

Docket 20728-U

In Re: Administration of Lifeline and Link-Up Georgia Assistance Programs for Low-Income Consumers

ORDER

INTRODUCTION

The Lifeline/Linkup program is a federal program intended to ensure that quality telecommunications services are available to low-income consumers at just, reasonable, and affordable rates. In its Report and Order and Further Notice of Rulemaking, *Lifeline and Link-Up*, WC Docket No. 03-109 (rel. April 29, 2004) (“Lifeline Order”), the Federal Communications Commission (“FCC”) expressed its intent to “improve the effectiveness of the low-income support mechanism.” (Lifeline Order, ¶ 1). The Lifeline Order seeks to increase participation in Lifeline/Link-Up programs by expanding federal default eligibility criteria to include an income-based criterion and participation in the Temporary Assistance to Needy Families program (“TANF”) and the National School Lunch’s free lunch program (“NSL”).

The FCC balances its desire to increase enrollment in the Lifeline/Link-Up program with measures to minimize potential abuse. The Lifeline Order establishes standards for certifying enrollment and verifying continued eligibility and requires that all states, including states with their own Lifeline/Link-Up programs, implement certification and verification processes. States are authorized to establish their own eligibility guidelines for Lifeline/Link-Up programs, provided that the guidelines are narrowly targeted and based solely on income or factors directly related to income. 47 C.F.R. 54.409(a). The FCC provides that states may develop self-certification standards that are stricter than those used by federal default states. (Lifeline Order, ¶27).

DISCUSSION

Currently, Georgia’s Eligible Telephone Carriers (“ETCs”) do not administer the Lifeline/Link-Up program in a consistent manner throughout the state. BellSouth Telecommunications, Inc. (“BellSouth”) and the Georgia Telephone Association (“GTA”) companies rely upon different criterion in the determination of eligibility. Both BellSouth and the GTA companies consider Supplemental Security Income, Food Stamps and Medicaid.

However, BellSouth uses TANF and senior citizen low-income discount plans offered by the local gas or power company as criterions; whereas the GTA companies do not use these criteria. GTA companies, but not BellSouth, rely upon Federal Public Housing Assistance (“FPHA”) and Low-Income Home Energy Assistance Program (“LIHEAP”) as criteria.

The Staff recommended that the Commission adopt consistent criteria for ETCs to use in determining eligibility. Specifically, the Staff recommended that the Commission define eligibility criteria for participation in the Lifeline/Link-Up programs to include participation in any of the following programs: TANF, SSI, Food Stamps, Medicaid, FPHA, LIHEAP and the senior citizen low-income discount plan offered by the local gas or power company.

Further, the Staff recommended that the Commission require ETCs to take a number of actions. First, the Staff recommended that ETCs be required to file updated tariffs that reflect the new eligibility criteria and procedures for certifying eligibility and verification of continued eligibility within sixty (60) days of this order. Second, the Staff recommended that the Commission require ETCs to modify their Lifeline/Link-Up application forms to reflect the revised list of eligibility criteria and to provide for self-certification under penalty of perjury. The Staff recommended that ETCs be required to complete this modification within sixty (60) days of the date of this order. Third, the Staff recommended that ETCs be required to audit a statistically valid sample of Lifeline/Link-up subscribers to determine continued eligibility. Attachment 1 to this Order shows the sample sizes that shall be used for the different number of Lifeline subscribers an ETC may serve. Prior to termination, an ETC must allow subscribers who do not meet eligibility criteria sixty (60) days to provide documentation demonstrating their eligibility. The results of the audit must be filed by the ETC with the Commission within 120 days of the date of this order. Finally, the Staff recommended that the Commission require ETCs to submit, within thirty (30) days of the date of this order, for Staff’s review and approval templates of the notification letter that will be sent to subscribers being audited and the termination notice that will be sent to subscribers who fail to re-certify.

The Staff also recommended that the Commission direct the Staff to conduct workshops with ETCs, the Georgia Department of Human Resources, the Georgia Department of Community Health, other state agencies, and other interested parties to investigate the feasibility of (a) the inclusion of the National School Lunch’s free lunch program in the list of program-based eligibility criteria; (b) the adoption of an eligibility criterion based solely on income; and (c) the development of automated interfaces using program-based data from state agencies to facilitate or automate enrollment and verification processes.

The actions recommended by the Staff are structured to fulfill the objectives of the FCC’s order to increase enrollment in Georgia’s Lifeline/Link-Up program while ensuring the integrity of the program. Accordingly, the Commission adopts Staff’s recommendation.

WHEREFORE IT IS,

ORDERED, that eligibility criteria for participation in the Lifeline/Link-Up programs are defined to include participation in any of the following programs: TANF, SSI, Food Stamps,

Medicaid, FPHA, LIHEAP and the senior citizen low-income discount plan offered by the local gas or power company.

ORDERED FURTHER, that within sixty (60) days of the date of this order, ETCs shall file updated tariffs that reflect the new eligibility criteria and procedures for certifying eligibility and verification of continued eligibility.

ORDERED FURTHER, that within sixty (60) days of the date of this order, ETCs shall modify their Lifeline/Link-Up application forms to reflect the revised list of eligibility criteria and to provide for self-certification under penalty of perjury.

ORDERED FURTHER, that ETCs be required to audit a statistically valid sample of Lifeline/Link-up subscribers to determine continued eligibility consistent with Attachment 1 to this Order.

ORDERED FURTHER, that prior to termination, an ETC must allow subscribers who do not meet eligibility criteria sixty (60) days to provide documentation demonstrating their eligibility. An ETC must file the results of its audit with the Commission within 120 days of the date of this order.

ORDERED FURTHER, that within thirty (30) days of the date of this order, ETCs shall submit for Staff's review and approval templates of the notification letter that will be sent to subscribers being audited and the termination notice that will be sent to subscribers who fail to re-certify.

ORDERED FURTHER, that Staff is directed to Staff to conduct workshops with ETCs, the Georgia Department of Human Resources, the Georgia Department of Community Health, other state agencies, and other interested parties to investigate the feasibility of (a) the inclusion of the National School Lunch's free lunch program in the list of program-based eligibility criteria; (b) the adoption of an eligibility criterion based solely on income; and (c) the development of automated interfaces using program-based data from state agencies to facilitate or automate enrollment and verification processes.

ORDERED FURTHER, that all findings, conclusions and decisions contained within the preceding sections of this Order are adopted as findings of fact, conclusions of law, and decisions of regulatory policy of this Commission.

ORDERED FURTHER, that a motion for reconsideration, rehearing, oral argument, or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order(s) as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 10th day of June 2005.

Reece McAlister
Executive Secretary

Angela Elizabeth Speir
Chairman

DATE

DATE