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

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

3. Statutory Source of Authority
§§42-35-2.3 39-1-1 and 42-35-3

4. Concise Explanatory Statement - §42-35-2.3
The regulation to set forth rules and procedures to certify and designate Eligible Telecommunication Carriers (ETC) to receive subsidies from the federal Universal Service Fund to provide lifeline services to eligible consumers. The rules also set procedures for ETCs to certify and verify customer eligibility and enrollment in Link-Up and Lifeline services in Rhode Island.

5. Type of Filing

Emergency Rules

A1. Emergency 120-day initial - §42-35-3(b)
☐ Adoption
☐ Amendment of ERLID:
☐ Repeal of ERLID:

A2. Emergency 90-day renewal - §42-35-3(b)
☐ Adoption
☐ Amendment
Indicate ERLID of 120-day initial:

Brief Statement of Reason for Finding Imminent Peril §42-35-3(b)(2):

Final Rules

☐ B1. Amendment ☑ B2. Adoption ☐ B3. Repeal ☐ C. Technical Revision

Supersedes ERLID: Repeals ERLID: 5892 Ter Expires ERLID:

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):06/22/2012
Date of Public Hearing - §42-35-3(a)(2):Hearing Not Required
End of Comment Period:07/23/2012

7. Agency Additional Information - Web Page
http://www.ripuc.org/eventsactions/docket/4337page.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,

Lucy E Massaro
Name

Commission Clerk
Title

Patricia L. Lucarelli
Notary Public My commission expires 1/27/14

Subscribed and sworn before me
this 10th day of August, 2012

ERLID#: 6948

RECEIVED
AUG 10 2012
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

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

Date of Public Notice:	June 22, 2012
Date of Public Hearing:	None Requested
Effective Date:	August 30, 2012

RECEIVED
AUG 10 2012
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS

RULES AND REGULATIONS GOVERNING THE CERTIFICATION AND VERIFICATION PROCEDURES FOR TELECOMMUNICATIONS CARRIERS ELIGIBLE TO RECEIVE PAYMENTS FROM THE FEDERAL UNIVERSAL SERVICE FUND

Section:

1.0: Authority
2.0: Background
3.0: Definitions
4.0: Contents of Petitions for Certification
5.0: Tribal Linkup
6.0: Re-certification of Subscribers
7.0: Eligibility for Enrolling in and Retaining Lifeline Discounts
8.0: Annual Reporting Requirements
9.0: Repeal of Prior Regulations
10.0: Severability

1.0 Authority

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws § 42-35-1 et seq. and R.I. Gen. Laws § 39-2-5(9)(i).

2.0 Background

2.1 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. §§ 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").

2.2 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)).

2.3 On February 6, 2012, the FCC released an Order adopting new rules regarding the Universal Service Fund (77 Fed. Reg. 12952 (2012) ("Lifeline Reform Order") which, among other reforms, set minimum eligibility standards for program participants, minimum certification procedures for ETCs and minimum annual verification procedures for ETCs. While the Commission finds the Rules that were adopted by the FCC in the Lifeline Reform Order are far-reaching, nothing in the Order removed the Commission's authority to certify telecommunications providers as eligible to receive payments from the Universal Service Fund.

2.4 As a result of the Lifeline Reform Order, the Commission finds it necessary to promulgate these Rules and Regulations in order to enable the state to participate in the Universal Service/Lifeline Program.

2.5 All ETCs certified by the Commission shall comply with the FCC's Universal Service Rules codified at 47 C.F.R. Part 54 in addition to these Regulations.

3.0 Definitions

3.1 Commission shall mean the Rhode Island Public Utilities Commission

3.2 Department of Human Services or DHS shall mean the Rhode Island Department of Human Services

3.3 Division shall mean the Rhode Island Division of Public Utilities and Carriers

3.4 ETC shall mean Eligible Telecommunications Carrier

3.5 FCC shall mean the Federal Communications Commission

3.6 FPL shall mean Federal Poverty Level

3.7 Lifeline shall have the same meaning as that which is contained in 47 C.F.R. § 54.401.

3.8 Qualifying Assistance Program shall have the same meaning as 47 C.F.R. § 54.400 and shall also include the programs listed in R.I. Gen. Laws § 39-2-5(9)(i).

3.9 USAC shall mean the Universal Service Administration Company

4.0 Contents of Petitions for Certification

All petitions for certification must include the following:

4.1 Evidence that the company is an authorized telecommunications carrier under the laws of the State of Rhode Island and that the company has filed the applicable Application Package with the Division.

4.2 Demonstrate that the carrier will provide Voice Telephony services that meet each part of "Services designated for support" set forth in 47 C.F.R § 54.101.

4.3 Items contained in 47 C.F.R. §54.202, with the modification contained in Section 4.5 of these Rules and Regulations.

4.4 That the carrier will offer services supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carriers' services.

4.4.1 Carriers seeking limited ETC designation in accordance with Subpart E of 47 C.F.R. Part 54 to participate in the Lifeline program must also:

4.4.1.1 provide evidence that it is capable of complying with the E911 access set forth in 47 C.F.R. § 54.101(a);

4.4.1.2 file its approved compliance plan referenced in paragraph 368 of The Lifeline Reform Order, if applicable; and

4.4.1.3 demonstrate that it is financially and technically capable of providing the supported Lifeline service.

4.5 A copy of the carrier's Lifeline plan to demonstrate that it meets the criteria set forth in Subpart E of 47 C.F.R Part 54 and describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls and rates for each such plan.

4.6 A copy of the carrier's proposed marketing materials in a form that complies with 47 C.F.R § 54.405.

4.7 A copy of the carrier's enrollment form.

4.8 A description of the carrier's annual re-certification process and a copy of any documents that will be provided to the customer.

5.0 Tribal Link Up

5.1 Tribal Link Up shall have the same meaning as 47 C.F.R. § 54.413.

5.2 Tribal Link Up is only available to an eligible resident of Tribal lands as defined at 47 C.F.R. §54.400.

5.3 Tribal Link Up is available to an eligible resident of Tribal lands who meets the Eligibility criteria set forth in Section 6.0 of these Rules and Regulations.

5.4 Only certified ETCs who have not sought only the limited ETC designation in accordance with Subpart E of 47 C.F.R. Part 54 to participate in the Lifeline program may receive payment from the Universal Service Fund for Tribal Link Up.

6.0 Eligibility for Enrolling in and Retaining Lifeline Discounts

6.1 The Lifeline discount is available to only one customer within a household from one telecommunications carrier.

6.2 Household is defined as any individual or group of individuals who are living together at the same address as one economic unit, as further defined in 47 C.F.R. 54.400.

6.3 Lifeline shall be available to a customer whose annual income is at or below 135% of FPL.

6.4 Lifeline shall be available to a customer who participates in a Qualifying Assistance Program.

6.5 Where an ETC enters into an agreement with the Department of Human Services to receive verification from DHS that the subscriber is enrolled in a Qualifying

Assistance Program, the carrier may rely on such certification as substantially similar to the requirements of 47 C.F.R. § 54.410.

7.0 Re-certification

7.1 All ETCs must annually re-certify all subscribers in a manner in compliance with 47 C.F.R § 54.410.

7.2 Where an ETC enters into an agreement with the Department of Human Services to receive verification from DHS that the subscriber is still enrolled in a Qualifying Assistance Program, the carrier may rely on such certification as substantially similar to the requirements of 47 C.F.R. § 54.410.

7.3 ETCs must also comply with the FCC's requirements set forth in 47 C.F.R. § 54.410(g).

7.4 A copy of the results of the Annual Re-certification must be filed with the Commission within thirty (30) days from the date they are filed with USAC.

8.0 Annual Reporting Requirements

8.1 ETCs shall file with the Commission and Division a copy of all reports required by 47 C.F.R. § 54.422.

8.2 ETCs shall file with the Commission and Division a current Enrollment Form and any Re-Certification materials provided to customers whenever such form or

material is amended by the ETC, or at least once annually from the effective date of these Rules.

8.3 ETCs shall comply with the Annual Reporting Requirements contained in the Division's Regulations and Fee Schedules for Telecommunications Providers in order to retain ETC status.

8.4 ETCs shall file with the Commission and Division, on or by February 28th of each year, the number of Lifeline subscribers it had as of June 1st of the prior year. Such information may be filed under seal in accordance with Commission Rule of Practice and Procedure 1.2(g) pursuant to R.I. Gen. Laws § 38-2-2(1)(A)(II)(B). However, the Commission reserves the right to aggregate the data and/or present it in a way that is not identifiable to any particular company.

9.0 Repeal of Prior Regulations

All Rules and Regulations Governing the Certification and Verification Procedures for Telecommunications Carriers Eligible to Receive Payments from the Federal Universal Service Fund adopted on prior dates are hereby repealed and superseded by these Rules and Regulations in their entirety.

10.0 Severability

10.1 The provisions of these Rules shall be severable and if the application of any clause, sentence, paragraph, subdivision, section or part of these Rules shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall

not affect, impair, or invalidate the application of any other clause, sentence paragraph, subdivision, section or part of these Rules.

10.2 The provisions of these Rules shall be severable and if the application of any clause, sentence, paragraph, subdivision, section or part of these Rules shall be preempted by Federal Law or subsequent changes to State Law, such preemption shall not affect, impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section or part of these Rules.

RECEIVED
AUG 10 2012
RI SECRETARY OF STATE
ADMINISTRATIVE RECORDS