

NATIONAL ASSOCIATION OF STATE UTILITY CONSUMER ADVOCATES

Resolution 2017-05

URGING STATE COMMISSIONS AND THE FCC TO ADOPT POLICIES AND PROCESSES TO PROVIDE LIFELINE ELIGIBLE HOUSEHOLDS WITH ACCESS TO AFFORDABLE LIFELINE VOICE AND BROADBAND INTERNET ACCESS SERVICES

WHEREAS, Pursuant to Section 214(e) of the 1996 Telecommunications Act, for entities to be eligible to receive federal universal service support they must be common carriers designated as eligible telecommunications carriers (ETCs); and

WHEREAS, Section 214(e) of the federal 1996 Telecommunications Act grants state commissions the authority to designate common carriers as ETCs; and

WHEREAS, Section 214(e) grants the FCC authority to designate common carriers as ETCs only in states which do not exercise jurisdiction to make such designation; and

WHEREAS, Section 254(b) establishes the universal service principles that “Consumers in all regions in the Nation, including low-income consumers ... should have access to telecommunications and information services ...” at reasonable and affordable rates;¹ and

WHEREAS, the FCC has determined broadband internet access service to be an essential telecommunications service that qualifies for federal universal service support;² and

WHEREAS, the FCC’s April 2016 Broadband Lifeline Order allows ETCs to offer Lifeline consumers voice and/or broadband internet access services with federal Lifeline support;³ and

WHEREAS, the FCC’s Broadband Lifeline Order provides that federal Lifeline support for voice-only service will be phased out over time;⁴ and

WHEREAS, the FCC’s Broadband Lifeline Order provides that federal Lifeline support will eventually apply only to broadband internet access service, either as a stand-alone service or bundled with voice service;⁵ and

¹ 47 U.S.C. § 254(b)(1), (3).

² *In the Matter of Lifeline and Link Up Reform and Modernization (WC Docket No. 11-42), et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016), ¶¶ 12-22, 30-32 (*Broadband Lifeline Order*).

³ *Id.*, ¶ 48; 47 C.F.R. §§ 54.401(n), 54.401.

⁴ *Broadband Lifeline Order*, ¶¶ 48, 52, 62-65; 47 C.F.R. § 54.403(a)(2).

⁵ *Broadband Lifeline Order*, ¶¶ 6, 61-67; 47 C.F.R. § 54.401(b).

WHEREAS, the FCC's Broadband Lifeline Order allows an ETC to aggregate eligible subscribers' benefits to provide a collective service to a group of Lifeline subscribers;⁶ and

WHEREAS, the FCC has imposed restrictions on the ability of Lifeline consumers to switch to another ETC, through a two-month port freeze for Lifeline voice service customers and a twelve-month port freeze for Lifeline broadband service customers, as incentive for broadband internet access service providers to expand or obtain ETC designation to offer Lifeline services;⁷ and

WHEREAS, the FCC has offered conditional forbearance to existing incumbent local exchange carrier (ILEC) ETCs from the obligation to offer Lifeline broadband internet access service in areas where the ILEC ETC does not receive high cost universal service support or receives support but has not yet made broadband internet access service commercially available;⁸ and

WHEREAS, potential providers of Lifeline voice and broadband internet access services may not fit the past mold of Lifeline ETCs; and

WHEREAS, the success and effectiveness of the federal Lifeline program depends in part on the designation of new providers of broadband internet access service as ETCs; and

WHEREAS, close monitoring will be required to assure that every area has at least one ETC with an obligation and ability to offer Lifeline voice and broadband internet access services which meet the FCC's minimum standards; and

WHEREAS, the current level of federal Lifeline support may not be sufficient to make voice and/or broadband internet access services affordable for Lifeline eligible households;

NOW, THEREFORE, BE IT RESOLVED that NASUCA urges state commissions and the FCC to adopt ETC designation procedures which attract broadband internet access service providers to apply for and obtain ETC designation to offer Lifeline services for the benefit of eligible consumers and the public; and

BE IT FURTHER RESOLVED that NASUCA urges the FCC to eliminate the port freeze provisions or, at a minimum, assure that the port freeze provisions are not used by ETCs to harm Lifeline consumers or chill entry and competition from other potential Lifeline ETCs; and

BE IT FURTHER RESOLVED that NASUCA supports federal and state universal service and other initiatives to make Lifeline voice and/or broadband internet access services more available and more affordable for Lifeline eligible households; and

⁶ 47 C.F.R. § 54.401(f).

⁷ *Broadband Lifeline Order*, ¶ 11; 47 C.F.R. § 54.411.

⁸ *Broadband Lifeline Order*, ¶¶ 34, 35, 309-319.

BE IT FURTHER RESOLVED that NASUCA authorizes its Executive Committee to develop specific positions and to take appropriate actions consistent with the terms of this resolution. The Executive Committee shall advise the membership of any proposed action prior to taking such action, if possible. In any event, the Executive Committee shall notify the membership of any action taken pursuant to the resolution.

Submitted by Telecommunications Committee

Approved by the Membership June 5, 2017
Denver, Colorado

Abstaining:
Tennessee
Wyoming