

FCC Adopts Lifeline Item

June 19, 2015

Yesterday, the FCC adopted a Second Report and Order, Order on Reconsideration, Second Further Notice of Proposed Rulemaking and Memorandum Opinion and Order to comprehensively restructure and modernize the Lifeline program. While we do not yet have the order, the FCC issued a [news release](#) and the Chairman and Commissioners issued statements on the proceeding. ([Chairman](#), Commissioners [Clyburn](#), [Rosenworcel](#), [Pai](#) and [O'Rielly](#)).

The FNPRM includes proposals that were expected from the Commission's previous releases and blog posts, including how to best support broadband, how to take the eligibility determination away from the Lifeline providers and adopting minimum service standards for both voice and broadband service (which could essentially require a minimum charge if the levels are set too high and cannot be provided at no cost to the consumer). The FNPRM is expected to ask questions about a budget for the Lifeline program, but the Republican commissioners were disappointed that no budget or cap has been imposed by the order. We expect the order to address Tribal lands in Oklahoma and the FNPRM may address the issue as well.

The order also is expected to require temporary retention of proof of eligibility, including documentation to support National Lifeline Accountability Database (NLAD) disputes, but the order reportedly does not include extending record retention (from 3 to 10 years) as expected and there was no mention yesterday of allowing text messaging to count as usage of the Lifeline service. We also expect the order to address some ministerial items, such as establishing a uniform "snapshot" date for FCC Form 497 submissions for all Lifeline ETCs.