

4901:1-6-19

**Lifeline requirements.**

[Comment: For dates of references to a section of either the United States Code or a regulation in the code of federal regulations, see rule 4901:1-6-02 of the Administrative Code.]

- (A) An incumbent local exchange carrier (ILEC) that is an eligible telecommunications carrier (ETC) under 47 C.F.R. 54.201 shall implement lifeline service throughout the ILEC ETC's traditional service area for its eligible residential customers.
- (B) Lifeline service shall be a flat-rate, monthly, primary access line service with touch-tone service and shall provide all of the following:
  - (1) A recurring discount to the monthly basic local exchange service rate that provides for the maximum contribution of federally available assistance;
  - (2) Not more than once per customer at a single address in a twelve-month period, a waiver of all nonrecurring service order charges for establishing service;
  - (3) Free blocking of toll service, 900 service, and 976 service;
  - (4) A waiver of the federal universal service fund end user charge;
  - (5) A waiver of the telephone company's service deposit requirement.
- (C) The ILEC ETC may offer to lifeline service customers any other services and bundles or packages of service at the prevailing prices, less the lifeline discount.
- (D) The ILEC ETC also shall offer special payment arrangements to lifeline service customers that have past due bills for regulated local service charges, with the initial payment not to exceed twenty-five dollars before service is installed, and the balance for regulated local service charges to be paid over six, equal monthly payments. Lifeline service customers with past due bills for toll service charges shall have toll restricted service until the past due toll service charges have been paid or until the customer establishes service with another toll provider.
- (E) Every large ILEC required to implement lifeline service shall establish an annual marketing budget for promoting lifeline service and performing outreach regarding lifeline service. Every large ILEC shall work with the advisory board established in paragraph (F) to reach consensus, where possible, regarding an appropriate budget for promoting lifeline and performing outreach and regarding how the budget will be spent. All funds allocated to this budget shall be spent for the promotion and marketing of lifeline service and outreach regarding lifeline service and only for those purposes and not for any administrative costs of implementing lifeline service.

- (F) All activities relating to the promotion of, marketing of, and outreach regarding lifeline service provided by the large ILECs shall be coordinated through a single advisory board composed of staff of the public utilities commission of Ohio, the office of the Ohio consumers' counsel (OCC), consumer groups representing low income constituents, two representatives from the Ohio association of community action agencies, and every large ILEC. ~~The commission staff shall provide active leadership in the initial organization of the statewide board and the development of procedures and bylaws under which the board will operate.~~ Commission staff shall, with the assistance of the office of the consumers' counsel, work with the advisory board to reach consensus on the organization of the board and all activities relating to the promotion of, marketing of, and outreach regarding lifeline service. However, where consensus is not possible, the commission's staff shall make the final determination. Decisions on the organization of the board and decisions of the advisory board including decisions on how the lifeline marketing, promotion, and outreach activities are implemented are subject to commission review.
- (G) All other aspects of an ILEC ETC's state-specific lifeline service shall be consistent with federal requirements. The rates, terms, and conditions for the ILEC's lifeline service shall be tariffed in accordance with rule 4901:1-6-11 of the Administrative Code.
- (H) Eligibility for lifeline service under this rule shall be based on either of the following criteria:
- (1) An individual's verifiable participation in any federal or state low-income assistance program that limits assistance based on household income. These programs include:
    - (a) Medical assistance under Chapter 5111. of the Revised Code (medicaid) or any state program that might supplant Medicaid;
    - (b) Supplemental nutritional assistance program (SNAP/food stamps);
    - (c) Supplemental security income (SSI) under Title XVI of the Social Security Act;
    - ~~(d) Social security disability insurance -- blind and disabled (SSDI);~~
    - ~~(e)~~(d) Federal public housing assistance, or section 8; or
    - ~~(f) Home energy assistance programs (HEAP, LIHEAP, E-HEAP);~~
    - ~~(g) National school lunch program's free lunch program (NSL);~~

- ~~(h)(e) Temporary assistance for needy families (TANF/Ohio works);~~  
~~or~~ Veteran's and Survivor's Pension Benefits.

The commission may add or remove programs from this list as required by federal or state law.

- ~~(i) General assistance, including disability assistance (DA):~~

~~The commission may add or remove programs from this list as required by federal or state law.~~

- (2) Other verification that an individual's household income is at or below one hundred ~~fifty~~ thirty-five per cent of the federal poverty level. ILEC ETC's may use any reasonable method of verification. Consistent with federal law, examples of acceptable documentation include the following:

- (a) State or federal income tax return;
- (b) Current income statement or W-2 from an employer;
- (c) Three consecutive months of current pay stubs;
- (d) Social security statement of benefits;
- (e) Retirement/pension statement of benefits;
- (f) Unemployment/workmen's compensation statement of benefits;
- (g) Any other legal document that would show current income (such as a divorce decree or child support document): or

- (h) Veteran's Administration statement of benefits.

- (I) All ILEC ETCs must verify customer eligibility consistent with the federal communications commission's (FCC) requirements in 47 C.F.R. 54, to enroll customers into lifeline assistance who qualify through household income-based requirements.

- ~~(J) The commission shall work with the appropriate state agencies that administer federal or state low-income assistance programs and with carriers to negotiate and acquire information necessary to verify an individual's eligibility and the data necessary to automatically enroll eligible persons for lifeline service.~~

- ~~(K)(J) To the extent that appropriate state agencies are able to accommodate automatic enrollment, every an ILEC ETC shall automatically enroll customers into lifeline~~

assistance who participate in a qualifying program is the only service provider in a particular exchange, the ILEC ETC where possible, may provide automatic enrollment at its election. ILEC ETCs electing to enroll subscribers via automatic enrollment shall take all necessary steps to ensure that there is no duplication of lifeline service for a specific subscriber.

~~(L)~~ An ILEC ETC shall provide written notification if the carrier determines that an individual is not eligible for lifeline service enrollment and shall provide the person an additional thirty days to prove eligibility.

~~(M)~~(K) An ILEC ETC shall provide written customer notification if a General de-enrollment: An ILEC ETC shall provide written customer notification if it has a reasonable basis to believe that a Lifeline subscriber no longer meets the criteria to be considered a qualifying low-income consumer and the subscriber's customer's lifeline service benefits are to be terminated due to failure to submit acceptable documentation for continued eligibility for that assistance. The ILEC ETC and shall provide the customer subscriber an additional ~~sixty~~ thirty days following the date of the impending termination letter to submit acceptable documentation of continued eligibility or dispute the carrier's findings regarding termination of the lifeline service.

~~(N)~~ Commission staff will maintain on the commission's website a copy of boilerplate customer notices that are compliant with the FCC's requirements. Any ILEC ETC choosing to create and use its own customer notice shall submit its proposed notice to commission staff for approval.

(L) De-enrollment for non-usage: Following any continuous thirty-day period of nonusage of a lifeline service that does not require the ETC to assess or collect a monthly fee from its subscriber, an ETC shall notify the customer through any reasonable means that he/she is no longer eligible to receive lifeline benefits, and shall afford the customer a fifteen-day grace period during which the customer may demonstrate usage.

(M) De-enrollment for failure to re-certify. An ILEC ETC shall de-enroll a Lifeline subscriber who does not respond to the carrier's attempts to obtain re-certification of the subscriber's continued eligibility as required by CFR 47 §54.410(f); or who fails to provide the annual one-per-household recertification as required by CFR 47 §54.410(f). Prior to de-enrolling a subscriber under this paragraph, the ILEC ETC shall notify the subscriber in writing that failure to respond to the re-certification request will trigger de-enrollment. A subscriber must be given sixty days to respond to recertification efforts

~~(N)~~(N) An ILEC ETC shall establish procedures to verify an individual's continuing eligibility for both program and income-based criteria consistent with the FCC's

requirements in 47 C.F.R. 54.409 to 54.410. ILEC ETCs shall maintain records to document compliance with these requirements and shall attest, as part of the periodic ETC certification process by the commission, that they comply with the FCC's requirements.

~~(P)~~(O) An ILEC ETC may recover through a customer billing surcharge on retail customers of the ILEC's telecommunications service other than lifeline service customers, any lifeline service discounts and any other lifeline service expenses that are not recovered through federal or state funding and that are approved by the commission under this paragraph. The surcharge may not include recovery of expenses related to the marketing and promotion of lifeline service. The surcharge may be established through one of the following means:

(1) An ILEC ETC that chooses to establish a customer billing surcharge to non-lifeline customers, to recover lifeline service discounts and expenses identified in this paragraph shall file a thirty-day application for tariff amendment (ATA). Such application may request recovery of lifeline service discounts that are not recovered through federal or state funding such as federal universal service fund end user charges, service connection charges, blocking of 900/976, recurring discount maximizing the contribution of federally available assistance, and recurring retail price differences between the frozen lifeline service rate and residential BLES rates, as well as lifeline service expenses that are not recovered through federal or state funding such as administrative expenses for the sole purpose of verifying the eligibility and enrolling of lifeline customers. An applicant must provide documentation to support its proposed surcharge and its compliance with this rule. Absent suspension or other commission action, the application shall be deemed approved and become effective on the thirty-first day or later date if requested by the company.

(2) An ILEC ETC requesting recovery of any expenses not specified in paragraph ~~(P)~~(O)(1) of this rule shall file an application with the commission, using the most up-to-date telecommunications filing form, under the TP-UNC case purpose code. An applicant must provide documentation to support its proposed customer billing surcharge and its compliance with this rule and must further support its request for recovery of any expenses not specified in paragraph ~~(P)~~(O)(1) of this rule with a detailed supporting memorandum. Absent suspension or commission action, the application shall be deemed approved and become effective on the one hundred twenty-first day or later date if requested by the company.

~~(P)~~(P) If an ILEC ETC chooses to establish a customer billing surcharge to recover its lifeline expenses under paragraph ~~(P)~~(O)(1) or ~~(P)~~(O)(2) of this rule, the lifeline

surcharge shall not appear in the section of the bill reserved for taxes and government-mandated charges as set forth in 47 C.F.R. 64.2400 to 64.2401.

~~(R)~~(Q) An ILEC ETC that is authorized to establish a customer billing surcharge under either paragraph ~~(P)~~(Q)(1) or ~~(P)~~(Q)(2) of this rule shall annually file with the commission a report that identifies actual amounts recovered and the actual lifeline service discounts and any other lifeline service expenses incurred for the prior period. The company shall provide such data as necessary to enable the commission to validate such amounts to ensure that the company did not over recover its approved expenses from customers. The commission shall establish for each such company the ~~timeframe~~time frame for filing this report when the commission approves any such billing surcharge. The annual filing may be contained in a request to adjust the billing surcharge in accordance with paragraph ~~(P)~~(Q)(1) or ~~(P)~~(Q)(2) of this rule, but shall be provided via a separate filing and docketed in a generic case number to be established by the commission, if no adjustment to the billing surcharge is sought. Any over-recovery or under-recovery shall be offset against or added to the next year's recovery.

~~(S)~~(R) Every ILEC ETC shall file with the commission in its annual ~~assessment~~assessment report for fiscal assessment the number of its customers who receive, at the time of filing of the report, lifeline service.

~~(T)~~(S) Upon request of commission staff, additional information regarding customer subscription to and disconnection of lifeline service shall be provided to commission staff in accordance with rule 4901:1-6-30 of the Administrative Code.

~~(U)~~(T) Competitive eligible telecommunication carriers (CETCs) lifeline requirements.

(1) The lifeline requirements found in paragraphs (B), (C), (D), (G), (H), (I), ~~(J), (K), (L), (M), and (N), and (O)~~ of this rule apply to the lifeline service offered by any CETC, as applicable to that CETC's service offerings.

(2) The flat-rate requirement of rule 4901:1-6-19(B) of the Administrative Code does not apply to a CETC's free wireless lifeline service offerings.

~~(2)~~(3) A CETC shall provide to commission staff, upon request, information regarding the number of its lifeline customers and any additional information regarding customer subscription to and disconnection of lifeline service in the manner and ~~timeframe~~time frame determined by commission staff.

(4) CETCs that offers lifeline services that include a defined local calling area shall establish a toll-free or local customer service number in order that customers can raise customer service concerns free of charge.

- (5) CETCs that offer do not have a defined local calling area shall not deduct minutes for customer service-related calls.
- (6) CETCs shall, at a minimum, accept customer service and repair calls at their respective customer service number during normal business hours.
- (U) The payment of financial incentives by ILEC ETCs and CETCs to community organizations for client referrals is permitted provided the payments are non-tiered and the arrangements are nonexclusive.

Effective:

Five Year Review (FYR) Dates: 3/2/2018

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Certification

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Date

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