



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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Patrick C. Lynch, Attorney General

November 13, 2009

Luly Massaro, Clerk
Rhode Island Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

Re: Docket No. 4020

Dear Ms. Massaro,

Enclosed for filing with the Commission please find an original and nine (9) copies of the Division's Comments to proposed rules in the above matter.

Thank you for your attention to this matter.

Very truly yours,

Jon G. Hagopian
Special Assistant Attorney General

cc: Service List (e-mail only)



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Via Electronic Mail

Luly Massaro, Clerk
Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

Re: **Cox Rhode Island Telcom, LLC– Docket 4020;**
Petition Requesting Adoption of Rules

Dear Ms. Massaro:

The Division of Public Utilities and Carriers (“Division”) hereby submits the following comments related to the Petition of Cox Rhode Island Telcom, LLC’s (“Cox”) Petition requesting the Rhode Island Public Utilities Commission (the “Commission”) adopt certain federal certification and verification rules in furtherance of FCC Report and Order (FCC 04-87) (the “Order”).

On June 9, 1998, the Commission enacted rules and regulations mandating the procedure required for a carrier to gain designation as an Eligible Telecommunications Carrier (“ETC”) thus allowing such carriers to be eligible to receive Lifeline and Link Up funding for low income customers (the “Rules”).¹ The Commission recently proposed amendments to the Rules setting forth certification and verification procedures for customer participation in the Lifeline and Link Up programs (the “Draft Rules”).

The Divisions comments here are centered on the prohibition set-forth in section IV (C.) of the proposed rules, which entirely restricts measured Lifeline customers from purchasing ancillary features or services.

¹ Certification of Telecommunication Carriers As “Eligible” to Receive Payments from the Federal Universal Service Fund (Adopted by RIPUC June 9, 1998)(Effective July 10, 1998).

Luly Massaro
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The Division can conceive of situations where these ancillary features could mean the difference in obtaining employment, receiving medical treatment as well as carrying out other necessary day-to-day functions. The Division is also cognizant of the fact that, the sale of these ancillary features provides revenue-generating potential for service providers.

For the foregoing reasons the Division believes all Lifeline customers (both flat rate and measured) should be availed the opportunity to purchase ancillary features from service providers.

Thank you for your attention in this matter and if you should have any questions, please feel free to contact me.

Sincerely,

Thomas Ahern
Administrator
Division of Public Utilities and
Carriers

By his Attorney,

A handwritten signature in black ink, appearing to read "Jon G. Hagopian".

Jon G. Hagopian
Special Assistant Attorney General

Encl.

cc: Service list (email only)