility for broadband pilots be set at 150% of poverty and that residents of group housing should be eligible.<sup>4</sup> We note that throughout the evolution of this proceeding, the Consumer Groups have voiced strong support for raising the income eligibility for the Lifeline and Link Up program and ensuring that all income and program eligible low-income consumers, including those in group housing, can enroll in the Lifeline and Link Up program.<sup>5</sup>

#### **2. Remove Barriers to Consumer Participation in Pilots**

Consumer Groups support the National Association of Regulatory Utility Commissioners (NARUC) recommendation that "the Commission not require Lifeline/Link Up broadband service pilot program participants to change local telephone service providers, purchase bundled broadband and voice services, or otherwise be penalized when they purchase Lifeline and Link Up broadband services and enabling

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<sup>3</sup> Consumer Groups' Opening Comments (April 21, 2011) at 43-44; Consumer Groups' Reply Comments (May 25, 2011) at 12-13; Consumer Groups' Reply Comments to the Federal-State Joint Board (July 30, 2010) at p.23.

<sup>4</sup> Notice at p.2.

<sup>5</sup> Consumer Groups' Opening Comments (April 21, 2011) at pp. 17-21, 22; Consumer Groups' Reply Comments (May 10, 2011) at pp. 3-5; Consumer Groups' Reply Comments (May 25, 2011) at pp. 7-8; Consumer Groups' Opening Comments to the Federal-State Joint Board (July 15, 2011) at pp.7-10, 12-15; Consumer Groups' Reply Comments to the Federal-State Joint Board (July 30, 2010) at pp. 4-7, 20-21.

access devices.”<sup>6</sup> This should be clearly delineated by the Commission in the order establishing a Lifeline/Link Up broadband pilot program.

Additionally, because a pilot program design can create barriers to consumer participation, the FCC should require that providers of broadband service seeking to participate in the pilot include in their proposals the following information and assurances: a prompt timeline for enrollment so that the time between the submission of an application, the eligibility determination and enrollment is as short as possible; that the pilot program applications will, to the extent possible, be coordinated with the Lifeline and Link Up application process so that an existing Lifeline customer would not need to go through a lengthy new application process; that consumers will have a multitude of channels for applying to participate in the broadband pilot (autoenrollment, paper application, online enrollment, etc.); assurance that customer service representatives will be adequately trained to respond to consumer questions about the terms and conditions of the pilot program; and that outreach, education and customer support regarding the pilot broadband services will be provided in the predominant languages of the targeted consumer demographic and in alternative formats for those who cannot use standard forms of communication because of a disability. The Commission should also, in the evaluation phase, require a summary of the number and type of consumer complaints received from broadband pilot participants.

### **3. Pilot Evaluation Metrics; Caution Regarding Leased Equipment<sup>7</sup>**

Consumer Groups support strong evaluation metrics for any broadband pilot. The cost of equipment is a major barrier to adoption for potential participants, along with the ongoing cost of broadband service. In evaluating broadband pilot data, it is important for the Commission to keep in mind that there are -- and should be -- many choices when it comes to broadband equipment. While some consumers may find a mobile broadband device serves their needs, others may find a netbook or desktop is a better fit. If a pilot is designed to limit a participant’s choice to one particular piece of equipment, then the Commission should review pilot results with a grain of salt, as the particular equipment

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<sup>6</sup> Notice at pp. 2-3.

<sup>7</sup> Notice at p.3.

subsidized may not be as intuitive for the consumer to use as another form of equipment that the consumer might have chosen if cost was not a barrier. If consumers in the pilot program find that access to broadband is of value to them and use the service fairly regularly, that is a measure of adoption. Another measure of adoption is if the participants of the pilots continue to access broadband after the end of the pilot, even if through another form of technology. Measuring affordability of broadband access requires a different set of metrics, such as comparing the percent of income spent on broadband for those in the pilot who continue to maintain broadband service for the duration of the pilot to that of the general population that is connected to broadband service and gauging whether there is a tipping point with cost at which households in the pilot drop their service.

If a substantially discounted price for equipment were offered -- which might be an appropriate role for private sector partners -- this would lower the up-front cost to participants and substantially increase successful pilot enrollment. However, Consumer Groups urge serious caution in the approval of any pilot that requires participants to lease equipment. Low-income consumers have been popular targets of abusive equipment lending schemes. If the FCC allows broadband pilots with leased equipment as a component, the Commission must prescribe fair price and fair terms. In no event would reliance on disclosures be adequate as there is a long history of consumer abuses in this area. One recent computer equipment scam against the poor should give the Commission pause. Blue Hippo offered a layaway plan for consumers who did not have enough funds upfront to purchase a computer. Consumers were asked to pay a down payment of \$99 to \$124 and weekly or bi-weekly payments ranging from \$36 to \$88. Unfortunately Blue Hippo's operation was a scam. The FTC sought a contempt order against Blue Hippo for pocketing more than \$15 million from consumers and only shipping out one computer.<sup>8</sup> Low-income consumers have often been at the short end of the stick with abusive rent-to-own agreements that, in the end, cost far more than the actual cost of the equipment.<sup>9</sup>

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<sup>8</sup> FTC Press Release, "FTC Lodges Contempt Charge Against Blue Hippo: Company Pocketed More Than \$15 Million From Consumers Last Year, But Almost None Received a Computer" (Nov. 11, 2009) for more information visit <http://www.ftc.gov/opa/2008/02/bluehippo.shtm>.

<sup>9</sup> National Consumer Law Center, *Unfair and Deceptive Acts and Practices*, 7<sup>th</sup> edition (and 2010 supp.) § 8.8 Rent to Own; National Consumer Law Center, *Cost of Credit*, 4<sup>th</sup> edition (and 2011 supp.) § 7.5.3

Similarly, AT&T and Lucent were the involved in major class action litigation for leasing “black phones” to consumers -- often seniors – on terms that grossly overcharged the consumers via the charges buried in the phone bill.<sup>10</sup> With equipment that is so quickly out-of-date, such as desk-top computers, laptops, netbooks, etc., it is very important to ensure that the consumers are not saddled with excessive payments for soon-to-be outmoded equipment.

## **B. The Problems With Limiting The Availability Of Lifeline Support To One Discount Per Residential Address**

### **1. The definition of “household” should not result in discrimination against those in non-traditional housing situations**

Consumer Groups again urge the Commission to base Lifeline eligibility on the income of the consumer applicant’s household (which could be a household of one) and not focus on the type or form of the consumer’s housing situation.<sup>11</sup> Defining a household as *an individual or group of individuals living together as an economic unit* facilitates the universal service goal of ensuring low-income consumers have access to affordable telecommunication services.<sup>12</sup> Any definition of household that restricts the availability of Lifeline to those living in a physical structure with a unique street address discriminates against some of the most vulnerable low-income consumers: those who live in group housing, have doubled-up because they cannot afford separate housing, use P.O. boxes or are homeless. Consumer Groups note that the proposal to use the Census definition for “households” is tied to housing,<sup>13</sup> and is thus more restrictive than the definition Consumer Groups prefer which focuses on people not housing. The Census

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Credit Sales Disguised as Leases: Rent to Own; National Consumer Law Center, *Repossessions*, 7<sup>th</sup> editions, § 14.3 Rent to Own Transactions.

<sup>10</sup> Sean Gregory, “How’d You Like to Rent This Baby,” Time (Jul. 8, 2002)(\$10 billion class action against AT&T and Lucent over the phone rental practice).

<sup>11</sup> Consumer Groups’ Opening Comments (April 21, 2011) at pp. 17-21; Consumer Groups’ Reply Comments (May 10, 2011) at pp. 3-5; Consumer Groups’ Opening Comments to the Federal-State Joint Board (July 15, 2011) at pp.12-15; Consumer Groups’ Reply Comments to the Federal-State Joint Board (July 30, 2010) at pp. 4-7.

<sup>11</sup> Notice at pp. 2-3.

<sup>12</sup> Notice at pp.4-5; Consumer Groups Opening Comments (April 21, 2011) at pp. 18-20 (proposes definition of “household” based on the LIHEAP definition of “household”).

<sup>13</sup> Notice at p.4, fn 25 (“A household includes all the persons who occupy a housing unit as their usual place of residence.”).

definition is also not designed for determining eligibility for a low-income program, it is designed for survey purposes. The definition of “household” that focuses on the *economic unit* stems from another low-income benefits, program, the Low Income Home Energy Assistance Program (LIHEAP)<sup>14</sup> which is more analogous to the Lifeline program than the Census surveys. If the FCC rejects the definition of household derived from the LIHEAP definition of household, the Census definition would be less restrictive than the one-per-unique street address restriction as the Census definition appears to accommodate the doubling-up situations where more than one household lives in a structure.

## **2. TracFone’s interim process is too onerous, limited and ineffective to mitigate the harm from a one-per-address requirement**

The Commission seeks comment on TracFone’s process for ensuring that only one Lifeline benefit goes to a household.<sup>15</sup> TracFone has attempted to develop a process to provide Lifeline to income-eligible consumers who are in the Catch-22 created by the one-per-address practice. The TracFone group housing/shelter work-around requires group housing/shelters to register with TracFone. Group housing/shelter managers must also verify that the applicant resides in their housing and must sign the application form. Unfortunately, there is a growing sense of frustration among low-income consumer advocates in Massachusetts who have been trying to get Lifeline for their clients using these work-arounds. Too much discretion resides with the company. It has been very difficult finding customer service representatives and company supervisors who understand the TracFone’s special processes to address the one-per-address situation. The result is that many clients have had their Lifeline applications denied despite the theoretical work-around. If the Commission moves forward with a registry of group housing providers, the criteria for eligibility determinations must be established by the Commission and must include timelines for approvals and an appeals process. The list of registered group housing sites along with a brief description of that housing (type of housing and address -- keeping in mind domestic violence shelters may require strong

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<sup>14</sup> 42 U.S.C. § 8621 *et seq.*

<sup>15</sup> Notice at p.5.

privacy protections or precautions -- number of units, contact person) should be kept by a centralized entity, either a state agency or an agent of the state, and made available to the ETCs on a secured site. Access to this information should be restricted to those administering the Lifeline program. The Commission should also require ETCs to identify the company representative responsible for the work-around. This information should be publicly available.

TracFone's other work-arounds for the one-per-address rule are also too onerous to be adopted on a wide scale.<sup>16</sup> TracFone states that in the case of unrelated persons living in physically undivided residences: "It then becomes incumbent upon the applicant to provide an explanation and documentation that unrelated residents of such residences are not members of the same household."<sup>17</sup> There is no clear criteria for what suffices as a satisfactory explanation. This process provides too much discretion to the ETC to determine whether or not to provide Lifeline to a consumer who, aside from his or her living arrangement, is eligible for Lifeline. Similarly, the TracFone procedure that directs consumers to the US Postal Service to register addresses as containing multiple units is highly problematic. TracFone, in its ex parte, acknowledges that this process may take as long as 90 days. This should not be adopted as part of Lifeline reform as it will effectively act as a deterrent to applying for service. The limitations of TracFone's work-arounds demonstrate just how high a barrier a one-per-unique residential address requirement creates and highlights how the Commission's one-per-address proposal will discriminate against low-income consumers based on the nature of their housing.

Instead of solely relying on a unique street address for each consumer as a form of authentication check as to the residency situation of the applicant, the Lifeline program should allow for a process similar to the SNAP application process which allows for a collateral contact to establish the residency and identity requirements for SNAP.<sup>18</sup> In the Lifeline context, the collateral contact (for example the group housing provider) could establish the residency requirement for the applicant and list the members of the

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<sup>16</sup> Notice at p.5 and TracFone Ex Parte in WC Docket 11-42, CC docket 96-45 and WC Docket 03-109 (June 1, 2011).

<sup>17</sup> TracFone Ex Parte in WC Docket 11-42, CC docket 96-45 and WC Docket 03-109 (June 1, 2011).

<sup>18</sup> Consumer Groups' Opening Comments (April 21, 2011) at pp.19-21.

household to address the concern that more than one member of the family will apply for a Lifeline benefit.

Participation in another income-tested federal benefits program is an efficient, cost-effective way to demonstrate that a household is low-income. The Commission should also increase the number of federal programs that qualify an applicant for Lifeline to include the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) targets low-income women who are pregnant or have very, young children and federal homeless veterans assistance programs.

### **3. The MFY Legal Services group housing proposal can help expand Lifeline in certain group housing situations**

The Commission seeks comment on the MFY recommendation to use room numbers, and if applicable, bed numbers to serve as potentially unique address identifiers.<sup>19</sup>

Consumer Groups note that the VA has recommended something similar, using the two digit state abbreviation and the last four numbers of the driver's license or tax ID number (e.g., AL1234) as a unique identifying number within a single shelter address.<sup>20</sup> Joint Consumers see both of these options as limited work-arounds to the barrier posed by requiring Lifeline applicants to have a unique residential address, but emphasize that the sounder policy direction to achieve low-income access to affordable telecommunications through Lifeline is by not using a unique residential street address as a barrier to Lifeline access.

### **4. The NTIA converter box exception for group living facilities and P.O. Boxes is too onerous and restrictive**

Consumer Groups are interested in the MFY Legal Service's recommendation to look at the NTIA application process for the TV converter box coupon for residents of nursing homes, intermediate care facilities and assisted living facilities<sup>21</sup> as a model for how to structure a Lifeline application process for residents of group housing. The NTIA

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<sup>19</sup> Notice at p.5.

<sup>20</sup> Peter Dougherty, Assistant Executive Director, Homeless Veterans Initiative Office, Department of Veterans Affairs, Notice of Ex Parte [in WC Docket No. 11-42] (Agu.23, 2011) at p.5.

<sup>21</sup> Notice at pp 5-6; 73 Fed.Reg. 54325-54334 (Sept. 19, 2008).

example is, however, fairly restrictive in the types of group housing covered. We would encourage the FCC to consider developing workable solutions for a broader range of group housing situations, not just those serving the elderly who are permanent residents of a state-licensed facility. Provision of the applicant's name, the name and address of the facility, certification that they are a resident of the facility and listing the members of the applicant's household would be appropriate additional information to gather from the Lifeline applicants in group housing situations. Ideally there would be a separate process for group housing providers to register with the Lifeline program (at the state or national level). The housing provider would provide their name, address, Lifeline program contact, a description of the facility (number of units or beds, population served), non-profit tax id or state license and certification that the information provided is true and correct. If a separate registration form for the group housing provider is not feasible, than this information could be included on the application form.

The NTIA also created a process for consumers who used P.O. Boxes so that they, too, could apply for a converter box coupon. The process requires that the applicant provide additional documentation that contains the applicants physical address such as a driver's license; a utility bill (but not for wireless or pager) issued within the past 60 days of the coupon application; a tax bill; unexpired rental agreement or insurance policy. Like the NTIA group home process, the NTIA P.O. Box process is limited and will not help low-income households who rely solely on a P.O. Box. The requirement for additional documentation will also act as a barrier to participation, so this should not be viewed as an effective, workable solution. Again, Consumer Groups urge the FCC to move away from sole reliance on a unique physical address. The Lifeline application should request a physical address, but also should not automatically reject a household if they relied on a P.O. Box or could only provide an address that did not conform to the US Postal Service standard format. A similar third-party collateral contact mechanism discussed above should be designed in for those using a P.O. Box and those with a box on a rural route.

**C. Revising The Definition Of Link Up Service, And The Possible Reduction Of The Reimbursement Amount**

The Commission seeks comment on the recommendation that Link Up support be eliminated or reduced due to the increasing level of automation in the initiation of service.<sup>22</sup> Consumer Groups stand by their recommendation to limit reimbursement to actual costs for customary charges for commencing telecom service imposed on all customers, not just Lifeline customers.<sup>23</sup>

#### **D. Improved Methods For Verifying Continued Eligibility For The Program**

The Commission seeks additional comments regarding verification sampling for carriers with a small number of Lifeline subscribers. Consumer Groups are supportive of consistency in the method of verification sampling for all ETCs in a state.<sup>24</sup> Consumer Groups note that the Commission has cited a July 21, 2011 letter from the Commissioner of the Nebraska Public Service Commission stating that consumers who fail to respond to verification requests should not continue to receive Lifeline as the verification process is not burdensome to consumers.<sup>25</sup> Consumer Groups urge the Commission to look to states with high returns on enrollment applications and verification forms such as California as this did not happen by accident, but is rather the result of a deliberate and careful program design in conjunction with an effort to brand the Lifeline product and invest in substantial outreach and education about the program.<sup>26</sup> There also needs to be in place adequate notice an opportunity to cure before loss of Lifeline service in this situation.<sup>27</sup>

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<sup>22</sup> Notice at pp. 6-7.

<sup>23</sup> Consumer Groups' Opening Comments (April 21, 2011) at pp.27-28.

<sup>24</sup> Consumer Groups', Opening Comments in Response to the Federal-State Joint Board Request for Comment (July 15, 2010) at pp. 23-25.

<sup>25</sup> FCC Public Notice, Further Inquiry Into Four Issues in the Universal Service Lifeline;/Link Up Reform and Modernization Proceeding, DA 11-1346 (rel. Aug 5, 2011), fn44.

<sup>26</sup> Consumer Groups' Opening Comments (April 21, 2011) at 25-26; Consumer Groups' Opening Comments in Response to the Federal-State Joint Board Request for Comment (July 15, 2010) at 25-26, 42-43.

<sup>27</sup> Consumer Groups' Opening Comments (April 21, 2011) at 32-34; Consumer Groups Opening Comments in Response to the Federal-State Joint Board Request for Comment (July 15, 2010) at 25 .

