

810-RICR-20-00-3

TITLE 810 - PUBLIC UTILITIES COMMISSION

CHAPTER 20 - TELECOMMUNICATIONS

SUBCHAPTER 00 – N/A

PART 3 - Certification and Verification Procedures for Telecommunications Carriers
Eligible to Receive Payments from the Federal Universal Service Fund

3.1 Authority and Purpose

These Rules and Regulations are promulgated pursuant to R.I. Gen. Laws §§ 42-35-1 et seq. and 39-2-5(9)(i) and to implement certain provisions of the Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in 47 U.S.C. §§ 151-760 ("Act").

3.2 Incorporated Materials

These regulations hereby adopt and incorporate 47 C.F.R Part 54 (2018) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

3.3 Definitions

- A. "Commission" means the Rhode Island Public Utilities Commission.
- B. "Department of Human Services" or "DHS" means the Rhode Island Department of Human Services.
- C. "Division" means the Rhode Island Division of Public Utilities and Carriers.
- D. "ETC" means Eligible Telecommunications Carrier.
- E. "FCC" means the Federal Communications Commission.
- F. "FPL" means Federal Poverty Level.
- G. "Household" means any individual or group of individuals who are living together at the same address as one economic unit, as further defined in 47 C.F.R. 54.400, incorporated above at § 3.2 of this Part.
- H. "Lifeline" means the same as that which is contained in 47 C.F.R. § 54.401, incorporated above at § 3.2 of this Part.

- I. "Qualifying Assistance Program" means the same as that which is contained in 47 C.F.R. § 54.400, incorporated above at § 3.2 of this Part, and shall also include the programs listed in R.I. Gen. Laws § 39-2-5(9)(i).
- J. "Tribal Link Up" means the same meaning as 47 C.F.R. § 54.413, incorporated above at § 3.2 of this Part.
- K. "USAC" means the Universal Service Administration Company.

3.4 Contents of Petitions for Certification

- A. All petitions for certification must include the following:
 - 1. Evidence that the company is an authorized telecommunications carrier under the laws of the State of Rhode Island and that the company has filed the applicable Application Package with the Division.
 - 2. Demonstrate that the carrier will provide Voice Telephony services that meet each part of "Services designated for support" set forth in 47 C.F.R § 54.101, incorporated above at § 3.2 of this Part.
 - 3. Items contained in 47 C.F.R. § 54.202, incorporated above at § 3.2 of this Part, with the modification contained in §§ 3.4 (A)(5)(a) through (c) of this Part.
 - 4. That the carrier will offer services supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carriers' services.
 - 5. Carriers seeking limited ETC designation in accordance with Subpart E of 47 C.F.R. Part 54, incorporated above at § 3.2 of this Part to participate in the Lifeline program must also:
 - a. provide evidence that it is capable of complying with the E911 access set forth in 47 C.F.R. § 54.101(a), incorporated above at § 3.2 of this Part;
 - b. file its approved compliance plan referenced in paragraph 368 of The Lifeline Reform Order, if applicable; and
 - c. demonstrate that it is financially and technically capable of providing the supported Lifeline service.
 - 6. A copy of the carrier's Lifeline plan to demonstrate that it meets the criteria set forth in Subpart E of 47 C.F.R Part 54, incorporated above at § 3.2 of this Part and describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the

number of minutes provided as part of the plan, additional charges, if any, for toll calls and rates for each such plan.

7. A copy of the carrier's proposed marketing materials in a form that complies with 47 C.F.R § 54.405, incorporated above at § 3.2 of this Part.
8. A copy of the carrier's enrollment form.
9. A description of the carrier's annual re-certification process and a copy of any documents that will be provided to the customer.

3.5 Tribal Link Up

- A. Tribal Link Up is only available to an eligible resident of Tribal lands as defined at 47 C.F.R. § 54.400, incorporated above at § 3.2 of this Part.
- B. Tribal Link Up is available to an eligible resident of Tribal lands who meets the Eligibility criteria set forth in § 3.6 of this Part.
- C. Only certified ETCs who have not sought only the limited ETC designation in accordance with Subpart E of 47 C.F.R. Part 54, incorporated above at § 3.2 of this Part to participate in the Lifeline program may receive payment from the Universal Service Fund for Tribal Link Up.

3.6 Eligibility for Enrolling in and Retaining Lifeline Discounts

- A. The Lifeline discount is available to only one customer within a household from one telecommunications carrier.
- B. Lifeline shall be available to a customer whose annual income is at or below 135% of FPL.
- C. Lifeline shall be available to a customer who participates in a Qualifying Assistance Program.
- D. Where an ETC enters into an agreement with the Department of Human Services to receive verification from DHS that the subscriber is enrolled in a Qualifying Assistance Program, the carrier may rely on such certification as substantially similar to the requirements of 47 C.F.R. § 54.410, incorporated above at § 3.2 of this Part.

3.7 Re-certification

- A. All ETCs must annually re-certify all subscribers in a manner in compliance with 47 C.F.R § 54.410, incorporated above at § 3.2 of this Part.
- B. Where an ETC enters into an agreement with the Department of Human Services to receive verification from DHS that the subscriber is still enrolled in a Qualifying

Assistance Program, the carrier may rely on such certification as substantially similar to the requirements of 47 C.F.R. § 54.410, incorporated above at § 3.2 of this Part.

- C. ETCs must also comply with the FCC's requirements set forth in 47 C.F.R. § 54.410(g), incorporated above at § 3.2 of this Part.
- D. A copy of the results of the Annual Re-certification must be filed with the Commission within thirty (30) days from the date they are filed with USAC.

3.8 Annual Reporting Requirements

- A. ETCs shall file with the Commission and Division a copy of all reports required by 47 C.F.R. § 54.422, incorporated above at § 3.2 of this Part.
- B. ETCs shall file with the Commission and Division a current Enrollment Form and any Re-Certification materials provided to customers whenever such form or material is amended by the ETC, or at least once annually from the effective date of these Rules.
- C. ETCs shall comply with the Annual Reporting Requirements contained in the Division's Regulations and Fee Schedules for Telecommunications Providers in order to retain ETC status.
- D. ETCs shall file with the Commission and Division, on or by February 28th of each year, the number of Lifeline subscribers it had as of June 1st of the prior year. Such information may be filed under seal in accordance with Commission Rule of Practice and Procedure, [810-RICR-00-00-1.3\(H\)](#) pursuant to R.I. Gen. Laws § 38-22(1)(A)(II)(B). However, the Commission reserves the right to aggregate the data and/or present it in a way that is not identifiable to any particular company.

3.9 Severability

- A. The provisions of these Rules shall be severable and if the application of any clause, sentence, paragraph, subdivision, section or part of these Rules shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section or part of these Rules.
- B. The provisions of these Rules shall be severable and if the application of any clause, sentence, paragraph, subdivision, section or part of these Rules shall be preempted by Federal Law or subsequent changes to State Law, such preemption shall not affect, impair, or invalidate the application of any other clause, sentence, paragraph, subdivision, section or part of these Rules.

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THE FEDERAL UNIVERSAL SERVICE FUND**

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