

ITEM NO. 4

PUBLIC UTILITY COMMISSION OF OREGON
STAFF REPORT
PUBLIC MEETING DATE: November 22, 2016

REGULAR CONSENT EFFECTIVE DATE December 2, 2016

DATE: November 15, 2016

TO: Public Utility Commission

FROM: Jon Cray 

THROUGH: Michael Dougherty  and David Poston 

SUBJECT: OREGON PUBLIC UTILITY COMMISSION STAFF: (Docket No. AR 607)
In the Matter of Revisions to Residential Service Protection Fund Rules in
Division 033.

STAFF RECOMMENDATION:

Adopt the temporary rule changes as proposed in the attached draft order.

ISSUE:

Whether to adopt as temporary rules the proposed rule changes in Appendix A of the attached draft order effective December 2, 2016.

DISCUSSION:

In the *2016 Lifeline Modernization Order* (16-38),¹ the FCC streamlined the eligibility criteria for Lifeline to “increase efficiency and improve the program for consumers, Lifeline providers, and other participants.” The FCC released a Public Notice (16-1133) on October 3, 2016, announcing Office of Management and Budget approval and publication in the Federal Register of Lifeline rules changes and effective dates promulgated by the *2016 Lifeline Modernization Order*. Specifically, 47 Code of Federal Regulation § 54.409(a)(2) pertaining to consumer qualification for Lifeline will become effective December 2, 2016. Staff hosted a workshop on November 4, 2016, in which all Oregon ETCs and stakeholders were invited to provide feedback on drafts of the proposed temporary rule amendments.

¹ See *Lifeline and Link Up Reform and Modernization et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) (*2016 Lifeline Modernization Order*).

Under ORS 756.060, the Commission “may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission...” The Oregon Administrative Procedures Act sets forth the process for amendment of administrative rules. This process allows for the adoption or amendment of rules as temporary rules for a period of 180 days in appropriate circumstances, including when the Commission finds that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned.²

As discussed in the attached draft order, the temporary rule amendments are necessary to conform to the FCC’s mandate of new and streamlined eligibility criteria.

CONCLUSION:

Staff finds that the proposed temporary rule changes to update definitions, eligibility criteria and reporting are necessary to conform to the FCC’s 2016 Lifeline Modernization Order and associated changes in federal regulations to be effective December 2, 2016. Adoption of the proposed changes as temporary rule amendments also effective December 2, 2016, is necessary to avoid serious prejudice to Lifeline recipients and ETCs in Oregon.

PROPOSED COMMISSION MOTION:

Adopt temporary rule changes in Chapter 860, Division 033 as set forth in Appendix A of the attached draft order.

² ORS 183.335(5) states:

Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:

- (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
- (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
- (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;
- (d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; and
- (e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS 183.534.

**BEFORE THE PUBLIC UTILITY COMMISSION
OF OREGON**

AR 607

In the Matter of
Revisions to Rules in Division 033 to
Implement FCC's Lifeline Modernization.

ORDER

DISPOSITION: TEMPORARY RULE AMENDMENTS ADOPTED

I. INTRODUCTION

The Oregon Telephone Assistance Program (OTAP) is the state counterpart to the Federal Communication Commission's (FCC) Lifeline program, collectively known as Oregon Lifeline. The OTAP is set forth and explained in both state statute¹ and in administrative rules.² The OTAP offers reduced local exchange rates to eligible low-income residential customers. It provides \$3.50 of state Lifeline support from the Residential Service Protection Fund in addition to the support available from the Federal Universal Service Fund (i.e., \$9.25) for a maximum combined total of \$12.75.

II. NEED FOR TEMPORARY RULEMAKING

In the *2016 Lifeline Modernization Order* (16-38),³ the FCC streamlined the eligibility criteria for Lifeline to "increase efficiency and improve the program for consumers, Lifeline providers, and other participants." The FCC released a Public Notice (16-1133) on October 3, 2016, announcing Office of Management and Budget approval and publication in the Federal Register of Lifeline rules changes and effective dates promulgated by the *2016 Lifeline Modernization Order*. Specifically, 47 Code of Federal Regulation § 54.409(a)(2) pertaining to consumer qualification for Lifeline will become effective December 2, 2016. Therefore, the temporary rule amendments are needed to conform to the FCC's mandate of new and streamlined eligibility criteria.

¹ See generally Oregon Laws 1987, chapter 290, Sections 1 through 8.

² OAR Chapter 860, Division 033.

³ See *Lifeline and Link Up Reform and Modernization et al.*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd 3962 (2016) (*2016 Lifeline Modernization Order*).

Under ORS 756.060, the Commission “may adopt and amend reasonable and proper rules and regulations relative to all statutes administered by the commission...” The Oregon Administrative Procedures Act sets forth the process for amendment of administrative rules. This process allows for the adoption or amendment of rules as temporary rules for a period of 180 days in appropriate circumstances, including when the Commission finds that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned.⁴

III. TEMPORARY RULE AMENDMENTS

A. Definitions:

The temporary rule amendments to OAR 860-033-0005, Definitions, generally mirror the definitions of certain defined terms updated by the FCC in the *2016 Lifeline Modernization Order*.

B. Eligibility Criteria:

In addition to the Supplemental Nutrition Assistance Program, Medicaid, Supplemental Security Income, Federal Public Housing Assistance, or income-based eligibility, low-income households who qualify for and receive the Veterans Pension benefit or Survivors Pension benefit may now be eligible to enroll in the Lifeline program. Finally, the FCC removed state-specific eligibility criteria and Low-Income Home Energy Assistance Program, National School Lunch Program’s free lunch program, and Temporary Assistance for Needy Families from the list of program-based eligibility criteria for the Lifeline program.

⁴ ORS 183.335(5) states:

Notwithstanding subsections (1) to (4) of this section, an agency may adopt, amend or suspend a rule without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable, if the agency prepares:

- (a) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice;
- (b) A citation of the statutory or other legal authority relied upon and bearing upon the promulgation of the rule;
- (c) A statement of the need for the rule and a statement of how the rule is intended to meet the need;
- (d) A list of the principal documents, reports or studies, if any, prepared by or relied upon by the agency in considering the need for and in preparing the rule, and a statement of the location at which those documents are available for public inspection; and
- (e) For an agency specified in ORS 183.530, a housing cost impact statement as defined in ORS 183.534.

C. Reporting Requirements:

In addition to changes in eligibility criteria, the proposed rule amendments include changes to the reporting rules to require that service type and service initiation date be reported on a weekly basis. The FCC, in the *2016 Lifeline Modernization Order*, requires states, like Oregon, that opted-out of the National Lifeline Accountability Database to provide existing Lifeline subscriber information (i.e., service type and service initiation date) to the Universal Service Administrative Company (USAC) by December 1, 2016,⁵ and ongoing thereafter. The OPUC is at risk for non-compliance without the temporary rule amendments that require ETCs to report this data to the OPUC.

III. CONCLUSION

Adoption of the proposed rule changes on a temporary basis allows the changes to be effective December 2, 2016, consistent with the effective date of the federal regulations. Permanent rulemaking will follow, but adoption of these changes on a temporary basis will prevent some low-income customers from receiving smaller or larger discounts than others solely based on differences in federal and state eligibility criteria, which would otherwise result in inequity among qualifying low-income customers in Oregon. Also, Eligible Telecommunications Carriers (ETCs) authorized by the Public Utility Commission of Oregon (PUC) to provide federal and state support to eligible low-income customers would become responsible for the administration of the program for those Lifeline customers who qualify solely for federal support. Adoption of the proposed temporary rule amendments allows the PUC to continue to administer and perform eligibility functions for the Oregon Lifeline program. Otherwise, ETCs would be forced to expend additional time, resources, and money to implement new eligibility procedures.

Further, without the proposed temporary rule amendments, Oregon customers would experience confusion as the current combined OTAP and Lifeline programs would become bifurcated with differing support amounts and numerous administrative points of contact (i.e., the PUC and each ETC) in lieu of the PUC single point of contact and administration for the Oregon Lifeline program.

The proposed temporary rule changes to update definitions, eligibility criteria and reporting are necessary to conform to the FCC's 2016 Lifeline Modernization Order and associated changes in federal regulations to be effective December 2, 2016. Adoption of the proposed changes as temporary rule amendments also effective December 2, 2016 is necessary to avoid serious prejudice to Lifeline recipients and ETCs in Oregon.

⁵ The OPUC has made arrangements with the USAC to provide the data after December 2, 2016.

IV. ORDER

IT IS ORDERED that:

1. The temporary rule amendments set forth in Appendix A are adopted and become effective December 2, 2016.
2. The temporary rule amendments shall be effective for a maximum of 180 days beginning December 2, 2016.

Made, entered, and effective _____.

Lisa Hardie
Chair

John Savage
Commissioner

Stephen M. Bloom
Commissioner

A person may petition the Public Utility Commission of Oregon for the amendment or repeal of a rule under ORS 183.390. A person may petition the Oregon Court of Appeals to determine the validity of a rule under ORS 183.400.

860-033-0005

Definitions

For the purpose of this division:

(1) "Basic Service" means "basic telephone service" as defined in OAR 860-032-0190. For qualifying low-income recipients, basic service also includes access to toll-limitation services.

(2) "Competitive Provider" means a competitive telecommunications provider as defined in ORS 759.005(1) that provides services authorized under 759.020.

(3) "Cooperative" means a cooperative corporation or association that provides local exchange telecommunications service within its own exchanges, is organized under ORS Chapter 62, and is certified under 759.025(2).

(4) "Duplicate Support" means a customer is receiving OTAP or Lifeline supported services on two or more single lines or single line equivalents concurrently, or two or more customers in a household are receiving OTAP or Lifeline supported services concurrently.

(5) "Economic unit" means all adult individuals, eighteen or older, contributing to and sharing in the income and expenses of a household, including adult individuals with minimal or no income who benefit from another individual's financial support. Children under the age of eighteen living with their parents or guardians are considered to be part of the same household as their parents or guardians.

(6) "Eligible Telecommunications Carrier" means a provider of telecommunications service, including a cellular, wireless, or other radio common carrier, that is certified by order of the Commission as eligible to receive federal universal service support throughout a designated service area by having met the eligibility criteria set forth in 47 C.F.R. § 54 Subpart C (2012) and in orders of the Commission.

(7) "Eligible Telecommunications Provider" means a provider of telecommunications service, including a cellular, wireless, or other radio common carrier, that is certified by order of the Commission as eligible to provide OTAP to its qualifying customers throughout a designated service area by having met the following eligibility criteria:

(a) Offers services under 47 C.F.R. § 54 Subpart E (2013) using either its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another Eligible Telecommunications Carrier throughout the service area). Under 47 C.F.R. § 54 Subpart C (2012), the requirement of using its "own facilities" includes, but is not limited to, purchasing unbundled network elements from another carrier;

(b) Advertises the availability of and the charges for such services using media of general distribution; and

(c) Demonstrates that it will comply with OAR 860-033-0005 through 860-033-0110.

(8) "Household" means any individual or group of individuals, related or unrelated, who are living together at the same address as one economic unit.

(9) "Income" means gross income as defined under section 61 of the Internal Revenue Code, 26 USC § 61, for all members of the household from any source derived, unless specifically excluded by the Internal Revenue Code, Part III of Title 26, 26 USC § 101, et seq. all income actually received by all members of a household. This includes but is not limited to salary before deductions for taxes, public assistance benefits, social security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, and lottery winnings. The only exceptions are student financial aid, military housing and cost-of-living

~~allowances, irregular income from occasional small jobs such as babysitting or lawn mowing, and the like.~~

(10) "Lifeline" means a program established by the Federal Communications Commission as defined in 47 C.F.R. § 54 Subpart E (~~2016~~**2013**).

(11) "Lifeline Household Worksheet" means a form that the Commission sends to an applicant when the Commission is unable to determine if an applicant and a current OTAP or Lifeline customer are part of a separate economic unit or household.

(12) "Local Exchange Service" means a "local exchange telecommunications service" as defined in ORS 759.005(3).

(13) "Low-income customer" means an individual who demonstrates eligibility for Lifeline supported services or the Oregon Telephone Assistance Program in OAR 860-033-0030.

(14) "Marketing materials" means all media, including but not limited to print, audio, video, Internet (including email, web, and social networking media), and outdoor signage, that describe the OTAP or Lifeline supported service offering.

(15) "Oregon Telephone Assistance Program" or "OTAP" means a program established by the Commission that offers reduced local exchange rates to eligible low-income residential customers. OTAP establishes the requirements for Eligible Telecommunications Carriers to offer Lifeline supported services in Oregon and may provide benefits that are in addition to those offered in Lifeline.

(16) "Oregon Telecommunications Relay Service" or "OTRS" means a facility authorized by the Commission to provide telecommunications relay service.

(17) "Outstanding Accounts" means amounts owing to the Commission including current accounts receivable and accounts that the Commission has written off through appropriate legal procedures. The term does not include amounts owing to the Commission that have been lawfully discharged through bankruptcy proceedings or amounts that are the subject of a proceeding pending before the Commission.

~~(18) "Remittance Report" means the reporting form identified by that title that is available on the Commission's website at~~

~~<http://www.oregon.gov/puc/Pages/telecom/rspf/index.aspx>.~~

(~~18~~**19**) "Residential Service Protection Fund" or "RSPF" means a legislatively approved fund in the Oregon State Treasury that supports the Oregon Telephone Assistance Program, the Telecommunication Devices Access Program and the Oregon Telecommunications Relay Service.

(~~19~~**20**) "RSPF Surcharge" means a specified amount up to 35 cents per month collected from each paying retail subscriber who has telecommunications service with access to the telecommunications relay service, except as provided in OAR 850-033-0006(2).

(~~20~~**21**) "RSPF Surcharge Exception Form" means the reporting form identified by that title that is available on the Commission's website at

~~<http://www.puc.state.or.us/Pages/telecom/rspf/index.aspx>~~~~<http://www.oregon.gov/puc/Pages/telecom/rspf/index.aspx>.~~

~~(21) "RSPF Surcharge Remittance Form 751" means the reporting form identified by that title that is available on the Commission's website at~~

~~<http://www.puc.state.or.us/Pages/telecom/rspf/index.aspx>.~~

~~(22) "Service Initiation Date" means the date the low-income customer began receiving the OTAP or Lifeline benefit.~~

(23) “Service Type” means the following type of Lifeline supported service to which the low-income customer may subscribe pursuant to the minimum service standards defined in 47 C.F.R. § 54 Subpart E (2016):

(a) Voice telephony service only;

(b) Voice telephony service with broadband internet access service - (broadband internet access service does not meet the minimum service standards);

(c) Broadband internet access service only;

(d) Broadband internet access service with voice telephony service – (voice telephony service does not meet the minimum service standards); or

(e) Bundle – both voice telephony and broadband internet access service meet the minimum service standards.

(2422) “Telecommunication Devices Access Program” or “TDAP” means a program established by the Commission that provides Assistive Telecommunication Devices or Adaptive Equipment at no additional cost beyond telephone service for customers who are deaf, hard of hearing, speech-impaired, deaf-blind or have a disability.

(2523) “Telecommunications provider” includes competitive providers, cooperatives and telecommunications utilities.

(2624) “Telecommunications service” means the offering of telecommunications as defined in 47 C.F.R. 54.5 (2012) for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

(2725) “Telecommunications utility” means a person who is not a competitive provider and is designated as a telecommunications utility under OAR 860-032-0010.

(2826) “Toll Limitation Service” means a service provided by an Eligible Telecommunications Provider that allows an OTAP recipient to choose to block the completion of outgoing toll calls (toll blocking) or to specify a certain toll usage that may be incurred per month or per billing cycle (toll control).

(2927) “Tribal Lifeline” means a Lifeline service for eligible residents of Tribal lands as defined in 47 C.F.R. § 54 Subpart E (2013).

(3028) “Tribal Link Up” means a federal assistance program for eligible residents of Tribal lands as defined in 47 C.F.R. § 54 Subpart E (2013).

(3129) “Universal Service Administrative Company” means an independent, not-for-profit corporation designated by the Federal Communications Commission as the administrator of the universal service fund.

Stat. Auth.: ORS 183, 756, 759 & 1987 OL Ch. 290

Stats. Implemented: ORS 756.040, 759.036 & 1987 OL Ch. 290

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 7-1995(Temp), f. & cert. ef. 8-17-95 (Order No. 95-860); PUC 14-1995, f. & cert. ef. 12-20-95 (Order No. 95-1328); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 18-2000, f. & cert. ef. 10-24-00; PUC 4-2001, f. & cert. ef. 1-24-01; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 9-2011, f. & cert. ef. 10-4-11; PUC 5-2013(Temp), f. & cert. ef. 6-28-13 thru 12-24-13; PUC 7-2013, f. & cert. ef. 12-20-13

860-033-0030

OTAP and Lifeline Eligibility

(1) A low-income customer demonstrates eligibility for OTAP and Lifeline by application to the Commission on a Commission-approved form demonstrating compliance with this rule.

(2) To be eligible, the customer, one or more of the customer's dependents or the customer's household must:

(a) Receive benefits from one of the following public assistance programs: Medicaid under Title XIX and XXI of the Social Security Act; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance (Section 8); **or Veterans and Survivors Pension Benefit; or Low-Income Home Energy Assistance Program; National School Lunch Program's free lunch program; or Temporary Assistance for Needy Families; or**

~~(b) Receive benefits from another Commission-approved low-income public assistance program for which eligibility requirements do not exceed 135 percent of the applicable Federal Poverty Guidelines.~~

~~(be) Have income that is at or below 135 percent of the applicable Federal Poverty Guidelines for a household of that size.~~

(3) The Commission may require a low-income customer to submit documentation demonstrating that he or she qualifies under the program or income based eligibility requirements.

(a) Acceptable documentation of program eligibility includes the current or prior year's statement of benefits from a public assistance program, a notice or letter of participation in a public assistance program, program participation documents, or another official document demonstrating that the customer, one or more of the customer's dependents or the customer's household receives benefits from a qualifying assistance program.

(b) Acceptable documentation of income eligibility includes the prior year's state, federal, or Tribal tax return; current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement or pension statement of benefits; an Unemployment or Workers' Compensation statement of benefit; federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information. If the customer presents documentation of income that does not cover a full year, such as current pay stubs, the customer must present the same type of documentation covering three consecutive months within the previous twelve months.

(4) The customer may be required to furnish his or her social security number and the social security number of the member of the customer's household upon whom eligibility is based before OTAP and Lifeline eligibility can be determined or verified. Failure to do so may result in denial of benefits.

(5) The customer must sign a written authorization on a Commission-approved form permitting the Commission to release necessary information to an Eligible Telecommunications Provider and, as necessary, to the following: Federal Communications Commission, Universal Service Administrative Company, Department of Human Services, and the applicant's personal representative or legal guardian.

(6) An applicant or customer may not use a post office box as his or her residential address. The Commission may accept a P.O. Box or General Delivery address as a billing address, but not a residential address.

(7) The OTAP or Lifeline benefit is limited to one single line, or single line equivalent, per economic unit at the customer's principal residence in Oregon.

(a) If the Commission is unable to determine that an applicant and a current OTAP or Lifeline customer are part of a separate household, the applicant must complete and submit to the Commission the Lifeline Household Worksheet.

(b) The Commission may verify annually that the customer continues to be part of a separate household.

(c) If the customer fails to respond within 30 days of the Commission's attempts to verify that the customer continues to be part of a separate household, the Commission will notify the Eligible Telecommunications Provider to de-enroll the customer from OTAP and the Lifeline program.

(8) The name of the OTAP or Lifeline applicant must appear on the billing statement or account for the telecommunications service in order for that for that applicant to qualify for OTAP or Lifeline benefits.

(9) The Commission may require an Eligible Telecommunications Provider to provide up to three months of OTAP or Lifeline benefits credited to the customer's account if the customer does not receive benefits after applying for benefits and demonstrating eligibility. The qualifying customer may be required to submit documentation demonstrating that he or she qualified under the program or income based eligibility requirements in section (2) or (3) of this rule.

(10) The Commission will verify a customer's continuing eligibility. Continuing OTAP and Lifeline eligibility is based on monthly, quarterly, or annual verification by the Commission.

(a) The Commission will allow a customer 30 days following the date of the notice of termination or de-enrollment to demonstrate continued eligibility. A customer may be required to submit proof of continued eligibility to the Commission.

(b) The Eligible Telecommunications Provider must de-enroll the customer from the OTAP and Lifeline program within five business days of notice from the Commission that the customer is no longer eligible for OTAP and the Lifeline program.

(c) After the Commission determines that the customer is not eligible or no longer eligible, the customer may file a written request for a hearing to appeal the determination as specified in the notice of determination.

(d) At the hearing, the customer must provide to the Commission documentation demonstrating that he or she qualifies under the program or income based eligibility requirements listed in section (2) or (3) of this rule.

(11) If the Commission identifies that a customer or household is receiving duplicate support from more than one Eligible Telecommunications Provider, the Commission will attempt to contact the customer to determine the customer's preferred provider and thereafter, based on the available information, select which Eligible Telecommunications Provider must de-enroll the customer.

(12) If a customer does not use the OTAP or Lifeline supported service that the Eligible Telecommunications Provider offers at no charge **per the usage requirements defined in 47 C.F.R. § 54 Subpart E (2016)** for **3060** consecutive days, the Eligible Telecommunications Provider must provide the customer **1530** days' notice, using plain language, that the customer's failure to use the OTAP or Lifeline supported service within the **1530**-day notice period will result in de-enrollment from OTAP or the Lifeline program. If the customer uses the OTAP or the Lifeline supported service within the **1530**-day notice period, the Eligible

Telecommunications Provider may not terminate the customer's OTAP or Lifeline supported service.

(13) When the customer switches to a different Eligible Telecommunications Provider, the customer must submit to the Commission an application for OTAP or the Lifeline program on a Commission-approved form.

(14) If, in a span of 30 days, the customer disconnects and reconnects service with the same Eligible Telecommunications Provider, the customer is not required to reapply for the OTAP or Lifeline benefits.

Stat. Auth.: ORS 183, 756, 759 & 1987 OL Ch. 290

Stats. Implemented: ORS 756.040, 759.036 & 1987 OL Ch. 290

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 11-1995, f. & ef. 11-27-95 (Order No. 95-1217); PUC 6-1997, f. & ef. 1-10-97 (Order No. 97-005); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-1999, f. & cert. ef. 11-18-99; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert. ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 9-2011, f. & cert. ef. 10-4-11; PUC 5-2013(Temp), f. & cert. ef. 6-28-13 thru 12-24-13; PUC 7-2013, f. & cert. ef. 12-20-13

860-033-0046

OTAP and Lifeline Accounting, Reporting and Auditing

(1) Based upon accounting procedures approved by the Commission, Eligible Telecommunications Providers must maintain accounting records so that costs associated with OTAP and Lifeline can be separately identified. Records must be provided to the Commission upon request.

(2) Active OTAP and Lifeline Customer Report: The Active OTAP and Lifeline Customer Report is a listing of all customers receiving the OTAP or Lifeline benefit. The listing may include the customers' telephone numbers, addresses, **service types**, or Commission-assigned OTAP Identification Number. Each Eligible Telecommunications Provider must submit monthly to the Commission in an electronic format accessible by the Commission, an Active OTAP and Lifeline Customer Report. The Active OTAP and Lifeline Customer Report must be received by the Commission on or before the close of business on the 21st calendar day of the following month.

(3) Order Activity Report: The Order Activity Report is a listing of all OTAP or Lifeline customers whose phone service was disconnected, who voluntarily de-enrolled or were de-enrolled for failure to use the OTAP or Lifeline supported service that the Eligible Telecommunications Provider offers at no charge, and a listing of all OTAP or Lifeline customers whose telephone numbers, ~~or~~ addresses, **or service initiation dates and service types** have changed. **Except as specified in subsection (5) of this rule, each Eligible Telecommunications Provider must submit ~~weekly~~monthly to the Commission in an electronic format accessible by the Commission an Order Activity Report. ~~The Order Activity Report must be received by the Commission on or before the close of business on the 21st calendar day of the following month. An Eligible Telecommunications Provider submitting the Order Activity Report on a monthly basis as of December 1, 2016, may continue to report on a monthly basis. The Eligible Telecommunications Provider does not need to submit the Order Activity Report if there is no activity for the week.~~**

(4) No Match Report: When the Commission notifies the Eligible Telecommunications Provider of customers who meet eligibility criteria, the Eligible Telecommunications Provider must submit an electronic No Match Report to notify the Commission of any discrepancy that prevents a customer from receiving the OTAP or Lifeline benefit. Notification of discrepancies must be submitted electronically in a format accessible by the Commission that contains the following:

(a) Any discrepancy that prevents a customer from receiving the OTAP or Lifeline benefit; and

(b) The Commission-approved low-income customer's service initiation date and service type.

(5) When the Commission issues an order designating a provider of telecommunications service as an Eligible Telecommunications Provider and thereby adopts the terms of a stipulation setting specific requirements for reporting Order Activity and No Match that are different from sections (3) and (4) of this rule, the Eligible Telecommunications Provider may report Order Activity and No Match in a manner consistent with the terms of the stipulation approved by the Commission.

(65) The Commission reserves the right to audit the records of an Eligible Telecommunications Provider that provides OTAP or Lifeline benefits.

(76) OTAP and Lifeline Records: Each Eligible Telecommunications Provider must keep all OTAP and Lifeline records and supporting documentation for three years, or if a Commission review or audit is pending, until the review or audit is complete, whichever is later.

(a) An Eligible Telecommunications Provider must produce for inspection or audit upon request of the Commission or its authorized representative all OTAP and Lifeline records and supporting documentation. The Commission, or its representative, must allow the Eligible Telecommunications Provider a reasonable time to produce the records for inspection or audit.

(b) In addition to any other penalty allowed by law, the Commission may suspend or cancel an Eligible Telecommunications Provider's certificate of authority to provide telecommunications service for its failure to produce for inspection or audit the records required by this rule.

Stat. Auth.: ORS 183, 756, 759 & 1987 OL Ch. 290

Stats. Implemented: ORS 756.040, 759.036 & 1987 OL Ch. 290

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 5-1992, f. & cert. ef. 2-14-92 (Order No. 92-238); PUC 18-1997, f. & cert. ef. 12-17-97; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 5-2013(Temp), f. & cert. ef. 6-28-13 thru 12-24-13; PUC 7-2013, f. & cert. ef. 12-20-13

860-033-0050

Tribal Lifeline and Tribal Link-Up

(1) The Commission must determine if a prospective Tribal Lifeline or Tribal Link Up recipient who has executed a certification pursuant to 47 C.F.R. § 54 Subpart E (2013) has previously received a Tribal Lifeline or Tribal Link Up benefit at the residential address provided by the prospective subscriber to prevent duplicative support. An eligible resident of Tribal lands may receive the benefit of the Tribal Link Up program for a second or subsequent time only for otherwise qualifying commencement of telecommunications service at a principal place of residence with an address different from the address for which Tribal Link Up assistance was previously provided.

(2) Within five business days of a request for Tribal Lifeline or Tribal Link Up benefit, the Eligible Telecommunications Provider must submit to the Commission in an electronic format accessible by the Commission the Tribal Lifeline or Tribal Link Up applicant's full name, residential address, date of birth, telephone number associated with the application for Tribal Lifeline or Tribal Link Up benefit, and last four digits of his or her social security number or Tribal identification number. Each Eligible Telecommunications Provider must obtain, from each new and existing subscriber, consent to transmit the information as specified in this section of this rule. Prior to obtaining consent, the Eligible Telecommunications Provider must describe to the subscriber, using plain language, the specific information being submitted, that the information is being submitted to the Commission to ensure proper administration of the Tribal Lifeline and Tribal Link Up program, and that failure to provide consent will result in the subscriber being denied the Tribal Lifeline or Tribal Link Up benefit.

(3) If the Commission notifies the Eligible Telecommunications Provider that a prospective subscriber is receiving a Tribal Lifeline benefit or has received a Tribal Link Up benefit at the residential address provided by the subscriber, the Eligible Telecommunications Provider may not seek universal service support reimbursement for duplicate service.

(4) If the Commission notifies the Eligible Telecommunications Provider that a prospective subscriber is not receiving a Tribal Lifeline benefit or has not received a Tribal Link Up benefit at the residential address provided by the subscriber, the Eligible Telecommunications Provider must provide the customer's service initiation date and service type.

(5) When two or more Eligible Telecommunications Providers submit the information required in section (2) of this rule for the same subscriber, only the Eligible Telecommunications Provider whose information was received and processed by the Commission first, as determined by the Commission, will be entitled to reimbursement from the universal service fund for that subscriber.

(6) Tribal Lifeline and Tribal Link Up Order Activity Report: The Tribal Lifeline and Tribal Link Up Order Activity Report is a listing of all Tribal Lifeline and Tribal Link Up customers whose phone service was disconnected, who voluntarily de-enrolled or were de-enrolled for failure to use the Tribal Lifeline service which the Eligible Telecommunications Provider offers at no charge and a list of all Tribal Lifeline and Tribal Link Up customers whose telephone numbers, ~~or~~ addresses, **or service initiation dates and service types** have changed. Each Eligible Telecommunications Provider must submit ~~weekly~~ **monthly** to the Commission in an electronic format accessible by the Commission ~~on or before the close of business on the 21st calendar day of the following month. An Eligible Telecommunications Provider submitting the Tribal Lifeline and Tribal Link Up Order Activity Report on a monthly bases as of December 1, 2016, may continue to report on a monthly basis. The Eligible Telecommunications Provider does not need to submit the Order Activity Report if there is no activity for the week.~~

Stat. Auth.: ORS 183, 756, 759 & 1987 OL Ch. 290

Stats. Implemented: ORS 756.040, 759.036 & 1987 OL Ch. 290

Hist.: PUC 9-1988, f. & cert. ef. 4-28-88 (Order No. 88-415); PUC 8-1989, f. & cert. ef. 6-8-89 (Order No. 89-724); PUC 5-1992, f. & ef. 2-14-92 (Order No. 92-238); PUC 2-1996, f. & ef. 4-18-96 (Order 96-102); PUC 6-1997, f. & cert. ef. 1-10-97; PUC 18-1997, f. & cert. ef. 12-17-97; PUC 2-2002, f. & cert. ef. 2-5-02; PUC 19-2003, f. & cert. ef. 11-14-03; PUC 16-2004, f. & cert.

ef. 12-1-04; PUC 12-2009, f. & cert. ef. 11-13-09; PUC 5-2013(Temp), f. & cert. ef. 6-28-13
thru 12-24-13; PUC 7-2013, f. & cert. ef. 12-20-13