

**Before the
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

Investigation by the Department on its Own) D.T.C. 13-4
Motion into the Implementation in Massachusetts)
of the Federal Communications Commission’s)
Order Reforming the Lifeline Program) February 26, 2025

COMMENTS OF CTIA

CTIA¹ submits the following comments in response to the Commonwealth of Massachusetts Department of Telecommunications and Cable’s (“Department’s”) Notice of Proposed Requirements and Further Request for Comment (“Notice”) issued January 28, 2025, in the above-captioned proceeding.

The wireless industry has a longstanding commitment to closing the digital divide for low-income consumers. Wireless providers are market leaders in the provision of federal Lifeline plans for low-income consumers, and, while the program was active, in the provision of broadband service via the federal Affordable Connectivity Program (“ACP”). Over 93% of Lifeline subscribers nationwide are wireless consumers, including 96% of Massachusetts Lifeline subscribers.²

¹ CTIA – The Wireless Association® (“CTIA”) (www.ctia.org) represents the U.S. wireless communications industry and the companies throughout the mobile ecosystem that enable Americans to lead a 21st century connected life. The association’s members include wireless providers, device manufacturers, and suppliers as well as apps and content companies. CTIA vigorously advocates at all levels of government for policies that foster continued wireless innovation and investment. CTIA represents a broad diversity of stakeholders, and the specific positions outlined in these comments may not reflect the views of all individual members. The association also coordinates the industry’s voluntary best practices, hosts educational events that promote the wireless industry and co-produces the industry’s leading wireless tradeshow. CTIA was founded in 1984 and is based in Washington, D.C.

² See, e.g. <https://www.usac.org/lifeline/resources/program-data/>.

CTIA is concerned by the new requirements proposed in the Notice, some of which could create unnecessary and burdensome requirements that could discourage provider participation in the Lifeline program. Below, CTIA offers its feedback on the proposed requirements.

I. THE DEPARTMENT SHOULD TAILOR THE PROPOSED REPORTING AND NOTICE REQUIREMENTS MORE NARROWLY TO ADDRESS ISSUES WITH THE CURRENT REQUIREMENTS

Some of the proposed requirements are overbroad, unnecessary, or unduly burdensome. While CTIA appreciates the Department's efforts to prevent waste, fraud, and abuse on the part of bad actors, the Department's regulations should nonetheless be narrowly tailored so as not to overburden legitimate Lifeline providers or worse, discourage provider participation in the program to the detriment of low-income consumers in Massachusetts.

As a guiding principle, the Department should not add additional, potentially onerous reporting and notice procedures. Doing so risks deterring nationwide providers, who would need to make significant adjustments to their internal systems in order to provide Lifeline service in the Commonwealth. Furthermore, the adjustments needed to comply with additional regulatory requirements may increase the cost of service for consumers, an impact exacerbated by already low Lifeline subsidies, leaving only a slim margin to provide service without losing money.

The Department already has a set of effective reporting and notice requirements for Lifeline providers operating in Massachusetts. Because the Department provided no rationale for its proposed amendments, it is difficult to ascertain which of the proposed changes may truly be necessary and what, if any, issues the Department is attempting to address. However, CTIA suggests the following changes to the proposed amendments to avoid discouraging provider participation:³

³ The letter-number combinations discussed here reference the numbered proposed requirements in Appendices A and B of the Notice, pp. 5-7.

Complaint Reporting: The Department should streamline its proposed requirements for annual complaint reporting in proposed requirement A(3)(c).

As a preliminary matter, the definition of “complaint” in footnote 4 of the proposed requirement (“a correspondence or communication, whether digital, written, or verbal, that expresses difficulty or dissatisfaction with equipment, program access, network issues, customer service, or other Lifeline-related matters”) is extremely broad and infeasible to report. ETCs have hundreds, if not thousands of interactions with consumers in Massachusetts on an ongoing basis. This proposed definition would capture a wide variety of everyday interactions that should not rise to the level of a “complaint.” For example, a “communication ... that expresses difficulty ... with equipment” would seem to capture every technical support interaction with customers, no matter how minute or easily resolvable.

The proposed amendments would also implement new burdensome reporting requirements. In particular, the requirement for categorizing and reporting complaints not resolved in 45 calendar days, beyond failing to define what constitutes a “resolved” complaint, could require significant adjustments to provider procedures to implement, especially given the breadth of the definition of “complaint” in the proposed requirements.

The Department also asks for a categorization of complaints regarding “eligibility.” As eligibility determinations are done via the National Verifier system, not by individual providers, complaint data from wireless providers is not the best source for this information. Accordingly, the requirement should be eliminated altogether.

Consumer Notice Requirements: Some of the proposed consumer notice requirements are also overbroad and/or burdensome, and should be streamlined or eliminated.

Proposed requirement A(6) would require ETCs to notify subscribers and the Department of any “material” change to terms and conditions of an ETC’s Lifeline service in Massachusetts at least 10 calendar days in advance of implementation; proposed requirement A(7) would require ETCs to notify subscribers and the Department of any rate change to the ETC’s Lifeline service in Massachusetts at least 30 calendar days prior to implementation. These timelines are infeasible. Requiring a determination of rate changes 30 days prior to implementation for a nationwide carrier simply to operate in a single state will heavily discourage provider participation in the Lifeline program in Massachusetts, especially when such rate changes are often discounts or temporary promotions. The Department presently requires five business days’ notification prior to changes in rates, terms, or conditions. The Department should maintain its existing timeline for notification of changes, especially because no rationale has been presented for why the Department believes an amendment to the timelines is necessary.

The Department should eliminate proposed requirement B(1)(f), regarding the provision of information in languages beyond the generally accepted standard of English and Spanish. The Department provides no rationale for why it selected the languages it did, and an ETC may not have any customers in some of those languages, adding compliance costs without much or any resulting benefit to consumers. It is also unclear why the current requirement to include language about the availability of the Department’s Consumer Division for handling complaints is insufficient.

Additionally, proposed requirement B(2)(b), which requires that any ETC that receives notification that a Lifeline subscriber has filed a complaint “must provide status updates every 7 days thereafter until such complaint is determined to be resolved” is unnecessary and overly burdensome. As previously noted, the proposed definition of “complaint” is overly broad, but even

beyond that, it would be extremely burdensome to provide complaint reports on a weekly basis. The Department should consider eliminating this requirement, but at minimum, should incorporate the following changes:

- Extend the status update period from every 7 days to every 15 business days;
- Streamline the definition of “complaint” (as noted above);
- Provide clarity on what constitutes a “resolved” complaint, and;
- Include a provision that eliminates the need to keep tracking a complaint and filing notifications if a provider has made best efforts to help and contact a consumer, but the consumer has ceased replying prior to confirmation of the complaint’s resolution.

Contractor Reporting: The Department should eliminate proposed requirement A(8), which would require notification within 3 business days whenever a contractor has entered into a bankruptcy proceeding. Such a requirement is overbroad. For one, the proposed requirements do not define the term “contractor.” And even though the proposed requirements limit the reporting to when an ETC “substantially relies” on such a contractor, a bankruptcy proceeding may not have any material impact on an ETC’s ability to provide Lifeline service in Massachusetts for a variety of reasons.

II. THE DEPARTMENT SHOULD ELIMINATE NOTIFICATION REQUIREMENTS FOR EVENTS HAVING NO DIRECT EFFECT ON THE PROVISION OF LIFELINE SERVICE IN MASSACHUSETTS

In proposed requirement A(4), the Department outlines a variety of events requiring ETCs to notify the Department within 30 days of their occurrence. As a baseline, it is unclear how many of these requirements are applicable to the provision of Lifeline service in Massachusetts, both to the extent that they occur in other jurisdictions, and that those jurisdictions may have different requirements and standards than those in Massachusetts.

But even to the extent that these requirements are intended to capture potential concerns regarding malfeasance in other jurisdictions, these requirements would be significantly overbroad. For example, proposed requirement A(4)(c) asks for notification any time “the Federal Communications Commission (“FCC”), any state utility commission, or any government agency has opened an investigation into the ETC or its executive(s), and the final resolution of said investigation.” This requirement would seem to capture a variety of benign investigations, or ones otherwise completely unrelated to the provision of Lifeline service in Massachusetts. For example, this requirement would seem to capture investigations such as routine IRS audits of a company’s executives. Capturing the start of an investigation rather than only its disposition could create potential due process concerns as well, especially in the case of lengthy investigations that are eventually dismissed because no wrongdoing occurred.

Proposed requirement A(d)(4) suffers from similar concerns. It requires ETCs to notify the Department of “the final resolution of a court proceeding against the ETC, either civil or criminal, resulting in findings of wrongdoing or settlement, such as an injunction, settlement, consent decree, money judgment, criminal conviction, or plea agreement.” This requirement is significantly overbroad, potentially capturing a range of issues that have nothing to do with the provision of Lifeline service in Massachusetts, or issues that would suggest that an ETC is a potential bad actor. For example, if an ETC operating nationally had an employee receive a traffic ticket in Oregon, the proposed requirement would require notification to the Department. Even if this were germane to the provision of Lifeline service, it is unreasonable to expect that a company should make Department notification of such incidents part of its operating procedures nationwide.

Proposed requirement A(4)(b) requires notification whenever a petition for ETC designation by an ETC or any of its affiliates is withdrawn or removed in any jurisdiction, regardless of the reason. This is significantly broader than the requirement in A(4)(a), currently in place, that requires notification when an actual ETC designation is “suspended, revoked, relinquished, or in any way withdrawn or removed in any jurisdiction.” A company could withdraw a petition for designation for any number of reasons completely unrelated to its desire or ability to provide Lifeline service in Massachusetts. Similarly, there are a number of reasons why a petition may be denied in another jurisdiction with different rules (for example, a denial on administrative grounds that asks a prospective ETC to correct an issue in its application and re-submit).

Accordingly, the Department should eliminate or significantly streamline these notification requirements.

III. THE DEPARTMENT SHOULD SYNCHRONIZE ITS REGULATIONS WITH THE FCC’S WHEN POSSIBLE

Like wireless providers and the Department, the FCC has expressed that it shares the desire to encourage participation in the Lifeline program while stopping waste, fraud, and abuse.⁴ Accordingly, the FCC has implemented its own reporting and compliance requirements for ETCs.⁵ Where possible, the Department’s regulations should align with the FCC’s, so as to streamline the process for providers and avoid duplicative or conflicting compliance requirements.

⁴ See, e.g., Fifth Report and Order *et al.*, FCC-19-111 (Oct. 30, 2019), at 1 (“The Commission’s Lifeline program plays a critical role in closing the digital divide for low-income Americans. Abuse of the program, however, continues to be a significant concern and undermines the Lifeline program’s integrity and effectiveness. Strengthening the accountability of the program is therefore essential to ensuring that it effectively and efficiently helps qualifying low-income Americans obtain the communications services they need to participate in the digital economy.”)

⁵ See 47 C.F.R. §54.405.

For example, in proposed requirement A(3), the Department requests data similar to that sought by the FCC’s Form 481, but with additional state-specific items and a broadened definition of complaint (as discussed previously herein). The Department should consider directly accepting data from ETC Form 481. At a minimum, it should align the reporting date with the FCC’s July 1 reporting date so as not to require ETCs to report on overlapping time frames.

And in proposed requirement B(1)(c), the Department proposes requiring ETCs to “provide a written termination of service notice to its Lifeline subscribers prior to terminating service.” The FCC already requires providers give consumers notification of potential de-enrollment for non-usage of Lifeline service.⁶ The Department should clarify proposed requirement B(1)(c) to indicate that such notice delivered via SMS to the consumer is sufficient to meet the Department’s mandate for “written notification.”

IV. CONCLUSION

CTIA appreciates the opportunity to provide feedback to the Department on its proposed regulations. By incorporating the changes above, the Department can best balance the need to curb waste, fraud, and abuse in the Lifeline program – a goal the wireless industry shares – while limiting the possibility that unnecessary regulatory hurdles discourage providers and consumers from participating in this valuable program.

Respectfully submitted February 26, 2025,

⁶ 47 C.F.R. §54.405(e)(3).

Geoffrey G. Why

Geoffrey G. Why
Julia Watson
Attorneys for CTIA

Verrill Dana, LLP
One Federal Street, 20th Floor
Boston, MA 02110
(617) 292-2854
gwhy@verrill-law.com
jwatson@verrill-law.com