



## COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-4

April 3, 2024

Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program

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### NOTICE OF PROPOSED REQUIREMENTS & FURTHER REQUEST FOR COMMENT

#### **I. Introduction**

Pursuant to the *Investigation by the Dep't on its Own Motion into the Implementation in Mass. of the Fed. Commc'ns Comm'n's Order Reforming the Lifeline Program*, D.T.C. 13-4, Order Opening Investigation ("Order Opening Investigation"), the Massachusetts Department of Telecommunications and Cable (the "Department") seeks comment on the Department's proposed updates to its Lifeline requirements for eligible telecommunications carriers ("ETCs").<sup>1</sup>

#### **II. Background**

In 2012, the Federal Communications Commission's ("FCC") *Lifeline Reform Order* comprehensively reformed the Lifeline program, seeking to strengthen protections against waste, fraud, and abuse, and improve the program's efficiency. *Lifeline Reform Order*, ¶ 1.<sup>2</sup> On April 1, 2013, the Department opened this investigation into the implementation of these changes. D.T.C.

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<sup>1</sup> A detailed draft of the proposed requirements upon which the Department seeks comment is set forth in the Appendix to this *Notice of Proposed Requirements & Further Request for Comment* which is available at <https://www.mass.gov/orgs/departments-of-telecommunications-and-cable>.

<sup>2</sup> The term "*Lifeline Reform Order*" refers to *In the Matter of Lifeline & Link Up Reform & Modernization, et al.*, WC Docket No. 11-42, et al., *Rep. & Order & Further Notice of Proposed Rulemaking*, FCC 12-11 (rel. Feb. 6, 2012).

13-4, *Request for Comment and Notice of Public Hearing* (Apr. 1, 2013). The scope of the Department's investigation included: (1) compliance with the Department's existing requirements; (2) annual ETC certifications and other reporting obligations; (3) expansion of Lifeline eligibility criteria; (4) outreach, consumer safeguards, and service quality issues; and (5) other reasonably related matters.

After receiving substantial comments in response to its investigation, the Department issued a *Notice of Proposed Requirements and Further Request for Comment* on August 21, 2013.<sup>3</sup> D.T.C. 13-4, *Notice of Proposed Requirements and Further Request for Comment* (Aug. 21, 2013). This *Notice* summarized the public comment on topic and sought additional comments on proposed changes. In general, commenters were pleased with the Department's decision to remove certain requirements, and with the Department's tailoring of certain requirements to certain types of low-income ETCs. *See* Verizon Comments at 1; T-Mobile Comments at 1-2; Boomerang Comments at 1-2; Budget PrePay Reply Comments at 1-2.

On August 1, 2014, the Department adopted streamlined Lifeline requirements in an *Order*. D.T.C. 13-4, *Order Implementing Requirements and Further Request for Comment* (Aug. 1, 2014). The updated requirements related to two major areas, (1) reporting requirements, and (2) consumer safeguards. In addition to adopting the updated Lifeline requirements, the Department sought further comment on certain issues related to the implementation of the FCC's *Lifeline Reform Order*. Specifically, based on the comments received, the Department determined the need for further comment regarding the efficiency of the Lifeline program in Massachusetts, the annual Lifeline subscriber recertification process, and Lifeline subscriber protections.

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<sup>3</sup> All previous comments and reply comments related to this proceeding are docketed under D.T.C. 13-4 at <https://www.mass.gov/orgs/departments-of-telecommunications-and-cable>.

In 2016, the FCC began requiring that the Lifeline eligibility determinations be processed through a centralized verification system—the Lifeline National Verifier—to reduce fraud and waste. *See* Fed. Commc’ns Comm’n, WC Docket 11-42, *Third Report & Order, Further Report & Order, & Order on Reconsideration*, FCC 16-38 (Apr. 27, 2016) (“2016 Lifeline Order”). On November 15, 2019, the Department, on its own motion, issued a limited provisional waiver of its requirement that the Department’s contact information be included with Lifeline applications for prospective subscribers, only for applications made online through the Lifeline National Verifier. *See* D.T.C. 13-4, *Provisional Order and Further Request for Comments* (Nov. 15, 2019); D.T.C. 13-4, *Order Implementing Requirements & Further Request for Comment* at Appendix (Aug. 1, 2014); D.T.C. 13-4, *Order to Waive Reporting Obligation* (Jan. 23, 2017); D.T.C. 13-4, *Notice* (Apr. 2, 2018). The Department also sought comment regarding ways in which the Consumer Division contact information can be reliably provided to prospective applicants and applicants who seek to qualify for Lifeline through the National Verifier, whether on their own or with the assistance of an ETC. *See* D.T.C. 13-4, *Provisional Order and Further Request for Comments* (Nov. 15, 2019). The Department received one comment, from Assurance Wireless, in response to the November 15, 2019, *Further Request for Comments*. *See* D.T.C. 13-4, *Virgin Mobile USA, d/b/a Assurance Wireless Letter* (Dec. 11, 2019).

### **III. Further Request for Comment**

The Department attaches to this Notice an Appendix containing new proposed ETC requirements and seeks further comment on these proposed requirements, through this *Notice*. The Department believes that the proposed requirements as stated in the Appendix adequately balance burdens on Massachusetts ETCs and the Department’s mandate to protect consumers

and uphold the integrity of the Lifeline program by maximizing Lifeline subscriptions for eligible consumers while minimizing waste and fraud in the Lifeline program.

In particular, the Department seeks comment on the following:

1. What other registration information should be collected by the Department under Section A(2)(c)(iii)?
2. For subscriber de-enrollment data, what categories of de-enrollment should the Department collect in Section (A)(3)(b)? Specifically, should the Department use the de-enrollment categories defined by the FCC in 47 C.F.R. § 54.405(e)?<sup>4</sup>
3. To reduce the number of reports required by Department, could the complaint data required by Section A(4) be moved up to Section A(3), in order to consolidate reporting into one March 1 deadline?
4. How should the Department define a complaint for purposes of Section A(4)(a)? Footnote 2 of the proposed requirements currently states, “For the purposes of these Requirements, “complaint” is defined as a correspondence or a communication received by the ETC from, or on behalf of, a person that inquires about, and/or expresses dissatisfaction with, the ETC.”
5. What categories of complaint data should the Department collect under Section A(4)(a)?
6. Should the Department define specific time limits for ETCs to resolve subscriber disputes under Section B(1)(a)? If so, how many business days constitute a “reasonable time” to resolve such disputes?

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<sup>4</sup> ETCs would be required to provide additional information beyond providing copies of Form 555 and Form 481 if the Department elects to use the de-enrollment categories defined by the FCC in 47 C.F.R. § 54.405(e).

7. How do Massachusetts ETCs currently deliver termination of service notices? For example, are such notices sent by mail or by text message? Please provide examples. *See* Section B(1)(b).
8. Should the Department require ETCs to provide, in multiple languages, under Section B(1)(b), the Department's contact information and a notice regarding the Consumer Division's availability to handle Lifeline complaints?
9. Do Massachusetts ETCs charge termination fees for early termination of Lifeline service?
10. How should the Department define an "affiliate" for purposes of Section A(5)? Should the Department use the definition of "affiliate" as defined in 47 U.S.C. § 153(2).

The Department will accept initial written comments on these proposed changes to the Lifeline ETC requirements until 5:00 P.M. on May 3, 2024. The Department will accept reply comments in this proceeding until 5:00 P.M. on June 3, 2024. Comments should be filed by email attachment to [dtc.efiling@mass.gov](mailto:dtc.efiling@mass.gov), or in hard copy to:

Shonda Green, Secretary  
Department of Telecommunications and Cable  
1000 Washington Street, Suite 600  
Boston, MA 02118-6500

The text of each submission must specify: (1) the docket number, D.T.C. 13-4; (2) the name of the person or company submitting the filing; and (3) a brief descriptive title of the document (e.g., comments or reply comments). Each submission should also include the name, title, and telephone number of a person to contact in the event of questions about the filing.

Any person wishing to request a hearing in accordance with G.L. c. 30A, § 1 and § 10 may do so by contacting the Department Secretary at the above email or mailing address.

For questions relating to this matter, please contact Shonda Green at [shonda.green@mass.gov](mailto:shonda.green@mass.gov) or (617) 305-3580.