



COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

D.T.C. 13-4

June 30, 2025

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

ORDER IMPLEMENTING REQUIREMENTS

I. Introduction

Pursuant to the *Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program*, D.T.C. 13-4, *Order Opening Investigation* (Apr. 1, 2013) ("Order Opening Investigation"), the Massachusetts Department of Telecommunications and Cable ("Department") modifies and streamlines certain Lifeline requirements in Massachusetts by adopting the requirements attached to this Order. *See Appendix.*

II. Procedural History

In 2012, the Federal Communications Commission comprehensively reformed the Lifeline program, seeking to strengthen protections against waste, fraud, and abuse and improve the program's efficiency. *See In the Matter of Lifeline and Link Up Reform and Modernization*, et al., WC Docket No. 11-42, et al., *Report and Order and Further Notice of Proposed Rulemaking* at 3-4, FCC 12-11 (rel. Feb. 6, 2012). On April 1, 2013, the Department opened this investigation into the implementation of these changes. *See Order Opening Investigation.* The scope of the Department's investigation included: (1) compliance with the Department's existing requirements; (2) annual eligible telecommunications carrier ("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 new proposed Lifeline requirements and requested comments on the matter.¹ *See Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program*, D.T.C. 13-4, *Notice of Proposed Requirements and Further Request for Comment* (Aug. 21, 2013). The Department received numerous comments in response to its request.

On August 1, 2014, the Department adopted streamlined Lifeline requirements which principally related to two major areas: (1) reporting requirements and (2) consumer safeguards. *See Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program*, D.T.C. 13-4, *Order Implementing Requirements and Further Request for Comment* (Aug. 1, 2014).

In 2016, the FCC began requiring that Lifeline eligibility determinations be processed through a centralized verification system – the Lifeline National Verifier – to reduce fraud and waste. *See In the Matter of Lifeline and Link Up Reform and Modernization, et al.*, FCC WC Docket 11-42, *et al*, *Third Report and Order*, *Further Report and Order*, and *Order on Reconsideration*, FCC 16-38 (Apr. 27, 2016). 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 for applications made online through the Lifeline National Verifier. *See Investigation by the Department on its*

¹ All 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>.

Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program, D.T.C. 13-4, Provisional Order and Further Request for Comments.

On April 3, 2024, the Department released proposed updates to its Lifeline requirements which were intended to balance burdens on ETCs with the Department's mandate to protect consumers and uphold the integrity of the Lifeline program. *See Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program, D.T.C. 13-4, Notice of Proposed Requirements and Further Request for Comment* (Apr. 3, 2024). The Department also requested comments on the matter and invited any interested parties to request a hearing. No party requested a hearing. The Department received and reviewed four sets of initial comments and one set of reply comments.

The Department, in response to the comments, further revised its proposed requirements and released modified rules for comment. *See Investigation by the Department on its Own Motion into the Implementation in Massachusetts of the Federal Communications Commission's Order Reforming the Lifeline Program, D.T.C. 13-4, Notice of Proposed Requirements and Further Request for Comment* (Jan. 28, 2025) ("2025 Notice of Proposed Requirements"). The Department invited interested parties to request a hearing, and no party provided such request. The Department received and reviewed four sets of comments.

III. Updated Requirements

In response to the comments received for the 2025 Notice of Proposed Requirements, the Department further modifies its requirements to both streamline its rules and reduce administrative burden on ETCs and also to avoid waste, fraud, and abuse and ensure efficiency for the Lifeline program. Accordingly, in response to these comments, the Department removed

several requirements and clarified its rules, including permitting more flexible reporting methods, removing several obligations regarding collecting complaint data, narrowing certain notice obligations, and standardizing language access requirements, among several other changes.

IV. Conclusion

The requirements as stated in the Appendix to this Order adequately balance burdens on Massachusetts ETCs and the Department's mandate to protect consumers and uphold the integrity of the Lifeline program.

V. Order

Accordingly, after notice, opportunity for hearing, and consideration, it is hereby

ORDERED: the Massachusetts Lifeline Requirements as listed in the Appendix are hereby

ADOPTED and shall be effective 90 days following the date of issuance of this Order.

By Order of the Department:



Karen Charles
Commissioner

RIGHT OF APPEAL

Pursuant to M.G.L. c. 25, § 5, and M.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 acted consistently with the federal Cable Act may be brought to the Federal Communications Commission pursuant to 47 C.F.R. § 76.944.

Appendix – Massachusetts Lifeline Requirements¹

A. Reporting Requirements

1. Each newly designated ETC (those ETCs the Department designates following the implementation of these requirements) shall, prior to commencing service, inform the Department of the date upon which the ETC will commence providing service as an ETC.
2. Each newly designated ETC (those ETCs the Department designates following the implementation of these requirements) shall, within 60 calendar days of designation or 60 calendar days prior to offering Lifeline service, whichever occurs sooner, submit to the Department:
 - a. copies of all advertising and marketing materials that it will use in Massachusetts, including but not limited to print, audio, video, Internet (including e-mail, web, and social networking media), and outdoor signage;
 - b. the ETC's policy regarding the privacy of customer information in accordance with applicable federal and state laws; and
 - c. in a form prescribed by the Department:
 - i. rates, terms, and conditions of its Lifeline service offering(s) in Massachusetts;
 - ii. contact information for the ETC's customer service designee; and
 - iii. other registration information required by the Department.
3. Annually, by March 1 of each year, each ETC shall submit to the Department, in machine-readable format, the following from the previous calendar year:
 - a. the number of subscribers enrolled within the ETC's approved territory, by month, for the Lifeline Program²;
 - b. the number of subscribers de-enrolled within the ETC's approved territory, by month, for the Lifeline Program³; and
 - c. a report of the number of complaints⁴ received by the ETC from subscribers related to the Lifeline program per 1,000 Lifeline subscribers in Massachusetts and the number of such complaints not resolved within 45 calendar days.

¹ Unless otherwise noted, these requirements shall apply to all ETCs receiving low-income support from USAC for Massachusetts subscribers.

² If an ETC provides such information to the FCC, it may instead provide a copy of such information to the Department simultaneously even if such submission to the Department occurs after March 1.

³ If an ETC provides such information to the FCC, it may instead provide a copy of such information to the Department simultaneously even if such submission to the Department occurs after March 1.

⁴ For the purposes of these Massachusetts Lifeline Requirements, a "complaint" is defined as "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."

4. Each ETC shall notify the Department of the following events within 30 calendar days of the event's occurrence:
 - a. its ETC designation or the ETC designation of any of the ETC's affiliates⁵ has been suspended, revoked, relinquished, or in any way withdrawn or removed in any jurisdiction;
 - b. its petition for ETC designation, or that of one of its affiliates, has been denied, withdrawn with or without prejudice, deferred, relinquished, mooted, or in any way removed from consideration within 30 calendar days of the removal in any jurisdiction;
 - c. the Federal Communications Commission ("FCC"), any state utility commission, or the Universal Service Administrative Company ("USAC") has opened an investigation into the ETC and the final resolution of said investigation;
 - d. 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;
 - e. any change(s) to a mobile virtual network operator's underlying carrier, where applicable; and
 - f. any change(s) to a non-facilities based carrier's Lifeline compliance plan filed with the FCC.
5. An ETC that applies to the FCC for transfer of control regarding its corporate ownership structure, shall notify the Department within 5 business days of application. The ETC shall maintain its ETC status in Massachusetts under its prior designation, unless otherwise ordered by the Department.
6. Each ETC not subject to M.G.L. Chapter 159 § 19F shall notify its Lifeline subscribers and the Department of any material⁶ change to the terms or conditions of the ETC's Lifeline service in Massachusetts at least 10 calendar days prior to the implementation of the change.
7. Each ETC not subject to M.G.L. Chapter 159 § 19F shall notify its Lifeline subscribers and the Department of any rate change to the ETC's Lifeline service in Massachusetts at least 30 calendar days prior to the implementation of the change.⁷

⁵ For the purposes of these Massachusetts Lifeline Requirements, "affiliate" shall have the same definition as used in 47 U.S.C. § 153(2) to the extent such affiliate entity is also an ETC.

⁶ For the purposes of these Massachusetts Lifeline Requirements, "material" shall be defined as "a change that could reasonably be expected to substantively impact a consumer's expectations of service."

⁷ An ETC shall not be required to provide such notification if the rate change is due to a discounted promotional rate.

8. Each ETC that enters into an insolvency, receivership, or bankruptcy proceeding or that becomes aware that one of its ETC Contractors⁸ has entered into an insolvency, receivership, or bankruptcy proceeding shall notify the Department within 5 business days of (1) entering into such proceeding or (2) becoming aware of such proceeding by an ETC Contractor; however, each ETC anticipating entering into such proceeding or anticipating that an ETC Contractor will enter into such proceeding is, as feasible, requested to provide advance notice to the Department.

B. Consumer Safeguards

1. Each ETC shall:
 - a. work in good faith with Department staff to resolve Lifeline subscriber disputes which are referred to the ETC by the Department within a reasonable time;
 - b. ensure that a Lifeline subscriber's texting limit, if any, is not impacted by messages sent from the ETC to such subscriber;
 - c. provide a written termination of service notice to its Lifeline subscribers prior to terminating service⁹;
 - d. include in an easily accessible location on the ETC's website a link to its privacy policy;
 - e. include clear, easily understood language about the availability of the Department's Consumer Division for handling Lifeline complaints in an easily accessible location on the ETC's website and in its Lifeline Terms and Conditions of Service; and
 - f. include on any start of service notice or termination of service notice to its Lifeline subscribers (i) the Department's Consumer Division contact information and (ii) a message provided in multiple languages, as specified by the Department, recommending that such notice be translated.¹⁰
2. Each ETC that receives notification by the Department that a Lifeline subscriber has filed a complaint with the Department concerning the ETC and its provision of Lifeline service shall:
 - a. confirm receipt of the Department notification within 3 business days; and

⁸ For the purposes of these Massachusetts Lifeline Requirements, an "ETC Contractor" is a contractor or agent of an ETC that the ETC substantially relies upon to provide Lifeline service in Massachusetts.

⁹ An ETC may provide such notice through text messaging if a subscriber has previously assented to receive notifications via text messaging from such ETC.

¹⁰ The Department shall provide to ETCs the language to be included in this subsection f(ii) and may update the language periodically, as needed, in its discretion.

- b. provide a status update concerning such complaint to the Department every 7 business days thereafter until such complaint is resolved.¹¹
- 3. Each ETC that will discontinue offering Lifeline service in Massachusetts shall:
 - a. provide a termination of service notice to its Lifeline subscribers and the Department at least 60 calendar days in advance of the ETC's planned discontinuance of Lifeline service in Massachusetts; and
 - b. work in good faith with its Lifeline subscribers and the Department in order to facilitate smooth transition of subscribers to alternative ETCs of the subscribers' choice.

¹¹ An ETC may cease providing updates to the Department if (A) such Lifeline subscriber fails to respond to the ETC, in which case, the ETC must provide the Department with a separate, written response detailing the steps taken to resolve the subscriber's complaint and notify the Department that the subscriber has ceased responding to the ETC or (B) a complaint is resolved, in which case, the ETC must provide the Department with a separate, written response detailing the steps taken to resolve the subscriber's complaint and notify the Department that the subscriber's complaint has been resolved. The Department may restart the notice obligations in this subsection (b) if the subscriber responds to the Department or if it is determined that the complaint has not been resolved.