

NCLC®

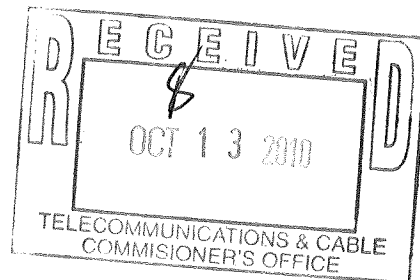
NATIONAL CONSUMER LAW CENTER®

NATIONAL
CONSUMER
LAW
CENTER®

Advancing Fairness
in the Marketplace for All

October 12, 2010

Catrice C. Williams, Secretary
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500



RE: Investigation by the Department on its)
Own Motion into the Lifeline and) D.T.C. 10-3
Link-Up Programs for Massachusetts)
Telephone Customers)

Dear Ms. Williams:

Enclosed for filing in this case please find: (1) Petition to Intervene of the National Consumer Law Center; and (2) the Appearance of Counsel for Darlene R. Wong, attorney for the National Consumer Law Center.

Copies are being distributed as indicated on the attached certificate of service and in accordance with the Department's Request for Comment & Notice of Public Hearing in the above-captioned case and 220 CMR § 1.02(7). Please feel free to contact me if there are any questions about this filing or if the Department requires any additional copies.

Sincerely,

A handwritten signature in dark ink, appearing to be "D. Wong".

Darlene R. Wong
Staff Attorney

www.NCLC.org

Boston Headquarters:

7 Winthrop Square
Boston, MA 02110-1245
Phone: 617/542-8010
Fax: 617/542-8028

Washington Office:

31 Connecticut Ave. NW
Ste. 510
Washington, DC 20036-5528
Phone: 202/452-6252
Fax: 202/463-9462

cc: Service list

**BEFORE THE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

RE: Investigation by the Department on its)	
Own Motion into the Lifeline and)	
Link-Up Programs for Massachusetts)	
Telephone Customers)	
)	

D.T.C. 10-3

**PETITION TO INTERVENE OF
THE NATIONAL CONSUMER LAW CENTER**

I. INTRODUCTION

1. Pursuant to 220 CMR 1.03, the National Consumer Law Center ("NCLC") brings this Petition to Intervene in the above-captioned proceeding. As more fully detailed below, NCLC's low-income clients are substantially and specifically affected by this proceeding. In addition, the NCLC may present relevant information regarding various subjects or issues raised by other parties filing comments and reply comments in this proceeding. NCLC's participation in this proceeding will assist the Department of Telecommunications and Cable ("Department" or "DTC") in properly adjudicating the issues before it.

II. PARTIES

2. NCLC is a nonprofit corporation founded in 1969 that assists consumers, attorneys, advocates and public policy makers nationwide in their efforts to achieve economic justice for

low-income consumers.

3. NCLC's Articles of Organization developed by its Board include the following purpose: "To provide relief for poor, distressed and underprivileged consumers; to undertake research into the legal aspects of consumer problems; to maximize the rights available to consumers and to assist consumers in obtaining needed reformation of the law through the judicial and other lawful processes; to enhance the protection of the consumer from adverse market conditions and to strengthen their bargaining power and increase their freedom of choice; to promote the social welfare of consumers..."

4. NCLC has participated in numerous regulatory utility proceedings at state and federal levels, including state public utility commission proceedings.

III. REQUIREMENTS OF RULE 1.03

5. Rule 1.03 requires that a petition for intervention shall describe the manner in which the petition is substantially and specifically affected by the proceeding, the contention of the petitioner, the relief sought, and the authority for such relief and the nature of the evidence the petitioner will present if the petition is granted. *See* 220 CMR 1.03.

6. The interests of NCLC's low-income clients are substantially and specifically affected by this proceeding as detailed in the immediately following paragraphs. Their interests are not adequately represented by the Office of the Attorney General or any other party to this proceeding.

7. In the Department's Request for Comment & Notice of Public Hearing, D.T.C. 10-3 (Sept. 17, 2010), the Department has requested comment, among other things, on certification and verification procedures for Lifeline and Link-Up; expansions in Lifeline eligibility criteria;

changes to applicability of Lifeline benefits to services beyond basic exchange service; and updated customer education and outreach requirements. All of these issues directly and specifically impact the low-income clients of NCLC – it is NCLC’s low-income clients who are directly affected because they are the subscribers to Lifeline and Link-Up services whose services, eligibility, and benefits will be affected by the DTC order that results from this proceeding.

8. NCLC contends that current Lifeline and Link-Up enrollments may be increased through a variety of measures, including greater inter-agency coordination, modifications to existing eligibility requirements, and improved outreach that incorporates new media and additional training of telephone company representatives. The Department has authority over these areas under G. L. Ch. 159, § 16. It is the role of the Department, under G. L. Ch. 159, § 16, to make sure that service quality is “just, reasonable, safe [and] adequate.”

9. Specifically, Section 16 provides:

“[I]f the department is of the opinion, after a hearing . . . that the regulations, practices, equipment, appliances, or service of any common carrier are unjust, unreasonable, unsafe, improper or inadequate, the department shall determine the just, reasonable, safe, adequate and proper regulations and practices thereafter to be in force and to be observed and the equipment, appliances and service thereafter to be used and shall fix and prescribe the same by order to be served upon every common carrier to be bound thereby. . . . Before making such order, the Department shall consider the relative importance and necessity of the changes . . . the financial ability of the carrier to comply with the requirements of the order, and the effect of the carrier’s compliance therewith, upon its financial ability to make such other changes, if any, as may be deemed by the department of equal or greater importance and necessity in the performance of the service which the carrier has professed to render to the public. Every such common carrier shall obey every requirement of every such order so served upon it, and do everything necessary or proper in order to secure absolute compliance with every such order by all of its officers, agents, and employees.”

G. L. Ch. 159, § 16

10. Pursuant to Section 16 of Chapter 159, NCLC will seek relief by requesting that the DTC implement the changes it will recommend to Lifeline and Link-Up enrollment procedures, covered services, and customer education. To that end, NCLC will submit Comments and plans to submit Reply Comments, as may be necessary.

IV. CONCLUSION

11. Based on the foregoing, NCLC respectfully requests that the Department grant it status as a full-party Intervenor in this docket.

Respectfully Submitted,



Darlene R. Wong
Staff Attorney
National Consumer Law Center
7 Winthrop Sq., 4th floor
Boston, MA 02110
617-542-8010

DATE: October 12, 2010

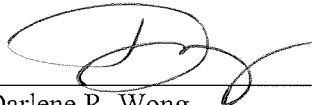
**BEFORE THE
COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

RE: Investigation by the Department on its)
Own Motion into the Lifeline and) D.T.C. 10-3
Link-Up Programs for Massachusetts)
Telephone Customers)

APPEARANCE OF COUNSEL

Please enter my appearance on behalf of the National Consumer Law Center in the above-captioned proceeding.

Respectfully submitted,



Darlene R. Wong
darlenewong@nclc.org
7 Winthrop Square, 4th Floor
Boston, MA 02110-1245
(617) 542-8010

DATE: October 12, 2010

RE: Investigation by the Department on its Own Motion into the Lifeline and Link-Up Programs for Massachusetts Telephone Customers) **D.T.C. 10-3**
)
)
)
)

Betsy Whittey, Hearing Officer
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Fax: 617-988-8285
Email: betsy.whittey@state.ma.us

Kajal Chattopadhyay, General Counsel
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Fax: 617-305- 8254
Email: kajal.chattopadhyay@state.ma.us

Michael Isenberg, Director, Competition Division
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Fax: 617-305- 8265
Email: mike.isenberg@state.ma.us

Joslyn Day, Director, Consumer Division
Department of Telecommunications and Cable
1000 Washington Street, Suite 820
Boston, MA 02118-6500
Tel: 617-305-3580
Fax: 617-305- 8256
Email: joslyn.day@state.ma.us

Julia E. Kehoe, Commissioner
Department of Transitional Assistance
600 Washington St. Boston, MA 02111
Email: julia.kehoe@state.ma.us
Daniel LePage, General Counsel
Department of Transitional Assistance
600 Washington St. Boston, MA 02111
Email: daniel.lepage@state.ma.us

Amy West
Department of Transitional Assistance
600 Washington St. Boston, MA 02111
Email: amy.west@state.ma.us

Mary Diaz-Przybyl
Department of Transitional Assistance
600 Washington Street
Boston, MA 02111
Email: mary.diaz-przybyl@state.ma.us

Terry Dougherty, Medicaid Director
Office of Medicaid
One Ashburton Place, 11th Floor Boston, MA 02108
Email: terry.dougherty@state.ma.us

Tina Brooks, Undersecretary
Department of Housing & Community Development
100 Cambridge Street, Suite 300 Boston, MA 02114
Email: tina.brooks@state.ma.us

Gerald Bell
Division of Community Services
Department of Housing & Community Development
100 Cambridge Street, Suite 300 Boston, MA 02114
Email: gerald.bell@state.ma.us

John Grossman
Executive Office of Public Safety and Security
One Ashburton Place, Suite 2133
Boston, MA 02108
Email: john.grossman@state.ma.us

Michael Kass, General Counsel
State 911 Department
1380 Bay Street, Building C
Taunton, MA 02780-1088
Email: michael.kass@state.ma.us

Mitchell F. Brecher
Greenberg Traurig LLP
2101 L. Street, N.W.
Washington, D.C. 20037
Email: BrecherM@gtlaw.com

Jose Fuentes
Director of Government Relations
TracFone Wireless, Inc.
9700 N.W. 112th Avenue
Miami, FL 33178
Email: jfuentes@tracfone.com

Verizon New England, Inc.
Alexander W. Moore, Esq.
Associate General Counsel
125 High Street
Oliver Tower, 7th Floor
Boston, MA 02110
Email: alexander.w.moore@verizon.com

RCN of New England, Inc.
Margaret M. Lew
Regulatory Compliance Analyst
1849 Butler Street
Easton, PA 18042
Email: marie.lew@rcn.net

Richmond Telephone
Abigail Ayorre
2 Third Street, Ste. 303
Troy, NY 12180
Email: aayorre@cstel.com

Granby Telephone & Telegraph Company of Mass., Inc.
Michelle Krehel
56 Campus Drive
New Gloucester, ME 04260
Email: michelle.krehel@pinetreenetworks.com

Taconic Telephone Corp.
Chris Barron
Director-State Affairs
521 E. Morehead Street, Suite 500
Charlotte, NC 28202
Email: cbarron@fairpoint.com

Peter Lurie
General Counsel and Co-Founder
Virgin Mobile USA, L.P.
10 Independence Blvd.
Warren, NJ 07059
Email: plurie@virginmobileusa.com


Stephanie Zierten
Deputy General Counsel
Information Technology Division
Commonwealth of Massachusetts
One Ashburton Place Room 801
Boston, MA 02108
Tel: 617-626-4698
Email: Stephanie.zierten@state.ma.us

Sandra Merrick, Assistant Attorney General
Office of Attorney General Martha Coakley
Office of Rate Payer Advocacy
One Ashburton Place
Boston, MA 02108

Olivia B. Wein
Staff Attorney
National Consumer Law Center
1001 Connecticut Avenue, NW, Suite 510, Washington, DC, 20036
(202) 452-6252
owein@nclcdc.org

DATED: October 12, 2010

BY:



Darlene R. Wong
Staff Attorney
National Consumer Law Center
Winthrop Square, 4th Floor
Boston, MA 02110-1245