



State of Rhode Island and Providence Plantations
 A. Ralph Mollis
 Secretary of State

Rules and Regulations Filing Form

1. Agency Name and Address

Public Utilities Commission
 89 Jefferson Blvd., Warwick, RI

2. Title of Rule

Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments From the Federal Universal Service Fund and Certification and Verification Processes for Compliance With Providing Lifeline and Linkup Service

3. Statutory Source of Authority

§§39-1-1 and 42-35-3

4. Concise Explanatory Statement – §42-35-2.3

The rules provide a process for certifying and designating telecommunications providers to be eligible to receive subsidies from the federal Universal Service Fund to provide lifeline services to eligible consumers. Also, implements a procedure for telecommunications providers to certify and verify customer eligibility and enrollment in Link-Up and Lifeline services in RI and comply with federal mandate.

5. Type of Filing

Emergency Rules	
A1. Emergency 120-day initial – §42-35-3(b)	A2. Emergency 90-day renewal – §42-35-3(b)
<input type="checkbox"/> Adoption	<input type="checkbox"/> Adoption
<input type="checkbox"/> Amendment of ERLID:	<input type="checkbox"/> Amendment
<input type="checkbox"/> Repeal of ERLID:	Indicate ERLID of 120-day initial:
Brief Statement of Reason for Finding Imminent Peril §42-35-3(b)(2):	

Final Rules			
<input type="checkbox"/> B1. Amendment	<input checked="" type="checkbox"/> B2. Adoption	<input type="checkbox"/> B3. Repeal	<input type="checkbox"/> C. Technical Revision
Supersedes ERLID:	Repeals ERLID:	Expires ERLID: 978	
If B1 or C, please indicate new, amended, deleted, or revised sections:			

6. Notice and Hearing Information

Date of Public Notice – §42-35-3(a)(1):10/23/2009
 Date of Public Hearing – §42-35-3(a)(2):11/19/2009
 End of Comment Period:11/23/2009

7. Agency Additional Information – Web Page

<http://www.ripuc.org/eventsactions/docket/4020page.html>

8. Certification

I hereby certify that the attached rules and regulations were adopted in accordance with the Administrative Procedures Act (42-35) and that they are true copies of this Department, attest,

July E. Massaro
 Name
Commission Clerk
 Title

Patricia J. Lucarelli
 Notary Publicly Commission Expires 4/7/10
 Subscribed and sworn before me
 this 12th day of January, 2010

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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 UNIVERSAL SERVICE FUND
AND
CERTIFICATION AND VERIFICATION PROCESSES
FOR COMPLIANCE WITH PROVIDING LIFELINE AND LINKUP SERVICE

Date of Public Notice: October 23, 2009

Date of Public Hearing: November 19, 2009

Effective Date: February 4, 2010

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**RULES AND REGULATIONS GOVERNING THE
CERTIFICATION AND VERIFICATION PROCEDURES FOR
TELECOMMUNICATIONS CARRIERS
ELIGIBLE TO RECEIVE PAYMENTS FROM
THE FEDERAL UNIVERSAL SERVICE FUND
AND
CERTIFICATION AND VERIFICATION PROCESSES FOR
COMPLIANCE WITH PROVIDING LIFELINE AND LINKUP SERVICE**

I. Introduction

On February 8, 1996, the Congress of the United States passed the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in 47 U.S.C. Secs. 151 - 760 ("Act"). The Act imposed new statutory responsibilities upon the Rhode Island Public Utilities Commission ("Commission"), including the responsibility to certify telecommunications, service providers as "eligible" to receive funds from the federal Universal Service Fund (47 U.S.C. Sec. 214(e)) and certain Low Income Programs that are set forth under federal law and programs related to the Federal Poverty Guidelines ("FPG").

Since 1998, Verizon and Cox Rhode Island Telcom, LLC have sought and received Eligible Telecommunication Carrier ("ETC") status in Rhode Island.

Other entities, including wireless carriers, seeking to provide local telephone service in the State of Rhode Island may seek certification if they meet the general terms and conditions provided in the Act and in applicable regulations of the Federal Communications Commission ("FCC").

On April 29, 2004, the FCC issued an Order applicable to all ETCs requiring certification and subsequent verification of customers eligible for Link-Up and Lifeline discounts. The Order also required ETCs in non-default states, such as Rhode Island, to

follow that state's certification and verification procedures. (18 FCC Rcd 8302 (2004)). These Rules and Regulations are intended to establish Rhode Island's certification and verification procedures for ETCs providing Lifeline and Link-Up services in Rhode Island.

II. Requirements for Telecommunications Services ("Required Services")

A. The following services must be offered if a common carrier wishes to be designated as an eligible telecommunications carrier:

1. Single-party service.
2. Voice grade access to the public switched network.
3. Dual-Tone Multi-Frequency Signaling or its functional equivalent
4. Access to emergency services (e.g., 911 and E911)
5. Access to operator services
6. Access to interexchange service
7. Access to directory assistance
8. Toll limitation for qualifying low-income consumers
9. Lifeline and Linkup service.

B. Carriers unable to provide single-party service, access to E911 service or toll limitation services may receive universal service support for specified periods under a waiver procedure. (See 47 C.F.R. Secs. 54.5 and 54.101(c)).

C. To promote the goal of universal service, eligible telecommunications carriers must participate in the federal Linkup program, as defined in 47 C.F.R. Secs. 54.411 and 54.415, and the Rhode Island Linkup program, as well as the federal and state Lifeline programs (47 C.F.R. Secs. 54.401, 54.405, and 54.409).

D. For all companies operating as public utilities or telecommunications carriers under operating authority granted by this Commission, dated prior to February 8, 1996, the company's service area will be defined by its petition for authorization, or will be the entire state if the company offers services outside its service area as it existed on February 7, 1996. To ensure that the benefits of competition extend to rural sections of the State, the service areas of all companies with operating authority dated February 8, 1996, or later, the service area shall be the entire state. Companies may provide the required services throughout their service areas using their own facilities, or a combination of their own facilities and resale of another carrier's services (47 U.S.C. Sec. 214(e)(1)(A)).

III. Contents of Petitions for Certification

All petitions for certification must demonstrate the following:

- a. That the company is an authorized telecommunications carrier under the laws of the State of Rhode Island;
- b. That the company provides all federally-required and state-required services throughout its service area, and so advertises them in media of general circulation;
- c. That the company offers Lifeline and Linkup services that fully comply with the Federal and State requirements;
- d. That, if the company cannot provide certain required services (notably E911 and toll limitation), it has adopted a plan to provide them by a date certain. This plan will be reviewed as part of the review of the petition, and must be acceptable to this Commission; and

IV. Eligibility for Enrolling in and Retaining Lifeline Discounts

A. Lifeline discounts shall be available to any residential customer who meets one of the following eligibility requirements:

1. Receiving supplemental social security income (“SSI”);
 2. Receiving aid under the Family Independence Program (“FIP”);
 3. Receiving Temporary Assistance for Needy Families (“TANF”);
 4. Receiving General Public Assistance;
 5. Receiving aid from the Rhode Island medical assistance program;
 6. Receiving Rhode Island Pharmaceutical Assistance to the Elderly;
 7. Receiving Medicaid;
 8. Receiving Supplemental Nutrition Assistance Program (“SNAP”);
- or
9. Receiving low-income home energy assistance program (“LIHEAP”) funds.
 10. An ETC may, at its option, allow a customer to qualify for the Lifeline and Link-Up discounts based on participation in other government assistance programs or based on a certification of total household income at or below the applicable FPG.
 11. ETCs shall also comply with any additional federal requirements pertaining to residents of federally recognized tribal lands.

B. Lifeline discounts may only be used for one telephone line at the customer’s household.

C. ETCs may provide customers who apply for or receive Lifeline Service access to available vertical services or customer calling features, including caller ID, call waiting, and call blocking, at the same price as non-Low Income qualifying consumers provided, however, if a customer subscribes to measured Lifeline service, the customer may not purchase ancillary services separately. Lifeline discounts shall only apply to that portion of the bill that is for basic local exchange service.

V. Enrollment and Certification of Initial Eligibility

A. R.I. Gen. Laws § 39-2-5(9)(i) requires the Department of Human Services and the Department of Administration, Division of Planning to certify subscriber eligibility for the programs. To the extent an ETC works with the Departments to receive such certifications, the ETC may rely on such certifications to enroll customers.

B. If the ETC does not rely on certifications from either the Department of Human Services or the Department of Administration, Division of Planning, they shall confirm with the customer whether he/she is currently or within the last thirty (30) days has been enrolled in a Lifeline program by another local telephone provider.

1. If yes the ETC shall immediately enroll the customer in the Lifeline program upon receipt of a copy of the customer's most recent bill evidencing enrollment in the other telephone provider's Lifeline program.

2. If no, the ETC shall explain the Lifeline program to customers including the eligibility requirements. The ETC shall then inform the

customer that (a) the customer will be receiving an Application Form in the mail for completion and submission; (b) the completed Application Form and supporting documentation must be returned to the local telephone provider before the customer will be enrolled in the Lifeline program; and (c) the Lifeline discount will be applied to the customers next billing cycle.

3. It shall be the customer's responsibility to notify the ETC of any change in circumstance that would affect the customer's eligibility.

VI. Verification of Continued Eligibility

Each ETC with customers receiving a Lifeline discount shall conduct an annual verification of continued eligibility of its customers. If an ETC obtains from either Department of Human Services or the Department of Administration, Division of Planning a match list or other verification of those customers who continue to be eligible for the Lifeline discount, the ETC may rely on that verification in satisfaction of the requirements of this Section VI. If an ETC does not obtain such verification from one of the aforementioned Departments, that ETC shall perform its annual Verification in the following manner:

- A. Each Eligible Telecommunications Carrier shall sample a minimum of 10% of its Lifeline participants each reporting year and file results of the self-verification with the Commission and Division of Public Utilities and Carriers within thirty (30) days of any such year;
- B. Each Eligible Telecommunications Carrier shall randomly sample Lifeline recipients, except that a carrier shall review its records to assure that a

recipient who is in a sample is excluded from the sample the next year. The sample should include customers receiving the Lifeline discount and customers receiving Lifeline measured service.

- C. Each Eligible Telecommunications Carrier shall send a Verification Form, which shall be filed with the Commission for approval upon passage of these Rules, together with a return envelope, postage pre-paid, to each customer in the sample size together with a letter, which shall be filed with the Commission for approval upon passage of these Rules, explaining the form.
- D. Customers shall have at least sixty (60) days to return the form to the Carrier. In the interim, the Carrier shall send a second letter, which shall be filed with the Commission for approval upon passage of these Rules, reminding the customer to submit proof by the designated date. The letters must contain clear, concise statements notifying the customer that failure to provide proof will result in the recipient losing his/her lifeline discount and may restrict the recipient's ability to re-enroll in the program unless proof is provided.
- E. A surveyed recipient that has his/her discount discontinued for failure to provide proof of eligibility may only re-enroll in Lifeline with the same carrier if he/she provides proof of eligibility.
- F. By these Rules, the Commission has adopted Lifeline verification procedures other than the default process, and the FCC default procedures will not apply.

G. Each ETC shall set forth in its Application for ETC status, the dates when it submits FCC Form 497 with the Universal Service Administrative Company. Carriers with ETC status as of the date of these Rules shall file one such notification with the Commission and Division. In the event the deadline for submission is changed, an ETC shall notify the Commission and Division of such change.

VII. Record Keeping Requirements

A. Eligible telecommunications carriers shall maintain records demonstrating the carrier's compliance with the requirements set forth in 47 C.F.R. 54.417 and provide said documentation to the Commission and/or Division upon request.

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