

November 16, 2016

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Support for Petitions for Waiver in WC Docket Nos. 11-42, 09-197, 10-90

Dear Ms. Dortch:

The National Consumer Law Center, on behalf of its low-income clients, the United Church of Christ, OC, Inc., the Benton Foundation,<sup>1</sup> the Center for Rural Strategies, the Communications Workers of America, the NAACP, the National Hispanic Media Coalition and OCA – Asian Pacific American Advocates National Center submit this letter in support of a motion to stay the 30-day non usage rule, conditioned on leaving the currently operating 60-day non-usage rule in place. TracFone filed a Petition for Reconsideration<sup>2</sup> and a Motion to Stay<sup>3</sup> the 30-day non-usage rule citing the serious harm to Lifeline participants. Recently the Lifeline Connects Coalition filed a Petition for Waiver<sup>4</sup> of the same rule for similar reasons.

On December 2, 2016, Rules 54.405(e)(3) and 54.407(c)(2) will shorten the time frame for a Lifeline consumer to lose Lifeline service for non-usage from the current 60-days to 30-days. This will inadvertently jeopardize the health and well-being of Lifeline consumers who value the Lifeline service, but are inactive due to unforeseen circumstances, such as becoming hospitalized or other personal reasons. TracFone reports that 25 percent of its subscribers who are de-enrolled for non-usage reapply for service the following month. Furthermore, 70 percent of those who were de-enrolled seek to re-enroll during the first 15 days of the following month. TracFone estimates that under the a 30-day non-usage rule, they expect the number of Lifeline consumers who are de-enrolled for non-usage, who then re-enroll back into Lifeline will triple.<sup>5</sup> Sprint has filed data showing that of their customers showing non-usage in a 30-day timeframe, 38 percent resume usage within the next 15 days (e.g., within 45 days) and 66 percent resume usage within the next 60 days (within 90 days). Sprint notes that, for example, that main reasons that people lose their Lifeline service for non-usage are not because they do not need the service

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<sup>1</sup> The Benton Foundation is a nonprofit organization dedicated to promoting communication in the public interest. This ex parte reflects the institutional view of the Foundation and, unless obvious from the text, is not intended to reflect the views of individual Foundation officers, directors, or advisors.

<sup>2</sup> TracFone Petition for Reconsideration, Lifeline and Link Up Reform and Modernization, WC Docket Nos. 11-42, 09-197, 10-90 (filed June 23, 2016).

<sup>3</sup> TracFone Motion for Stay or, in the Alternative, Deferral of the Effective Date, Lifeline and Link Up Reform and Modernization, WC Docket Nos. 11-42, 09-197, 10-90 (filed September 8, 2016).

<sup>4</sup> Lifeline Connects Coalition, Petition for Waiver, Lifeline and Link Up Reform and Modernization, WC Docket Nos. 11-42, 09-197, 10-90 (filed October 25, 2016).

<sup>5</sup> See, TracFone Petition for Reconsideration, Lifeline and Link Up Reform and Modernization, WC Docket Nos. 11-42, 09-197, 10-90 (filed June 23, 2016) at 24.

but because, for example, they were hospitalized.<sup>6</sup> Churn of this kind merely increases the administrative cost of the program with little corresponding benefit.

In order to prevent an increase in inadvertent loss of essential service to Lifeline consumers, we respectfully support, conditioned on leaving the current 60-day non-usage rule in place, the petitions requesting that the 30-day non-usage rule be waived.

Sincerely,



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<sup>6</sup> See, Sprint Comments, Lifeline and Link Up Reform and Modernization, WC Docket Nos. 11-42, 09-197, 10-90 (filed July 29, 2016) at 6-7.