

PUBLIC SERVICE COMMISSION OF WISCONSIN

Revisions to Wis. Admin. Code ch. PSC 160, Universal Service Support
Funding and Programs

1-AC-251

Clearinghouse Rule No. 21-023

The statement of scope for this rule, SS 011-19, was approved by the Governor on January 3, 2019, published in Register No. 757A3 on January 14, 2019, and approved by the Commission on April 2, 2020. This rule was approved by the Governor on June 10, 2021.

ORDER ADOPTING PROPOSED RULES

This is an Order of the Public Service Commission of Wisconsin proposing to **repeal** PSC 160.02 (21) (a) 1. (Note), 4. (Note), and 11. (Note), 160.02 (21) (c), 160.06 (1) (b) and (c), 160.06 (4) and (5), 160.062 (1r) (a) 2. (Note 1) and (Note 2), 160.062 (1r) (b) 4. (Note), 160.062 (1r) (c), 160.071 (1m) (a); **amend** 160.02 (8), 160.02 (21) (intro.), (a), and (b), 160.02 (28), 160.02 (29), 160.06 (1) (a), 160.06 (2) (title), 160.06 (2), 160.062 (1g), 160.062 (1r) (a) and (b), 160.062 (4), 160.071 (1m) (b), 160.071 (1m) (L) 2., and 160.071 (6m) (a) 1. and 2.; **create** 160.02 (21) (Note), 160.02 (22m) and (Note), 160.06 (1) (a) (Note), 160.06 (2) (Note), 160.062 (1g) (Note), 160.062 (1r) (b) (Note), and 160.062 (4) (Note), relating to the provisions and administration of the Universal Service Fund (USF).

**ANALYSIS PREPARED BY
THE PUBLIC SERVICE OF WISCONSIN**

A. Text of Rule

The proposed rule text is provided in Appendix A to this Order.

B. Statute Interpreted

This rule interprets Wisconsin Stat. § 196.218.

C. Statutory Authority and Explanation of Authority

This rulemaking is authorized under Wisconsin Stat. §§ 196.02 (1) and (3), 196.218 (3) (c), (4u), (5) (b) and (5m), and 227.11 (2). Wisconsin Stat. §§ 196.218 (5) (b) and (5m) authorize the Commission's creation and revision of the Universal Service Support Funding and Programs rules. Wisconsin Stat. § 196.218 (3) (c) authorizes the Commission to designate by rule the class of providers or persons that under § 196.218 (a) must contribute to the Universal Service Fund. Wisconsin Stat. § 195.218 (4u) authorizes the Commission to promulgate rules establishing requirements and procedures for awarding grants related to the Telecommunications Equipment Purchase Program (TEPP). Wisconsin Stat. § 196.02 (1) authorizes the Commission to do all things necessary and convenient to its jurisdiction. Wisconsin Stat. § 196.02 (3) grants the Commission specific authority to promulgate rules. Wisconsin Stat. § 227.11 authorizes agencies to promulgate administrative rules.

D. Related Statutes or Rules

There are no other related statutes or rules.

E. Plain Language Analysis

The objective of this rulemaking is to amend and revise Wisconsin Admin. Code ch. PSC 160, Universal Service Support Funding and Programs. This program is commonly referred to as the Universal Service Fund (USF). Any changes resulting from this rulemaking are intended to continue and enhance support for these general purposes stated in the statutes.

This rulemaking revises Wisconsin Admin. Code ch. PSC 160 to conform to the Federal Communications Commission's (FCC) third Lifeline Modernization Order¹ (Lifeline Order) issued on April 27, 2016. The Lifeline Order modified the list of programs that qualify individuals for federal Lifeline support. In particular, this FCC Order removed state-specific programs and income eligibility criteria for federal Lifeline support. In addition, the FCC also created a National Verifier for Lifeline eligibility verification. On February 15, 2018, the Public Service Commission of Wisconsin (Commission) issued an Order ([PSC REF#: 338212](#)) that established interim Wisconsin Lifeline guidelines pursuant to Wisconsin Admin. Code § PSC 160.01 (2) (a). This rulemaking aligns Wisconsin Admin. Code ch. PSC 160 with FCC federal standards. Revisions to Wisconsin Admin. Code §§ PSC 160.02 (21), PSC 160.02 (22m), PSC 160.06, and PSC 160.062 align these rules with the FCC federal standards by incorporating the Lifeline National Eligibility Verifier (National Verifier) process to determine Lifeline eligibility. The National Verifier is implemented by the Universal Service Administrative Company (USAC) and the verification process and Lifeline eligibility criteria are codified in 47 CFR Part 54. As such, the revised administrative code provisions cite the applicable sections of 47 CFR Part 54 and the effective date, including 47 CFR §§ 54.400, 54.404, 54.405, 54.407, 54.409, 54.410, and 54.416. The content of these federal regulations has been reproduced in an Appendix 1 to Wisconsin Admin. Code § PSC 160.

Additionally, this rulemaking revises Wisconsin Admin. Code ch. PSC 160 to implement Executive Order #15² providing for the use of inclusive language in Wisconsin Administrative Rules. Wisconsin Admin. Code §§ 160.02 (8), 160.02 (28), 160.02 (29), PSC 160.071 (1m), and

¹ Third Report and Order, Further Report and Order, and Order on Reconsideration, Lifeline and Link Up Reform and Modernization, FCC 16-38, 31 FCC Rcd. 3962 (2016).

²Governor Evers' Executive Order #15

PSC 160.071 (6m) have been revised to include inclusive and accurate language for people with disabilities. For example, the following words that describe people with disabilities have been capitalized, such as “Hard of Hearing,” “Deaf,” “Hearing Disability,” “Speech Disability,” “Mobility or Motion Disability,” “Deaf and Low Vision,” and “Blind and Deaf-Blind.”

This rulemaking revises Wisconsin Admin. Code ch. 160 to allow Deaf individuals to use Telecommunications Equipment Purchase Program (TEPP) vouchers to purchase equipment to access the internet. The current TEPP voucher categories referenced in PSC 160.071 (1m) (L) 2. do not include Deaf individuals under PSC 160.071 (1m) (b) 2. Modern telecommunications options allow Deaf individuals to use mobile devices for video transmission and American Sign Language (ASL) to communicate directly with other Deaf individuals and with hearing individuals through Video Relay Service.

F. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations

There is a state USF and a federal USF program. The state and federal funds and programs are complementary rather than duplicative. The federal and the state USF programs rely on the designation of Eligible Telecommunications Carriers (ETCs) to carry out some programs. The Commission designates Eligible Telecommunications Carriers (ETCs). Therefore, ETCs are eligible for funding from the federal USF program and certain funding from the state USF program. ETC status was created by the FCC, and codified in 47 U.S.C. § 214(e)(2). Under FCC rules, state commissions are responsible for designating eligible providers as ETCs.³

³ 47 U.S.C. §. 214(e)(2), 47 C.F.R. § 54.201(b).

Designation as an ETC is required for a provider to receive federal USF funding. ETC designation is also required to receive funding from some, but not all, state universal service programs. The FCC established a set of minimum criteria that all ETCs must meet. These criteria are codified in the federal rules.⁴ The 1996 Telecommunications Act states that, “A State may adopt regulations not inconsistent with the commission’s rules to preserve and advance universal service.”⁵ A court upheld the states’ right to impose additional conditions on ETCs in *Texas Office of Public Utility Counsel v. FCC*, 183 F.3d 393, 418 (5th Cir. 1999). Therefore, while states must examine the federal requirements, they are allowed to create additional requirements. Wisconsin chose to create additional requirements.

The complementary state and federal USF programs are as follows:

Federal High Cost Fund and the Wisconsin High Rate Assistance Credit⁶ Program

The federal USF program provides funding to ETCs that serve high-cost areas. That funding is used to help cover the costs of expanding infrastructure into those areas. This helps to ensure that rates in those areas stay lower since rates need not provide the funds for that expansion. The federal program also funds broadband deployment across the country through the Connect American Fund (CAF I and II), Alternative Connect America Cost Model (A-CAM I and II), and the Rural Digital Opportunity Fund (RDOF).

The Wisconsin USF program provides reimbursement to providers that offer credits to customers when rates are higher than as designated in Wisconsin Stat. § PSC 160.09. The Wisconsin USF partially funds the Broadband Expansion Grant Appropriation pursuant to Wisconsin Stat. § 196.218 (3) (a) 2s. with an annual funding requirement of \$2 million.

⁴ 47 U.S.C. § 214(e)(1), 47 C.F.R. § 54.101(a).

⁵ 47 U.S.C. § 254(f).

⁶ Wisconsin Admin. Code § PSC 160.09

Federal and Wisconsin⁷ Lifeline and Link-Up Programs

Under the federal Lifeline program, the USF provides funding to ETCs to discount telecommunications bills for low-income customers. The discount may be applied to a wide-range of technologies, as provided in 47 CFR § 54.401 (a). Program eligibility is determined via the National Verifier and non-duplication of benefit is administered via the National Lifeline Accountability Database (NLAD). Under Link-up, the federal USF defrays connection costs for tribal customers.

Wisconsin's Lifeline program funding to ETCs provides additional credits for customers also receiving the federal Lifeline benefit to achieve a telecommunications bill of about \$15. Under the Commission Order ([PSC REF#: 338212](#)) issued February 15, 2018, the state discount may be applied to the same technologies designated in 47 CFR § 54.401 (a). Program eligibility is determined via the National Verifier, with the added benefit of connection to the Wisconsin Department of Health Services and Wisconsin Department of Revenue databases allowing for real-time program and income qualification determinations without additional documentation, in most cases. The non-duplication of benefits is administered via the NLAD. Wisconsin does not offer a corollary to Link-Up, but tribal customers are able to access the Wisconsin Lifeline benefit.

Federal E-Rate Program and Wisconsin USF Programs at the Department of Public Instruction, Department of Administration, and at the University of Wisconsin System⁸

This federal USF program provides funding to connect schools and libraries to affordable, high-speed internet. The state USF program assesses funding for programs at the Department of Public Instruction addressing access for schools and libraries, along with

⁷ Wisconsin Admin. Code § PSC 160.062

⁸ Wisconsin Admin. Code § PSC 160.05(2)-(12).

technology accessibility for people with disabilities. The state USF program funds telecommunications at the UW System, and for the TEACH program at the Department of Administration, which also supports school connectivity. In 2018, \$44 million of federal USF E-Rate dollars were used to fund Wisconsin's Broadband Expansion Grant Program.

Federal Rural Health Care Program and the Wisconsin Telemedicine Equipment Program⁹

The federal USF program provides funding to eligible rural health care providers for broadband and telecommunications services needed to provide health care. Wisconsin's program funds equipment purchases by Non-Profit Medical Clinics and Public Health Agencies to provide telehealth services.

The federal USF program assessment applies to all carriers, including wireless carriers, and is assessed based on interstate revenues. The state USF program assessment applies to all providers, including wireless providers, and is assessed based on intrastate revenues. Wisconsin exempts certain providers from assessment, such as those with less than \$200,000 in intrastate revenues.

There are additional state USF programs that do not have a corollary to federal programs, such as the Telecommunications Equipment Purchase Program (TEPP).

G. Comparison with Similar Rules in Adjacent States

Lifeline

Many state USF programs have a version of Lifeline that applies federal rules alongside state-specific rules. The following compares Wisconsin's Lifeline program with Illinois, Minnesota, and Michigan using the following characteristics: adoption of 47 CFR § 49.409, the

⁹ Wisconsin Admin. Code § PSC 160.115

use and amount of state Lifeline credits, and the adoption of eligible technologies identified in 47 CFR § 54.401 (a).

Wisconsin adopted the eligibility rules in 47 CFR § 49.409 in its interim Order. ([PSC REF#: 338212.](#)) Illinois and Minnesota rules directly reference 47 CFR § 54.409. In Michigan, the 47 CFR § 54.409 is referenced for all subscribers after January 1, 2020; for those subscribers enrolled before January 1, 2020, there are broader eligibility guidelines in place.

The amount of the state discount varies by state. In Wisconsin, the discount is variable based on the ETC base rate¹⁰ and is applied in addition to the federal discount up to a maximum reimbursement of \$9.25 per customer, per month. Like Wisconsin, Minnesota and Michigan provide a state discount in addition to the federal discount. In Minnesota, the discount is \$3.50 per customer, per month, and in Michigan, the discount varies by age: those under age 65 receive a discount of \$8.25 to \$11.25 per customer, per month, depending on the service provider, while those ages 65 or older receive a minimum discount of \$12.35 per customer, per month. Illinois provides no state discount.

In Wisconsin, the Commission in its interim Order adopted all technologies outlined in 47 CFR § 54.401. ([PSC REF#: 338212.](#)) In Illinois, Minnesota, and Michigan the federal discount applies to all technologies; the state discount in Minnesota and Michigan applies to landlines only.

Telecommunications Equipment Purchase Program (TEPP)

TEPP is an equipment distribution program that provides access to telecommunications for people with disabilities. TEPP provides vouchers to purchase specialized telecommunications equipment from authorized vendors, who are reimbursed for the cost of the

¹⁰ Wisconsin Admin. Code § PSC 160.062(2) and (2g).

equipment, up to the value of the voucher. Voucher amounts vary depending on the disability category, and broadly reflect the cost of equipment used to access telecommunications by people in that category.

The following compares Wisconsin's Lifeline program with Iowa, Illinois, and Minnesota using the following characteristics: the ultimate equipment owner, the costs covered by the program, and the types of disabilities eligible under the program.

In Wisconsin, Iowa, and Illinois, the ultimate equipment owner is the customer while in Minnesota, the equipment is loaned to customers who may swap out equipment. The program in Wisconsin covers costs equal to, or less than, the amount of the equipment voucher¹¹. A \$100 co-pay is required for all categories except Hard of Hearing. In Iowa, Illinois, and Minnesota, the program covers 95 to 100 percent of the equipment cost. Wisconsin's program covers people with hearing, speech, and mobility disabilities. In Iowa, Illinois, and Minnesota, customers with hearing and speech disabilities are eligible, while Minnesota also includes people with physical disabilities.

H. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen

No factual data or methodologies were relied upon. The rule changes align Wisconsin Admin Code ch. PSC 160 with FCC federal standards and clarify other provisions of PSC 160 pertaining to Telecommunications Equipment Purchase Program (TEPP) vouchers.

¹¹ TEPP equipment voucher amounts, Wisconsin Admin. Code § PSC 160.071(1m)(b).

I. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report

The Commission's fiscal estimate and economic impact analysis determined that the proposed rules will not have an economic effect on small businesses. The Commission sought input from the Universal Service Fund (USF) Council, comprised of members of the telecommunications industry, solicited public comments from telecommunications carriers and all community-based and public agencies working with stakeholder groups, including W-2 agencies, Aging and Disability Resource Centers, and county and Tribal health agencies.

J. Effect on Small Business (initial regulatory flexibility analysis)

These rules will not have an economic impact on small businesses. There are no new reporting or bookkeeping requirements created under the rules. Existing Universal Service Fund (USF) rules may have an effect on small telecommunications utilities, which are small businesses under Wisconsin Stat. § 196.216 for the purposes of Wisconsin Stat. § 227.114. For the current USF rules, the Commission has already established exemptions and exceptions from the components of Wisconsin Admin. Code ch. PSC 160 which may have an effect on small business, which include the following exemptions and exceptions described below.

USF Assessment Obligations

The Commission assesses providers operating in Wisconsin for the USF based on intrastate revenues. In Wisconsin Admin Code § PSC 160.18 (1), the Commission established an exemption from fund assessments to protect entry by, and continued operation of, small telecommunications providers as directed by statutory objectives. Under Wisconsin Admin. Code § PSC 160.01 (2) (b), the Commission may give individual consideration to unusual

situations and may adopt different requirements for particular telecommunications providers. Small businesses can request that the Commission provide an exception to a rule requirement.

Additionally, while assessment obligations present an apparent cost, assessment charges are paid by customers, collected by the provider, and paid to the state USF program through a monthly invoicing process. The cost to the business is primarily realized through staff time and facility costs, which are not impacted by the proposed rule changes.

ETC Participation in the Lifeline program

The businesses primarily impacted by the changes in the proposed rule revision are providers who voluntarily apply to be designated as ETCs. The rule revision aligns Wisconsin Admin. Code ch. PSC 160 with rules established by the Federal Communications Commission in 2016. The changes in the proposed rules codify existing practices without an associated financial impact. Additionally, as the hallmark of the Lifeline program, the USF programs fully reimburse ETCs for discounts provided to customers.

TEPP

Specialized equipment vendors may be small businesses under Wisconsin Stat. § 196.216 for the purposes of Wisconsin Stat. § 227.114. Vendors who participate in TEPP work with customers to identify and purchase the appropriate equipment. This rulemaking proposes an administrative efficiency that recognizes specialized telecommunications equipment to access the internet and does not impose additional reporting or other requirements on vendors.

Therefore, there are no anticipated impacts on these small businesses.

K. Agency Contact Person

Questions regarding this matter should be directed to the docket coordinator Holly O'Higgins, at (608) 267-9486 or Holly.OHiggins@wisconsin.gov. Small business questions

should be directed to Tara Pray at (608) 266-7165 or Tara.Pray@wisconsin.gov. Media questions should be directed to the Communications Director Jerel Ballard at (608) 266-9600.

L. Place Where Comments are to be Submitted and Deadline for Submission

A hearing notice, announcing a preliminary public hearing on the statement of scope, was published on the Commission's website on May 16, 2019 and in the Wisconsin Administrative Register on May 28, 2019. An in-person hearing was held on June 5, 2019. The Commission accepted comments by regular mail, online, and at the public hearing. The public comment period for online and mailed comments ended on June 4, 2019. The public had the opportunity make oral comments at the hearing.

A hearing notice, announcing the public hearing and public comment period, was published on Commission's website on February 26, 2021 and was published in the Wisconsin Administrative Register on March 1, 2021. A virtual public hearing was held on April 5, 2021. The Commission accepted comments by regular mail, online, and at the public hearing. The public comment period ended on April 8, 2021.

Dated at Madison, Wisconsin, the 6th day of May, 2021.

By the Commission:

A handwritten signature in black ink that reads "Steffany Powell Coker". The signature is written in a cursive, flowing style.

Steffany Powell Coker
Secretary to the Commission

Appendix A

TEXT OF PROPOSED RULE

Section 1. PSC 160.02 (8) is amended to read:

PSC 160.02 (8) “Disability” means a physical, cognitive, or sensory impairment that limits or curtails an individual’s ability to use telecommunications services or equipment, or both.

Section 2. PSC 160.02 (21) (intro.), (a), and (b) are amended to read:

PSC 160.02 (21) (intro.) “Low-income²² customer” means a household that meets ~~one~~ all of the following criteria:

PSC 160.02 (21) (a) ~~Receives benefits from one or more of the following programs:~~ Meets the definition of “qualified low-income consumer” as provided in 47 CFR 54.409, as of December 2, 2016.

~~1. Wisconsin works under ss. 49.141 to 49.162, Stats.~~

~~2. Medical assistance under 42 USC 1396 et seq.~~

~~3. Supplemental security income under 42 USC 1381 to 1383.~~

~~4. Food stamps under 7 USC 2011 to 2029.~~

~~5. The low income household energy assistance program under s. 16.27, Stats.~~

~~6. Unless the provider is a federal only ETC, Wisconsin homestead tax credit under ss. 71.51 to 71.55, Stats.~~

~~7. BadgerCare Plus programs under s. 49.471, Stats., consistent with the income limits in subd. 11.~~

~~8. SeniorCare 1 and 2a under s. 49.688, Stats.~~

~~9. The national school lunch program's free lunch program.~~

~~10. Temporary assistance for needy families, other than Wisconsin works under ss. 49.141 to 49.161, Stats.~~

~~11. As approved by the commission, other state or federally administered programs for households with income levels less than or equal to 200% of the poverty line as defined in 42 USC 9902 (2).~~

PSC 160.02 (21) (b) The customer's income, ~~as defined in 47 CFR 54.400 (f)~~ is at or below 135% of the federal poverty guidelines, as defined in 47 CFR 54.400 (f), as of February, 8, 2021.

Section 3. PSC 160.02 (21) (a) 1. (Note), 4. (Note), and 11. (Note) are repealed.

Section 4. PSC 160.02 (21) (c) is repealed.

Section 5. PSC 160.02 (21) (Note) is created to read:

PSC 160.02 (21) (Note) Note: Specific versions of the federal regulations referenced in this section are reproduced at appendix 1 of this chapter: 47 CFR 54.409 and 47 CFR 54.400 (f).

Section 6. PSC 160.02 (22m) and (Note) are created to read:

PSC 160.02 (22m) “National Lifeline Eligibility Verifier” or “National Verifier” means an electronic and manual system with associated functions, processes, policies and procedures, to facilitate the determination of eligibility for the Lifeline program as described in 47 CFR 54.400 (o), as of February 8, 2021.

PSC 160.02 (22m) (Note) Note: As of July 15, 2020, Wisconsin uses the National Verifier for all eligibility determinations and re-certification of Lifeline subscribers, and any other associated functions, processes, policies and procedures. Specific versions of the federal regulations referenced in this section are reproduced in appendix 1 of this chapter: 47 CFR 54.400 (o).

Section 7. PSC 160.02 (28) is amended to read:

PSC 160.02 (28) ~~“Two-line~~ “Two-line hearing carryover” means the technique of using ~~3-way calling and 2~~ two telephone lines, one for listening hearing and one for text, to connect a hearing caller with a Speech Disability who is speech impaired with another caller via the telecommunications relay service or with a specialized telephone.

Section 8. PSC 160.02 (29) is amended to read:

PSC 160.02 (29) ~~“Two-line~~ “Two-line voice carryover” means the technique of using ~~3-way calling and 2~~ two telephone lines, one for voice and one for text, to connect a caller who is ~~deaf Deaf or hard Hard of hearing~~ Hearing using their voice to speak, but can speak, with another caller via the telecommunications relay service or with a specialized telephone.

Section 9. PSC 160.06 (1) (a) is amended to read:

PSC 160.06 (1) (a) LOW-INCOME ASSISTANCE ELIGIBILITY. All ETCs shall verify an applicant's eligibility for low-income assistance programs with a query of the National Verifier. All ETCs shall follow the process as provided under 47 CFR 54.410, as of October 13, 2020. by making timely queries of the applicable databases of the Wisconsin department of health services, the Wisconsin department of revenue, or other government agencies designated by the commission. An ETC shall verify an applicant's eligibility by finding the applicant to be any of the following:

- ~~1. An active client of at least one of the programs listed in s. PSC 160.02 (21) (a).~~
- ~~2. A member of the active client's household whose low income qualifies the client for benefits under at least one of the programs listed in s. PSC 160.02 (21) (a).~~
- ~~3. At an income level that meets the conditions in s. PSC 160.02 (21) (b).~~
- ~~4. At an income level that meets the conditions of any other federal low income eligibility criteria.~~

Section 10. PSC 160.06 (1) (b) and (c) are repealed.

Section 11. PSC 160.06 (1) (a) (Note) is created to read:

PSC 160.06 (1) (a) (Note) Note: Specific versions of the federal regulations referenced in this section are reproduced at appendix 1 of this chapter: 47 CFR 54.410.

Section 12. PSC 160.06 (2) (title) is amended to read:

PSC 160.06 (2) (title) ELIGIBILITY REVERIFICATION RE-CERTIFICATION.

Section 13. PSC 160.06 (2) is amended to read:

PSC 160.06 (2) ~~An eligible telecommunications carrier shall reverify eligibility on at least an annual basis for all customers receiving lifeline assistance. The eligible telecommunications carrier shall first attempt to reverify eligibility by making timely queries of the applicable databases of the Wisconsin department of health services, the Wisconsin department of revenue, or other government agencies designated by the~~

~~commission.~~ The National Verifier conducts the re-certification process for customers receiving lifeline assistance as provided under 47 CFR 54.410 (f), as of October 13, 2020.

Section 14. PSC 160.06 (2) (Note) is created to read:

PSC 160.06 (2) (Note) Note: Specific versions of the federal regulations referenced in this section are reproduced at appendix 1 of this chapter: 47 CFR 54.410.

Section 15. PSC 160.06 (4) and (5) are repealed.

Section 16. PSC 160.062 (1g) is amended to read:

PSC 160.062 (1g) APPLICABILITY. An eligible telecommunications carrier may apply the lifeline adjustment under sub. (2g) to any residential service ~~that includes voice service, including bundles of voice and data services, and bundles that include optional calling features such as caller identification, call waiting, voice mail and three way calling.~~ described in 47 CFR 54.400 (l) and (m), as of February 8, 2021.

Section 17. PSC 160.062 (1g) (Note) is created to read:

PSC 160.062 (1g) (Note) Note: Specific versions of the federal regulations referenced in this section are reproduced at appendix 1 of this chapter: 47 CFR 54.400 (l) and (m).

Section 18. PSC 160.062 (1r) (a) is amended to read:

PSC 160.062 (1r) (a) ELIGIBILITY. All eligible telecommunications carriers shall offer to all qualified low-income customers a lifeline adjustment to the customer's rate for ~~either of the following:~~ any residential service under sub. (1g).

- ~~1. Essential telecommunications service, whether stand alone or as part of a service package.~~
- ~~2. Internet access, if the customer demonstrates that, because of his or her disability other than cognitive impairment, certified under s. PSC 160.071 (1), the customer requires internet access that is adequate to support service that is substitutable for and comparable to essential telecommunications service.~~

Section 19. PSC 160.062 (1r) (a) 2. (Note 1) and (Note 2) are repealed.

Section 20. PSC 160.062 (1r) (b) is amended to read:

PSC 160.062 (1r) (b) An ETC ~~taking an application enrolling~~ a customer for the lifeline program shall do the following: follow the processes described in 47 CFR 54.404 (b) and (c), as of October 13, 2020.

- ~~1. Unless the ETC uses a state or federal duplication prevention database, ask the applicant if he or she is currently receiving a lifeline adjustment on any other line.~~
- ~~2. Require the applicant to certify that he or she is not currently receiving a lifeline adjustment on any other line or from any other provider.~~
- ~~3. Only offer and apply the lifeline adjustment on one line.~~
- ~~4. Ensure that any federal requirements about lifeline are met.~~

Section 21. PSC 160.062 (1r) (b) 4. (Note) is repealed.

Section 22. PSC 160.062 (1r) (b) (Note) is created to read:

PSC 160.062 (1r) (b) (Note) Note: Specific versions of the federal regulations referenced in this section are reproduced at appendix 1 of this chapter: 47 CFR 54.404.

Section 23. PSC 160.062 (1r) (c) is repealed.

Section 24. PSC 160.062 (4) is amended:

PSC 160.062 (4) TERMINATION AND NOTICE OF IMPENDING TERMINATION. Providers shall follow the provisions of 47 CFR 54.405 (e), as of December 2, 2016, to terminate lifeline enrollment. ~~The provider shall query the state database used to verify the customer's eligibility in order to obtain information about whether the customer is still eligible according to that database. If that database indicates that the customer is no longer eligible, the ETC shall follow the de-enrollment procedures in 47 CFR 54.405 (e). The ETC shall send the notice separately from the customer's regular monthly bill, if one is provided. The notice shall state the termination date and shall provide information about how to demonstrate continued eligibility.~~

Section 25. PSC 160.062 (4) (Note) is created to read:

PSC 160.062 (4) (Note) Note: Specific versions of the federal regulations referenced in this section are reproduced at appendix 1 of this chapter: 47 CFR 54.405.

Section 26. PSC 160.071 (1m) (a) is repealed:

Section 27. PSC 160.071 (1m) (b) is amended to read:

PSC 160.071 (1m) (b) TELECOMMUNICATIONS EQUIPMENT PURCHASE PROGRAM. Vouchers shall be limited to the following amounts by category of disability:

1. \$100 for ~~hard~~ Hard of ~~hearing~~ Hearing.
2. \$800 for ~~deaf and~~ Severely Hard of Hearing or ~~severely hard of hearing~~ Deaf.
3. \$1,600 for a ~~speech~~ Speech ~~impaired~~ Disability.
4. \$1,600 for a ~~mobility~~ Mobility or ~~motion~~ Motion ~~impaired~~ Disability.
5. \$2,500 for ~~severely~~ Severely ~~hard~~ Hard of ~~hearing~~ Hearing = and ~~low~~ Low ~~vision~~ Vision or ~~deaf~~ Deaf = and ~~low~~ Low ~~vision~~ Vision.
6. \$7,200 for ~~severely~~ Severely ~~hard~~ Hard of ~~hearing~~ Hearing = and ~~blind~~ Blind or ~~deaf~~ Deaf – ~~blind~~ Blind.

Section 28. PSC 160.071 (1m) (L) 2. is amended to read:

PSC 160.071 (1m) (L) 2. The commission staff and fund administrator may include equipment that can be used to access the internet for telecommunications service on the list of equipment available to individuals in the categories under par. (b) ~~3~~2. to 6. Internet access equipment includes a personal computing device and necessary software, but does not include customer premises wiring, telephone or cable access lines, or telecommunications services.

Section 29. PSC 160.071 (6m) (a) 1. and 2. are amended to read:

PSC 160.071 (6m) (a) 1. A ~~hearing-impaired~~ customer with a Hearing Disability who ~~is able~~ requires access and chooses to use ~~2-line~~ two-line voice carryover.

PSC 160.071 (6m) (a) 2. A ~~speech-impaired~~ customer with a Speech Disability who ~~is able~~ requires access and chooses to use ~~2-line~~ two-line hearing carryover.

Section 30. Effective Date. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro).

Chapter PSC 160
APPENDIX 1

**FEDERAL REGULATIONS AND PROCEDURES ADOPTED BY THE PUBLIC SERVICE
COMMISSION OF WISCONSIN**

Part 54. Universal Service, Subpart E — Universal Service Support for Low-Income Consumers

47 CFR 54.400	Terms and definitions
47 CFR 54.404	The National Lifeline Accountability Database
47 CFR 54.405	Carrier obligation to offer Lifeline
47 CFR 54.407	Reimbursement for offering Lifeline
47 CFR 54.409	Consumer Qualifications for Lifeline
47 CFR 54.410	Subscriber eligibility determination and certification
47 CFR 54.416	Annual certifications by eligible telecommunications carriers

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission’s (FCC) Third Lifeline Modernization Order¹² issued on April 27, 2016 modified the list of programs that qualify individuals for federal Lifeline support, removed state-specific programs and income eligibility criteria for federal Lifeline support, and created a National Verifier for Lifeline eligibility verification. This Lifeline Order required the Public Service Commission to revise Wisconsin Admin Code ch. PSC 160 to align with federal Lifeline eligibility requirements. As of July 15, 2020, Wisconsin uses the Lifeline National Eligibility Verifier (National Verifier) for all eligibility determinations and re-certification of Lifeline subscribers and any other associated functions and processes. 45 CFR §§ 54.400, 54.404, 54.405, 54.407, 54.409, 54.410, and 54.416 prescribe Lifeline income eligibility criteria and use of the National Verifier and processes and policies for Eligible Telecommunications Carriers (ETCs) to use related to the Lifeline program.

§ 54.400 Terms and definitions.

As used in this subpart, the following terms shall be defined as follows:

- (a) Qualifying low-income consumer. A “qualifying low-income consumer” is a consumer who meets the qualifications for Lifeline, as specified in § 54.409.

- (e) Eligible resident of Tribal lands. An “eligible resident of Tribal lands” is a “qualifying low-income consumer,” as defined in paragraph (a) of this section, living on Tribal lands. For purposes of this subpart, “Tribal lands” include any federally recognized Indian tribe’s reservation, pueblo, or colony, including former reservations in Oklahoma; Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688); Indian allotments; Hawaiian Home Lands—areas held in trust for Native Hawaiians by the state of Hawaii, pursuant to the Hawaiian Homes Commission Act, 1920 July 9, 1921, 42 Stat. 108, et. seq., as amended; and any land designated as such by the Commission for purposes of this subpart pursuant to the designation process in § 54.412.

- (f) Income. “Income” means gross income as defined under section 61 of the Internal Revenue Code, 26 U.S.C. 61, for all members of the household. This means all income actually received by all members of the household from whatever source derived, unless specifically excluded by the Internal Revenue Code, Part III of Title 26, 26 U.S.C. 101 et seq.

¹² Third Report and Order, Further Report and Order, and Order on Reconsideration, *Lifeline and Link Up Reform and Modernization*, FCC 16-38, 31 FCC Rcd. 3962 (2016) (*Lifeline Order*).

(l) Broadband Internet access service. “Broadband Internet access service” is defined as a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up service.

(m) Voice telephony service. “Voice telephony service” is defined as voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying low-income consumers as provided in subpart E of this part.

(o) National Lifeline Eligibility Verifier. The “National Lifeline Eligibility Verifier” or “National Verifier” is an electronic and manual system with associated functions, processes, policies and procedures, to facilitate the determination of consumer eligibility for the Lifeline program, as directed by the Commission.

§ 54.404 The National Lifeline Accountability Database.

(a) State certification. An eligible telecommunications carrier operating in a state that provides an approved valid certification to the Commission in accordance with this section is not required to comply with the requirements set forth in paragraphs (b) and (c) of this section with respect to the eligible telecommunications carriers' subscribers in that state. A valid certification must include a statement that the state has a comprehensive system in place to prevent duplicative federal Lifeline support that is at least as robust as the system adopted by the Commission and that incorporates information from all eligible telecommunications carriers receiving low-income support in the state and their subscribers. A valid certification must also describe in detail how the state system functions and for each requirement adopted by the Commission to prevent duplicative support, how the state system performs the equivalent functions. The certification must be submitted to the Commission no later than six months from the effective date of this section of the Commission's rules to be valid. Such certification will be considered approved unless the Wireline Competition Bureau rejects the certification within 90 days of filing.

(b) The National Lifeline Accountability Database. In order to receive Lifeline support, eligible telecommunications carriers operating in states that have not provided the Commission with approved valid certification pursuant to paragraph (a) of this section must comply with the following requirements:

(1) All eligible telecommunications carriers must query the National Lifeline Accountability Database to determine whether a prospective subscriber who has executed a certification pursuant to § 54.410(d) is currently receiving a Lifeline service from another eligible telecommunications carrier; and whether anyone else living at the prospective subscriber's residential address is currently receiving a Lifeline service.

(2) If the Database indicates that a prospective subscriber, who is not seeking to port his or her telephone number, is currently receiving a Lifeline service, the eligible telecommunications carrier must not provide and shall not seek or receive Lifeline reimbursement for that subscriber.

(3) If the Database indicates that another individual at the prospective subscriber's residential address is currently receiving a Lifeline service, the eligible telecommunications carrier must not seek and will not receive Lifeline reimbursement for providing service to that prospective subscriber, unless the prospective subscriber has certified, pursuant to § 54.410(d), that to the best of his or her knowledge, no one in his or her household is already receiving a Lifeline service. This certification may be collected by the eligible telecommunications carrier prior to initial enrollment, but the certification shall not be recorded in the Database unless the eligible telecommunications carrier receives a notification from the Database or state administrator that another Lifeline subscriber resides at the same address as the prospective subscriber.

(4) An eligible telecommunications carrier is not required to comply with paragraphs (b)(1) through (3) of this section if it receives notice from a state Lifeline administrator or other state agency that the administrator or other agency has queried the Database about a prospective subscriber and that providing the prospective subscriber with a Lifeline benefit would not result in duplicative support.

(5) Eligible telecommunications carriers may query the Database only for the purposes provided in paragraphs (b)(1) through (b)(3) of this section, and to determine whether information with respect to its subscribers already in the Database is correct and complete.

(6) Eligible telecommunications carriers must transmit to the Database in a format prescribed by the Administrator each new and existing Lifeline subscriber's full name; full residential address; date of birth and the last four digits of the subscriber's Social Security number or Tribal Identification number, if the subscriber is a member of a Tribal nation and does not have a Social Security number; the telephone number associated with the Lifeline service; the date on which the Lifeline service was initiated; the date on which the Lifeline service was terminated, if it has been terminated; the amount of support being sought for that subscriber; and the means through which the subscriber qualified for Lifeline.

(7) In the event that two or more eligible telecommunications carriers transmit the information required by this paragraph to the Database for the same subscriber, only the eligible telecommunications carrier whose information was received and processed by the Database first, as determined by the Administrator, will be entitled to reimbursement from the Fund for that subscriber.

(8) All eligible telecommunications carriers must update an existing Lifeline subscriber's information in the Database within ten business days of receiving any change to that information, except as described in paragraph (b)(10) of this section.

(9) All eligible telecommunications carriers must obtain, from each new and existing subscriber, consent to transmit the subscriber's information. Prior to obtaining consent, the eligible telecommunications carrier must describe to the subscriber, using clear, easily understood language, the specific information being transmitted, that the information is being transmitted to the Administrator to ensure the proper administration of the Lifeline program, and that failure to provide consent will result in subscriber being denied the Lifeline service.

(10) When an eligible telecommunications carrier de-enrolls a subscriber, it must transmit to the Database the date of Lifeline service de-enrollment within one business day of de-enrollment.

(11) All eligible telecommunications carriers must securely retain subscriber documentation that the ETC reviewed to verify subscriber eligibility, for the purposes of production during audits or investigations or to the extent required by NLAD processes, which require, inter alia, verification of eligibility, identity, address, and age.

(12) An eligible telecommunications carrier must not enroll or claim for reimbursement a prospective subscriber in Lifeline if the National Lifeline Accountability Database or National Verifier cannot verify the identity of the subscriber or the subscriber's status as alive, unless the subscriber produces documentation to demonstrate his or her identity and status as alive.

(c) Tribal Link Up and the National Lifeline Accountability Database. In order to receive universal service support reimbursement for Tribal Link Up, eligible telecommunications carriers operating in states that have not provided the Commission with a valid certification pursuant to paragraph (a) of this section, must comply with the following requirements:

(1) Such eligible telecommunications carriers must query the Database to determine whether a prospective Link Up recipient who has executed a certification pursuant to § 54.410(d) has previously received a Link Up benefit at the residential address provided by the prospective subscriber.

(2) If the Database indicates that a prospective subscriber has received a Link Up benefit at the residential address provided by the subscriber, the eligible telecommunications provider must not seek Link Up reimbursement for that subscriber.

(3) An eligible telecommunications carrier is not required to comply with paragraphs (c)(1) through (c)(2) of this section, if it receives notice from a state Lifeline administrator or other state agency that the administrator or other agency has queried the Database about a prospective subscriber and that providing the prospective subscriber with a Link Up benefit would not result in duplicative support or support to a subscriber who had already received Link Up support at that residential address.

(4) All eligible telecommunications carriers must transmit to the Database in a format prescribed by the Administrator each new and existing Link Up recipient's full name; residential address; date of birth; and the last four digits of the subscriber's Social Security number, or Tribal identification number if the subscriber is a member of a Tribal nation and does not have a Social Security number; the telephone number associated with the Link Up support; and the date of service activation. Where two or more eligible telecommunications carriers transmit the information required by this paragraph to the Database for the same subscriber, only the eligible telecommunications carrier whose information was received and processed by the Database first, as determined by the Administrator, will be entitled to reimbursement from the Fund for that subscriber.

(5) All eligible telecommunications carriers must obtain, from each new and existing subscriber, consent to transmit the information required in paragraph (c) of this section. Prior to obtaining consent, the eligible telecommunications carrier must describe to the subscriber, using clear, easily understood language, the specific information being transmitted, that the information is being transmitted to the Administrator to ensure the proper administration of the Link Up program, and that failure to provide consent will result in the subscriber being denied the Link Up benefit.

§ 54.405 Carrier obligation to offer Lifeline.

All eligible telecommunications carriers must:

- (a) Make available Lifeline service, as defined in § 54.401, to qualifying low-income consumers.
- (b) Publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.
- (c) Indicate on all materials describing the service, using easily understood language, that it is a Lifeline service, that Lifeline is a government assistance program, the service is non-transferable, only eligible consumers may enroll in the program, and the program is limited to one discount per household. For the purposes of this section, the term “materials describing the service” includes all print, audio, video, and web materials used to describe or enroll in the Lifeline service offering, including application and certification forms.
- (d) Disclose the name of the eligible telecommunications carrier on all materials describing the service.
- (e) De-enrollment—

(1) De-enrollment generally. If an eligible telecommunications carrier has a reasonable basis to believe that a Lifeline subscriber no longer meets the criteria to be considered a qualifying low-income consumer under § 54.409, the carrier must notify the subscriber of impending termination of his or her Lifeline service. Notification of impending termination must be sent in writing separate

from the subscriber's monthly bill, if one is provided, and must be written in clear, easily understood language. A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination that requires, at a minimum, written notification of impending termination, must comply with the applicable state requirements. The carrier must allow a subscriber 30 days following the date of the impending termination letter required to demonstrate continued eligibility. A subscriber making such a demonstration must present proof of continued eligibility to the carrier consistent with applicable annual re-certification requirements, as described in § 54.410(f). An eligible telecommunications carrier must de-enroll any subscriber who fails to demonstrate eligibility within five business days after the expiration of the subscriber's time to respond. A carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination must comply with the applicable state requirements.

(2) De-enrollment for duplicative support. Notwithstanding paragraph (e)(1) of this section, upon notification by the Administrator to any eligible telecommunications carrier that a subscriber is receiving Lifeline service from another eligible telecommunications carrier or that more than one member of a subscriber's household is receiving Lifeline service and therefore that the subscriber should be de-enrolled from participation in that carrier's Lifeline program, the eligible telecommunications carrier must de-enroll the subscriber from participation in that carrier's Lifeline program within five business days. An eligible telecommunications carrier shall not be eligible for Lifeline reimbursement for any de-enrolled subscriber following the date of that subscriber's de-enrollment.

(3) De-enrollment for non-usage. Notwithstanding paragraph (e)(1) of this section, if a Lifeline subscriber fails to use, as "usage" is defined in § 54.407(c)(2), for 30 consecutive days a Lifeline service that does not require the eligible telecommunications carrier to assess and collect a monthly fee from its subscribers, an eligible telecommunications carrier must provide the subscriber 15 days' notice, using clear, easily understood language, that the subscriber's failure to use the Lifeline service within the 15-day notice period will result in service termination for non-usage under this paragraph. Eligible telecommunications carriers shall report to the Commission annually the number of subscribers de-enrolled for non-usage under this paragraph. This de-enrollment information must be reported by month and must be submitted to the Commission at the time an eligible telecommunications carrier submits its annual certification report pursuant to § 54.416.

(4) De-enrollment for failure to re-certify. Notwithstanding paragraph (e)(1) of this section, an eligible telecommunications carrier must de-enroll a Lifeline subscriber who does not respond to the carrier's attempts to obtain re-certification of the subscriber's continued eligibility as required by § 54.410(f); or who fails to provide the annual one-per-household re-certifications as required by § 54.410(f). Prior to de-enrolling a subscriber under this paragraph, the eligible telecommunications carrier must notify the subscriber in writing separate from the subscriber's monthly bill, if one is provided, using clear, easily understood language, that failure to respond to the re-certification request will trigger de-enrollment. A subscriber must be given 60 days to respond to recertification efforts. If a subscriber does not respond to the carrier's notice of impending de-enrollment, the carrier must de-enroll the subscriber from Lifeline within five business days after the expiration of the subscriber's time to respond to the re-certification efforts.

(5) De-enrollment requested by subscriber. If an eligible telecommunications carrier receives a request from a subscriber to de-enroll, it must de-enroll the subscriber within two business days after the request.

§ 54.407 Reimbursement for offering Lifeline.

(c) An eligible telecommunications carrier offering a Lifeline service that does not require the eligible telecommunications carrier to assess and collect a monthly fee from its subscribers:

(1) Shall not receive universal service support for a subscriber to such Lifeline service until the subscriber activates the service by whatever means specified by the carrier, such as completing an outbound call; and

(2) After service activation, an eligible telecommunications carrier shall only continue to receive universal service support reimbursement for such Lifeline service provided to subscribers who have used the service within the last 30 days, or who have cured their non-usage as provided for in § 54.405(e)(3). Any of these activities, if undertaken by the subscriber, will establish “usage” of the Lifeline service:

- (i) Completion of an outbound call or usage of data;
- (ii) Purchase of minutes or data from the eligible telecommunications carrier to add to the subscriber's service plan;
- (iii) Answering an incoming call from a party other than the eligible telecommunications carrier or the eligible telecommunications carrier's agent or representative;
- (iv) Responding to direct contact from the eligible communications carrier and confirming that he or she wants to continue receiving Lifeline service; or
- (v) Sending a text message.

§ 54.409 Consumer qualifications for Lifeline.

(a) To constitute a qualifying low-income consumer:

- (1) A consumer's household income as defined in § 54.400(f) must be at or below 135% of the Federal Poverty Guidelines for a household of that size; or
- (2) The consumer, one or more of the consumer's dependents, or the consumer's household must receive benefits from one of the following federal assistance programs: Medicaid; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance; or Veterans and Survivors Pension Benefit.

(b) A consumer who lives on Tribal lands is eligible for Lifeline service as a “qualifying low-income consumer” as defined by § 54.400(a) and as an “eligible resident of Tribal lands” as defined by § 54.400(e) if that consumer meets the qualifications for Lifeline specified in paragraph (a) of this section or if the consumer, one or more of the consumer's dependents, or the consumer's household participates in one of the following Tribal-specific federal assistance programs: Bureau of Indian Affairs general assistance; Tribally administered Temporary Assistance for Needy Families; Head Start (only those households meeting its income qualifying standard); or the Food Distribution Program on Indian Reservations.

(c) In addition to meeting the qualifications provided in paragraph (a) or (b) of this section, in order to constitute a qualifying low-income consumer, a consumer must not already be receiving a Lifeline service, and there must not be anyone else in the subscriber's household subscribed to a Lifeline service.

§ 54.410 Subscriber eligibility determination and certification.

(a) All eligible telecommunications carriers must implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services. An eligible telecommunications carrier may not provide a consumer with an activated device that it represents enables use of Lifeline-supported service, nor may it activate service that it represents to be Lifeline service, unless and until it has:

- (1) Confirmed that the consumer is a qualifying low-income consumer pursuant to § 54.409, and;
- (2) Completed the eligibility determination and certification required by this section and §§ 54.404 through 54.405, and completed any other necessary enrollment steps.

(b) Initial income-based eligibility determination.

- (1) Except where the National Verifier, state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, when a prospective subscriber

seeks to qualify for Lifeline using the income-based eligibility criteria provided for in § 54.409(a)(1) an eligible telecommunications carrier:

(i) Must not seek reimbursement for providing Lifeline to a subscriber, unless the carrier has received a certification of eligibility from the prospective subscriber that complies with the requirements set forth in paragraph (d) of this section and has confirmed the subscriber's income-based eligibility using the following procedures:

(A) If an eligible telecommunications carrier can determine a prospective subscriber's income-based eligibility by accessing one or more databases containing information regarding the subscriber's income ("income databases"), the eligible telecommunications carrier must access such income databases and determine whether the prospective subscriber qualifies for Lifeline.

(B) If an eligible telecommunications carrier cannot determine a prospective subscriber's income-based eligibility by accessing income databases, the eligible telecommunications carrier must review documentation that establishes that the prospective subscriber meets the income-eligibility criteria set forth in § 54.409(a)(1). Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workers' Compensation statement of benefit; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information. If the prospective subscriber presents documentation of income that does not cover a full year, such as current pay stubs, the prospective subscriber must present the same type of documentation covering three consecutive months within the previous twelve months.

(ii) Must securely retain copies of documentation demonstrating a prospective subscriber's income-based eligibility for Lifeline consistent with § 54.417, except to the extent such documentation is retained by the National Verifier.

(2) Where the National Verifier, state Lifeline administrator, or other state agency is responsible for the initial determination of a subscriber's eligibility, an eligible telecommunications carrier must not seek reimbursement for providing Lifeline service to a subscriber, based on that subscriber's income eligibility, unless the carrier has received from the National Verifier, state Lifeline administrator, or other state agency:

(i) Notice that the prospective subscriber meets the income-eligibility criteria set forth in § 54.409(a)(1); and

(ii) If a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, a copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.

(iii) An eligible telecommunications carrier must securely retain all information and documentation provided by the state Lifeline administrator or other state agency consistent with § 54.417.

(c) Initial program-based eligibility determination.

(1) Except in states where the National Verifier, state Lifeline administrator, or other state agency is responsible for the initial determination of a subscriber's program-based eligibility, when a prospective subscriber seeks to qualify for Lifeline service using the program-based criteria set forth in § 54.409(a)(2) or (b), an eligible telecommunications carrier:

(i) Must not seek reimbursement for providing Lifeline to a subscriber unless the carrier has received a certification of eligibility from the subscriber that complies with the

requirements set forth in paragraph (d) of this section and has confirmed the subscriber's program-based eligibility using the following procedures:

(A) If the eligible telecommunications carrier can determine a prospective subscriber's program-based eligibility for Lifeline by accessing one or more databases containing information regarding enrollment in qualifying assistance programs ("eligibility databases"), the eligible telecommunications carrier must access such eligibility databases to determine whether the prospective subscriber qualifies for Lifeline based on participation in a qualifying assistance program; or
(B) If an eligible telecommunications carrier cannot determine a prospective subscriber's program-based eligibility for Lifeline by accessing eligibility databases, the eligible telecommunications carrier must review documentation demonstrating that a prospective subscriber qualifies for Lifeline under the program-based eligibility requirements. Acceptable documentation of program eligibility includes the current or prior year's statement of benefits from a qualifying assistance program, a notice or letter of participation in a qualifying assistance program, program participation documents, or another official document demonstrating that the prospective subscriber, one or more of the prospective subscriber's dependents or the prospective subscriber's household receives benefits from a qualifying assistance program.

(ii) Must securely retain copies of the documentation demonstrating a subscriber's program-based eligibility for Lifeline, consistent with § 54.417, except to the extent such documentation is retained by the National Verifier.

(2) Where the National Verifier, state Lifeline administrator, or other state agency is responsible for the initial determination of a subscriber's eligibility, when a prospective subscriber seeks to qualify for Lifeline service using the program-based eligibility criteria provided in § 54.409(a)(2) or (b), an eligible telecommunications carrier must not seek reimbursement for providing Lifeline to a subscriber unless the carrier has received from the National Verifier, state Lifeline administrator or other state agency:

(i) Notice that the subscriber meets the program-based eligibility criteria set forth in § 54.409(a)(2) or (b); and

(ii) If a state Lifeline administrator or other state agency is responsible for the initial determination of a subscriber's eligibility, a copy of the subscriber's certification that complies with the requirements set forth in paragraph (d) of this section.

(iii) An eligible telecommunications carrier must securely retain all information and documentation provided by the state Lifeline administrator or other state agency consistent with § 54.417.

(d) Eligibility certification form. Eligible telecommunications carriers and state Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber's eligibility for Lifeline must provide prospective subscribers Lifeline certification forms that provide the information in paragraphs (d)(1) through (3) of this section in clear, easily understood language. If a Federal eligibility certification form is available, entities enrolling subscribers must use such form to enroll a qualifying low-income consumer into the Lifeline program.

(1) The form provided by the entity enrolling subscribers must provide the information in paragraphs (d)(1)(i) through (vi) of this section:

(i) Lifeline is a federal benefit and that willfully making false statements to obtain the benefit can result in fines, imprisonment, de-enrollment or being barred from the program;

(ii) Only one Lifeline service is available per household;

- (iii) A household is defined, for purposes of the Lifeline program, as any individual or group of individuals who live together at the same address and share income and expenses;
 - (iv) A household is not permitted to receive Lifeline benefits from multiple providers;
 - (v) Violation of the one-per-household limitation constitutes a violation of the Commission's rules and will result in the subscriber's de-enrollment from the program; and
 - (vi) Lifeline is a non-transferable benefit and the subscriber may not transfer his or her benefit to any other person.
- (2) The form provided by the entity enrolling subscribers must require each prospective subscriber to provide the information in paragraphs (d)(2)(i) through (viii) of this section:
- (i) The subscriber's full name;
 - (ii) The subscriber's full residential address;
 - (iii) Whether the subscriber's residential address is permanent or temporary;
 - (iv) The subscriber's billing address, if different from the subscriber's residential address;
 - (v) The subscriber's date of birth;
 - (vi) The last four digits of the subscriber's social security number, or the subscriber's Tribal identification number, if the subscriber is a member of a Tribal nation and does not have a social security number;
 - (vii) If the subscriber is seeking to qualify for Lifeline under the program-based criteria, as set forth in § 54.409, the name of the qualifying assistance program from which the subscriber, his or her dependents, or his or her household receives benefits; and
 - (viii) If the subscriber is seeking to qualify for Lifeline under the income-based criterion, as set forth in § 54.409, the number of individuals in his or her household.
- (3) The form provided by the entity enrolling subscribers shall require each prospective subscriber to initial his or her acknowledgement of each of the certifications in paragraphs (d)(3)(i) through (viii) of this section individually and under penalty of perjury:
- (i) The subscriber meets the income-based or program-based eligibility criteria for receiving Lifeline, provided in § 54.409;
 - (ii) The subscriber will notify the carrier within 30 days if for any reason he or she no longer satisfies the criteria for receiving Lifeline including, as relevant, if the subscriber no longer meets the income-based or program-based criteria for receiving Lifeline support, the subscriber is receiving more than one Lifeline benefit, or another member of the subscriber's household is receiving a Lifeline benefit.
 - (iii) If the subscriber is seeking to qualify for Lifeline as an eligible resident of Tribal lands, he or she lives on Tribal lands, as defined in 54.400(e);
 - (iv) If the subscriber moves to a new address, he or she will provide that new address to the eligible telecommunications carrier within 30 days;
 - (v) The subscriber's household will receive only one Lifeline service and, to the best of his or her knowledge, the subscriber's household is not already receiving a Lifeline service;
 - (vi) The information contained in the subscriber's certification form is true and correct to the best of his or her knowledge,
 - (vii) The subscriber acknowledges that providing false or fraudulent information to receive Lifeline benefits is punishable by law; and
 - (viii) The subscriber acknowledges that the subscriber may be required to re-certify his or her continued eligibility for Lifeline at any time, and the subscriber's failure to re-certify as to his or her continued eligibility will result in de-enrollment and the termination of the subscriber's Lifeline benefits pursuant to § 54.405(e)(4).

(e) State Lifeline administrators or other state agencies that are responsible for the initial determination of a subscriber's eligibility for Lifeline must provide each eligible telecommunications carrier with a copy of each of the certification forms collected by the state Lifeline administrator or other state agency for that carrier's subscribers.

(f) Annual eligibility re-certification process.

(1) All eligible telecommunications carriers must annually re-certify all subscribers, except for subscribers in states where the National Verifier, state Lifeline administrator, or other state agency is responsible for the annual re-certification of subscribers' Lifeline eligibility.

(2) In order to re-certify a subscriber's eligibility, an eligible telecommunications carrier must confirm a subscriber's current eligibility to receive Lifeline by:

(i) Querying the appropriate eligibility databases, confirming that the subscriber still meets the program-based eligibility requirements for Lifeline, and documenting the results of that review; or

(ii) Querying the appropriate income databases, confirming that the subscriber continues to meet the income-based eligibility requirements for Lifeline, and documenting the results of that review.

(iii) If the subscriber's program-based or income-based eligibility for Lifeline cannot be determined by accessing one or more eligibility databases, then the eligible telecommunications carrier must obtain a signed certification from the subscriber confirming the subscriber's continued eligibility. If the subscriber's eligibility was previously confirmed through an eligibility database during enrollment or a prior recertification and the subscriber is no longer included in any eligibility database, the eligible telecommunications carrier must obtain both an Annual Recertification Form and documentation meeting the requirements of paragraph (b)(1)(i)(B) or (c)(1)(i)(B) from that subscriber to complete the process. Eligible telecommunications carriers must use the Wireline Competition Bureau-approved universal Annual Recertification Form, except where state law, state regulation, a state Lifeline administrator, or a state agency requires eligible telecommunications carriers to use state-specific Lifeline recertification forms.

(iv) In states in which the National Verifier has been implemented, the eligible telecommunications carrier cannot re-certify subscribers not found in the National Verifier by obtaining a certification form from the subscriber.

(3) Where the National Verifier, state Lifeline administrator, or other state agency is responsible for re-certification of a subscriber's Lifeline eligibility, the National Verifier, state Lifeline administrator, or state agency must confirm a subscriber's current eligibility to receive a Lifeline service by:

(i) Querying the appropriate eligibility databases, confirming that the subscriber still meets the program-based eligibility requirements for Lifeline, and documenting the results of that review; or

(ii) Querying the appropriate income databases, confirming that the subscriber continues to meet the income-based eligibility requirements for Lifeline, and documenting the results of that review.

(iii) If the subscriber's program-based or income-based eligibility for Lifeline cannot be determined by accessing one or more eligibility databases, then the National Verifier, state Lifeline administrator, or state agency must obtain a signed certification from the subscriber confirming the subscriber's continued eligibility. If the subscriber's eligibility was previously confirmed through an eligibility database during enrollment or a prior recertification and the subscriber is no longer included in any eligibility database, the National Verifier, state Lifeline administrator, or state agency must obtain both an approved Annual Recertification Form and documentation meeting the requirements of paragraph (b)(1)(i)(B) or (c)(1)(i)(B) from that subscriber to complete the certification

process. Entities responsible for re-certification under this section must use the Wireline Competition Bureau-approved universal Annual Recertification Form, except where state law, state regulation, a state Lifeline administrator, or a state agency requires eligible telecommunications carriers to use state-specific Lifeline recertification forms, or where the National Verifier Recertification Form is required.

(4) Where the National Verifier, state Lifeline administrator, or other state agency is responsible for re-certification of subscribers' Lifeline eligibility, the National Verifier, state Lifeline administrator, or other state agency must provide to each eligible telecommunications carrier the results of its annual re-certification efforts with respect to that eligible telecommunications carrier's subscribers.

(5) If an eligible telecommunications carrier is unable to re-certify a subscriber or has been notified by the National Verifier, a state Lifeline administrator, or other state agency that it is unable to re-certify a subscriber, the eligible telecommunications carrier must comply with the de-enrollment requirements provided for in § 54.405(e)(4).

(g) One-Per-Household Worksheet. If the prospective subscriber shares an address with one or more existing Lifeline subscribers according to the National Lifeline Accountability Database or National Verifier, the prospective subscriber must complete a form certifying compliance with the one-per-household rule upon initial enrollment. Eligible telecommunications carriers must fulfill the requirement in this paragraph (g) by using the Household Worksheet, as provided by the Wireline Competition Bureau. Where state law, state regulation, a state Lifeline administrator, or a state agency requires eligible telecommunications carriers to use state-specific Lifeline enrollment forms, eligible telecommunications carriers may use those forms in place of the Commission's Household Worksheet. At re-certification, if there are changes to the subscriber's household that would prevent the subscriber from accurately certifying to paragraph (d)(3)(vi) of this section, then the subscriber must complete a new Household Worksheet. Eligible telecommunications carriers must mark subscribers as having completed a Household Worksheet in the National Lifeline Accountability Database if and only if the subscriber shares an address with an existing Lifeline subscriber, as reported by the National Lifeline Accountability Database.

(h) National Verifier transition. As the National Verifier is implemented in a state, the obligations in paragraphs (b) through (g) of this section with respect to the National Verifier and eligible telecommunications carriers will also take effect.

§ 54.416 Annual certifications by eligible telecommunications carriers.

(a) Eligible telecommunications carrier certifications. Eligible telecommunications carriers are required to make and submit to the Administrator the following annual certifications, under penalty of perjury, relating to the Lifeline program:

(1) An officer of each eligible telecommunications carrier must certify that the carrier has policies and procedures in place to ensure that its Lifeline subscribers are eligible to receive Lifeline services. Each eligible telecommunications carrier must make this certification annually to the Administrator as part of the carrier's submission of annual re-certification data pursuant to this section. In instances where an eligible telecommunications carrier confirms consumer eligibility by relying on income or eligibility databases, as defined in § 54.410(b)(1)(i)(A) or (c)(1)(i)(A), the representative must attest annually as to what specific data sources the eligible telecommunications carrier used to confirm eligibility.

(2) An officer of the eligible telecommunications carrier must certify that the carrier is in compliance with all federal Lifeline certification procedures. Eligible telecommunications carriers must make this certification annually to the Administrator as part of the carrier's submission of re-certification data pursuant to this section.

(3) An officer of the eligible telecommunications carrier must certify that the carrier is in compliance with the minimum service levels set forth in § 54.408. Eligible telecommunications carriers must make this certification annually to the Administrator as part of the carrier's submission of re-certification data pursuant to this section.

(b) All eligible telecommunications carriers must annually provide the results of their re-certification efforts, performed pursuant to § 54.410(f), to the Commission and the Administrator. Eligible telecommunications carriers designated as such by one or more states pursuant to § 54.201 must also provide, on an annual basis, the results of their re-certification efforts to state commissions for subscribers residing in those states where the state designated the eligible telecommunications carrier. Eligible telecommunications carriers must also provide their annual re-certification results for subscribers residing on Tribal lands to the relevant Tribal governments.

(c) States that mandate Lifeline support may impose additional standards on eligible telecommunications carriers operating in their states to ensure compliance with state Lifeline programs.

(END OF TEXT OF RULE)
