

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Nebraska) Application No. NUSF-2
Public Service Commission, on its) Progression Order No. 10
own Motion, seeking to establish)
guidelines for the administration) ORDER
of the Nebraska Telephone)
Assistance Program.) Entered: May 30, 2012

BY THE COMMISSION:

On February 6, 2012 the Federal Communications Commission (FCC) released a Report and Order and Further Notice of Proposed Rulemaking (Report and Order) relative to Lifeline and Link Up reform and modernization.¹ In the Report and Order, the FCC adopted sweeping reform of the federal Lifeline program, eliminated the Link Up program in large part, and promulgated new rules requiring significant changes related to the enrollment and de-enrollment of Lifeline recipients. The Commission issued Progression Order No. 9 to seek comments on the necessary changes to its Nebraska Telephone Assistance Program (NTAP) eligibility requirements and to seek comments from interested parties on the administration of these changes.

The Commission received comments from one provider, CenturyLink. CenturyLink generally supported the proposed changes. CenturyLink further commented on the requirement that the Commission send the certification forms to ETCs as prescribed by 47 C.F.R. § 54.410(e). CenturyLink had questions related to the Commission's intention to comply with this requirement and questioned whether the process would be automated. In addition, CenturyLink requested the Commission send written confirmation of this intention to the FCC and US Telecom.

Eligibility Criteria

In its Report and Order the FCC sets a floor of eligibility criteria for the federal Lifeline Program. State commissions are now required to use the FCC's floor criteria in determination of Lifeline program eligibility. In its Report and Order, the FCC modified 47 C.F.R. § 54.409, with such rule to be effective June

¹ See *In the Matter of Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42, Report and Order and Further Notice of Proposed Rulemaking (rel. February 6, 2012)(Report and Order).

1, 2012, and provides that consumers can qualify for Lifeline Program benefits if:

1. A consumer's household income as defined in § 54.400(f) must be at or below 135 percent of the Federal Poverty Guidelines for a household of that size; or
2. The consumer, one or more of the consumer's dependents, or the consumer's household must receive benefits from one of the following federal assistance programs:
 - i. Medicaid,
 - ii. Supplemental Nutrition Assistance Program,
 - iii. Supplemental Security Income,
 - iv. Housing Assistance (Section 8),
 - v. Low-Income Home Energy Assistance Program,
 - vi. National School Lunch Program's free lunch program, or
 - vii. Temporary Assistance for Needy Families.

According to 47 C.F.R. § 54.409(a)(3), states are permitted to develop additional state-specific criteria based on income or factors directly related to income.

Based on the FCC's Report and Order, the Commission concludes that its eligibility criteria should be modified so that the criteria is consistent with Rule 47 C.F.R. § 54.409. The Commission hereby incorporates the new requirements of § 54.409 (a)(1) and (2) into this Order. In addition or as clarification to the list of programs referenced above, the Commission's eligibility programs will continue to include the Children's Health Insurance programs (SAM, MAC, E-MAC, and Kids Connection).² The Commission declines to add other state-specific eligibility criteria based on income or factors directly related to income at this time.

The Commission will continue to coordinate subscriber enrollment with NDHHS to verify initial and continued eligibility for NTAP as it deems necessary and appropriate.

² See *In the Matter of the Nebraska Public Service Commission, on its own Motion, seeking to establish guidelines for the administration of the Nebraska Telephone Assistance Program*, Progression Order No. 8 (December 7, 2004).

Certification Process

The Commission has provided a sample of its NTAP application and certification form to the FCC and has made all changes recommended by the FCC. The Commission has verbally committed that it plans to be compliant with the new FCC rules by the effective date. The Commission plans to provide scanned electronic copies of the certification forms to ETCs for all new NTAP subscribers beginning June 1, 2012. The Commission will provide ETCs with a copy of the certification form after it has internally verified eligibility of the subscriber. The Commission will distribute certifications to carriers periodically throughout each month.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the findings made herein shall be and they are hereby adopted.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of May 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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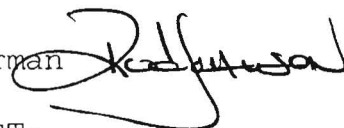
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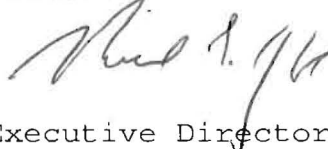


//s// Rod Johnson
//s// Frank Landis

Chairman



ATTEST:


Executive Director