

November 23, 2009

Via E-Mail and Hand Delivery

Luly E. Massaro
Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02888

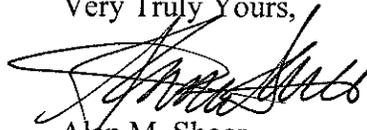
RE: Docket 4020

Dear Luly:

On behalf of Cox Rhode Island Telcom, LLC ("Cox"), please find an original and nine copies Comments of Cox Rhode Island Telcom, L.L.C.

Please let me know if you have any questions in regards to this filing.

Very Truly Yours,



Alan M. Shoer

cc: Robert Howley

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PUBLIC UTILITIES COMMISSION

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

**RULES AND REGULATIONS GOVERNING THE :
CERTIFICATION AND VERIFICATION PROCEDURES :
FOR TELECOMMUNICATIONS CARRIERS ELIGIBLE :
TO RECEIVE PAYMENTS FROM THE FEDERAL : DOCKET NO. 4020
UNIVERSAL SERVICE FUND AND CERTIFICATION :
AND VERIFICATION PROCESSES FOR COMPLIANCE :
WITH PROVIDING LIFELINE AND LINKUP SERVICE :**

**COMMENTS OF
COX RHODE ISLAND TELCOM, L.L.C.**

In response to the Commission’s Notice of October 23, 2009 (“Notice”), Cox Rhode Island Telcom, LLC (“Cox”) submits the following comments concerning the proposed rules that are before the Commission for approval.

I. INTRODUCTION

On December 8, 2008 Cox filed a petition with the Commission requesting Petition requesting that the Commission amend and update its certification and verification rules to implement the requirements established by the FCC's Report and Order and Further Notice of Proposed Rulemaking (FCC 04-87, released April 29, 2004).¹

Cox’s Petition sought a rule to allow Eligible Telecommunications Carriers (“ETCs”) such as Cox the option (authorized by the FCC) to certify, and to continue to verify the eligibility of customers seeking support from the “Lifeline” and “Link-Up” programs through the option of

¹ *Federal-State Joint Board on Universal Service Lifeline and Link-Up, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 18 FCC Rcd 8302 (2004)*(“Lifeline Order”)(a copy of the Order is provided with this filing as Attachment “A”).

using a statistical sampling method for purposes of the ETCs' required annual verification of continued eligibility of its Lifeline subscribers for support by the Universal Service Funding mechanism.²

Up to this point, and in the absence of additional rules for certification and verification of eligible customers, Cox has recertified its entire Lifeline customer base since 2005 by examining each of their Lifeline customers' individual eligibility, instead of taking a statistical sampling of its Lifeline customers. However, in light of Cox's growing Lifeline customer base, it is extremely costly and burdensome for Cox to examine each and every Lifeline customer.

Moreover, Cox was informed by the USAC administrator that the determination of whether Cox could instead evaluate a statistically valid sampling of its Lifeline customer base, pursuant to the FCC's Lifeline Order, was a matter for the State Commission to consider. However, the rules currently enacted in Rhode Island do not have any provisions with regard to on-going verification methods that ETCs may use.

Based on this response from the USAC, indicating that the Commission must authorize the verification procedures that will be allowed by ETCs, Cox sought relief with the Commission, requesting that the Commission establish that ETCs in Rhode Island may use the option to use a valid statistical sampling of Lifeline Subscribers for annual verification. Cox requested that the Commission consider amending its existing ETC Rules to allow for statistical sampling.

2 Certification occurs at the time an individual is applying to enroll in Lifeline and Link Up, while verification occurs on a periodic basis after the subscriber has already begun receiving discounted service.

II. THE PROPOSED RULES SHOULD BE ADOPTED BY THE COMMISSION TO IMPLEMENT THE PROCEDURES FOR CONTINUED VERIFICATION OF ELIGIBILITY

As summarized in the Notice, the proposed rules and regulations reflect the efforts of several months of review among the Commission, the Division, Verizon and Cox to propose a comprehensive rewrite and update of the currently effective regulations entitled “*Certification of Telecommunications Carriers as Eligible to Receive Payments from the Federal Universal Service Fund*” effective date July 10, 1998.³ The proposed rules continue to provide a process for telecommunications providers to demonstrate eligibility.

Furthermore, and specific to Cox’s concerns in its Petition, the proposed rules properly adopt and implement additional requirements pursuant to federal laws, specifically, the FCC Order issued on April 29, 2004 which requires that non-default states, such as Rhode Island, implement a procedure for ETCs to certify and verify customer eligibility and enrollment in Link-Up and Lifeline services in Rhode Island. Finally, the proposed rules also provide a process for ETCs to verify continued eligibility of customers through the option of statistical sampling, and to maintain records to demonstrate compliance with the federal law.

Cox points out that the proposed rules do not allow measured service customers to obtain ancillary features and services. This option was discussed during the meetings reviewing proposed drafts, and that was further commented on by the Division in its comments dated November 13, 2009 and at the public meeting on November 19, 2009. This provision relates to the proposed rule section IV(C) which restricts *measured* Lifeline customers from purchasing ancillary features or services (such as caller I.D., call waiting, etc). The Division suggests that *all* Lifeline customers (flat and measured) should have the opportunity to purchase these services from providers.

³ The rules and regulations implement the Telecommunications Act of 1996, specifically 47 U.S.C. §§ 151–760 which gives the Commission authority to certify and designate Eligible Telecommunication Carriers (ETC) to receive subsidies from the federal Universal Service Fund to provide lifeline services to eligible consumers.

