



COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-4

November 15, 2019

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

PROVISIONAL ORDER AND 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 ("D.T.C. 13-4"), *Order Opening Investigation* (Apr. 1, 2013), the Massachusetts Department of Telecommunications and Cable ("Department"), on its own motion, issues a limited provisional waiver of its requirement that the Department's contact information be included with Lifeline applications for prospective subscribers. *See* D.T.C. 13-4, *Order Implementing Requirements & Further Request for Comment* at Appendix (Aug. 1, 2014) (requiring at provision B.1.b that each wireless Lifeline provider include the Department's Consumer Division contact information on the provider's website, Lifeline marketing materials, Lifeline applications, initial sales receipts for Lifeline service, and Lifeline terms and conditions); D.T.C. 13-4, *Order to Waive Reporting Obligation* (Jan. 23, 2017) (temporarily waiving Lifeline providers' annual marketing reporting requirement); D.T.C. 13-4, *Notice* (Apr. 2, 2018) ("Universal Application Notice") (instructing Lifeline service providers to include Consumer Division contact information as an attachment to the nationwide Universal Application). This waiver applies only to applications made online

through the Lifeline National Verifier. The Department also requests comment on ways in which the Department's contact information might most effectively be provided to prospective Lifeline applicants and Lifeline applicants who opt to use the National Verifier online or by mail, including via an eligible telecommunications carrier ("ETC").

II. Background

The Federal Communications Commission ("FCC") starting in 2016 has stated its intention to shift the Lifeline eligibility determination process into a centralized verification system, the Lifeline National Verifier, in order 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"). Persons wishing to apply for the Lifeline benefit, in states where the National Verifier is in effect, may submit applications through an online portal or by mail and then select their service provider after they are deemed qualified for the benefit; alternatively, they may first select a provider and apply through that provider, which will enter the applicant's information into the National Verifier's service provider portal. *See* Universal Serv. Admin. Co., *National Verifier Annual Report & Data*, <https://www.usac.org/res/documents/li/pdf/nv/2019-January-National-Verifier-Annual-Report-and-Data.pdf> at 5 (Jan. 31, 2019). The National Verifier determines eligibility for the Lifeline benefit using automated connections to federal and state public benefits databases to the extent available; if an applicant or subscriber's eligibility cannot be determined using connected databases, the individual or their service provider may supply documentation of eligibility. Fed. Commc'ns Comm'n, WC Docket 11-42, *Order*, DA 19-1064 ¶ 4 (Oct. 22, 2019) ("Launch Date Order"). As of October 11, 2019, Massachusetts is included in a "soft launch" of the National Verifier. *See* Fed. Commc'ns Comm'n, WC Docket 11-42, *Wireline Competition Bureau*

Announces the Next Nat'l Lifeline Eligibility Verifier Launch in Nine States & One Fed. Terr., DA 19-968 (Sept. 26, 2019). Mandatory implementation in all states and territories is expected no later than December 31, 2019. *See id.*; Launch Date Order at ¶ 8 (denying petitions from five states for postponement of their respective scheduled launch dates for the National Verifier); 2016 Lifeline Order, ¶ 165.

Massachusetts ETCs have long been required to provide the Department's Consumer Division contact information on their respective Lifeline applications. *See* D.T.C. 13-4, *Order Implementing Requirements & Further Request for Comment* at Appendix (Aug. 1, 2014). In response to the FCC's 2018 introduction of a universal form for Lifeline applications, the Department clarified this requirement, directing ETCs to attach a notice with the Department's Consumer Division contact information to the universal application form. *See* Universal Application Notice.

III. Provisional Waiver

To the extent necessary, the Department at this time provisionally waives the requirement to include its Consumer Division contact information with any Lifeline application for which the applicant or the ETC is using the National Verifier, pending the Department's continued investigation into methods by which ETCs can otherwise make those applicants aware of the Consumer Division's contact information and availability to receive complaints and inquiries. For all other applicants and subscribers, the requirement that ETCs provide Consumer Division contact information along with application materials remains in effect.

IV. Further Request for Comment

The Department seeks 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 via an ETC.

The Department retains its focus on balancing, on the one hand, any burdens on Massachusetts ETCs, particularly as they transition into use of the Lifeline National Verifier, with, on the other hand, 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, fraud, and abuse of the Lifeline program.

The Department will accept initial written comments on this question until 5:00 p.m. on December 18, 2019. The Department will accept reply comments until 5:00 p.m. on January 6, 2020. Comments should be filed by email attachment to 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 about this Request, please contact Department Secretary Shonda D. Green at Shonda.Green@mass.gov or (617) 305-3580.

ORDER

Consistent with the above, the Department on its own motion and for good cause hereby provisionally waives, with regard to Lifeline applications made through the National Verifier, the portion of Requirement B.1.b mandating inclusion of the Department's Consumer Division contact information on ETCs' Lifeline applications.

By Order of the Department,



Karen Charles Peterson
Commissioner

RIGHT OF APPEAL

Pursuant to G.L. c. 25, § 5, and G.L. c. 166A, § 2, an appeal as to matters of law from any final decision, order or ruling of the Department may be taken to the Supreme Judicial Court for the County of Suffolk by an aggrieved party in interest by the filing of a written petition asking that the Order of the Department be modified or set aside in whole or in part. Such petition for appeal shall be filed with the Secretary of the Department within twenty (20) days after the date of service of the decision, order or ruling of the Department, or within such further time as the Department may allow upon request filed prior to the expiration of the twenty (20) days after the date of service of said decision, order or ruling. Within ten (10) days after such petition has been filed, the appealing party shall enter the appeal in the Supreme Judicial Court for the County of Suffolk by filing a copy thereof with the Clerk of said Court. Appeals of Department Orders on basic service tier cable rates, associated equipment, or whether a franchising authority has acted consistently with the federal Cable Act may also be brought pursuant to 47 C.F.R. § 76.944.