

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Into Implementation of)	Rulemaking 04-12-001
Federal Communications Commission Report and)	(Filed December 2, 2004)
Order 04-87, As It Affects The Universal Lifeline)	
Telephone Service Program.)	

**COMMENTS OF COX CALIFORNIA TELCOM, LLC, DBA COX COMMUNICATIONS, ON
DRAFT RESOLUTION T-17202**

Douglas Garrett
Cox Communications
2200 Powell St., Suite 1035
Emeryville, CA 94608
T: 510.923.6222
E: douglas.garrett@cox.com

Esther Northrup
Cox Communications
350 10th Avenue, Suite 600
San Diego, CA 92101
T: 619.266.5315
E: esther.northrup@cox.com

Marcie Evans
Cox Communications
350 10th Avenue, Suite 600
San Diego, CA 92101
T: 619.266.5637
E: marcie.evans@cox.com

Margaret L. Tobias
Tobias Law Office
460 Pennsylvania Avenue
San Francisco, CA 94107
T: 415.641.7833
E: marg@tobiaslo.com
Attorney for Cox Communications

Dated: April 1, 2009

Cox Recommendations To Draft Resolution T-17202

- GO 153, Section 4.2.1 should not be revised until the CertA and carriers develop the necessary functionality to exchange the additional customer information that the Commission orders carriers to collect;
- GO 153, Section 9.11.3 should be revised to reflect that carriers may require more than five business days to respond to a request from the Commission or CD;
- GO 153, Sections 4.2.5 and 5.4.6 should be revised to clarify that Lifeline subscribers may request a check when the net balance credit reflected on their next bill is equal to or greater than \$10.00.

Table of Authorities

CPUC DECISIONS

Decision 08-08-029 1, 4

OTHER

Rules of Practice and Procedure, Rule 1.14 1

General Order 153 passim

I. Introduction.

Subject to the Notice of Availability issued with the Draft Resolution, Cox California Telcom LLC, dba Cox Communications (U 5684 C) (“Cox”) appreciates the opportunity to and hereby submits its comments on draft Resolution T-17202 which will revise General Order 153 to reflect administrative revisions to the California Lifeline Program (“Draft Resolution”). The Notice of Availability states that comments are due on March 31, 2009. Because the Commission was closed on March 31, 2009, Cox timely submits these comments on April 1, 2009.¹

II. Comments.

As detailed below, Cox requests that the Commission adopt the proposed changes discussed below to ensure that GO 153 includes clear rules that carriers may readily implement.

Proposed Change to GO 153, Section 4.2.1: Transfer Of Existing Lifeline Customers. The Draft Resolution notes that Lifeline subscriber have experienced difficulty in transferring their Lifeline service when changing carriers.² As discussed in more detail below, it is important to note at the outset that this problem exists under the current enrollment process and is not a consequence of nor will it be eliminated by the Commission transitioning to a pre-qualification enrollment on July 1, 2009.

In an effort to resolve the issue that Lifeline subscribers changing carriers experience, the Draft Resolution proposes that carriers obtain very specific, detailed information, including (a) Customer’s name as it appeared on their prior bill; (b) the exact address where they received prior service; and (c) the prior phone number if it is not being ported.³

Cox supports the Commission adopting and implementing a solution that addresses the problem certain Lifeline subscribers face when transferring to a new carrier. Cox submits, however, that two critical modifications to the proposed solution are necessary to ensure that the Commission adopts a solution that both addresses the Lifeline subscribers experiencing the difficulty and grants the Cert A and carriers sufficient time to implement.

First, the Commission should adopt a solution tailored to address only the subset of Lifeline subscribers that actually face the difficulty in transferring their Lifeline eligibility to a new carrier. Specifically, in revising Section 4.2.1,⁴ Cox recommends that the Commission

¹ See California Public Utilities Commission Rules of Practice and Procedure, Rule 1.14.

² Draft Resolution, p. 7.

³ Id.

⁴ All sections references herein are to General Order 153, unless otherwise noted.

distinguish between Lifeline subscribers that port their telephone numbers to a new carrier and those subscribers that do not port their telephone numbers. To the extent the Lifeline subscriber's telephone number (TN) is ported and does not change, there should be few to no issues in transferring her Lifeline eligibility. This is because the Cert A currently tracks Lifeline subscribers primarily by their telephone number and the data record that Cert A and carriers exchange includes a data field for such. For example, when a Lifeline subscriber porting her number switches to a new carrier, it automatically fills in her telephone number in an *existing data field* in the data record it then transmits to the Cert A. The Cert A validates the customer based on the telephone number (and supplemental data) also transmitted. As such, no changes to the existing rules or processes are required for these Lifeline subscribers.

A new rule and process, however, is required for Lifeline customers transferring LifeLine eligibility that do not port their telephone numbers because there is not a telephone number that the Cert A can track. With this subset of customers, the data fields that carriers currently populate and transmit to the Cert A do not facilitate the Cert A verifying existing Lifeline eligibility. As such, Cox generally agrees with the Draft Resolution's proposal to require carriers to collect additional information. But the Commission must first order the Cert A to modify the template data record that it and carriers exchange. This will ensure that carriers can transmit to the Cert A any additional information that the Commission orders them to collect. For example, the data record that the Cert A and carriers exchange today *does not* include data fields for the information that the Draft Resolution would require carriers to collect. As such, carriers would be required to modify their internal systems and processes to collect and capture such information, but they would not be able to send it to the Cert A.

Second, the Draft Resolution does not address the significant amount of IT and related work that carriers will be required to undertake in order to collect, maintain and transmit the new information. Only after the Cert A adopts an updated data record detailing the data fields that carriers must populate with information collected from Lifeline subscribers will carriers be able to commence the work necessary to update their IT and related systems and processes. Based on the text included in proposed Section 4.2.1 in the Draft Resolution, Cox submits it may require approximately 120 days to implement the necessary IT and related changes. Cox reserves the right to request the Commission adopt a longer implementation time period based on the final data record that the CertA eventually distributes to carriers.

Because the proposed change to Section 4.2.1 is not a consequence of the Commission implementing pre-qualification on July 1, 2009, Cox requests that the Commission first make arrangements with the Cert A to make the required changes to its systems and then grant carriers sufficient time to make changes to their systems once the Cert A releases an updated data record template. Additionally, Cox strongly recommends that the Draft Resolution be revised to delete the proposed changes to Section 4.2.1.

Proposed Change to GO 153, Section 9.11.3: Submission of Work Papers. The Draft Resolution would modify existing Section 9.11.3 that requires utilities to generally respond to inquiries from the Commission or CD and that a carrier's failure to meet this time frame would be deemed a reasonable basis for denying costs/lost revenues.

Proposed Section 9.11.3 requires carriers to submit work papers, records, and other requested information within five (5) business days of the request. The Draft Resolution does not indicate that utilities have not timely responded to Commission/CD inquiries or otherwise explains the need for the revised rules. Cox does not oppose the Commission including a specific time period but strongly recommends that the rule reflect that carriers may reasonably need and be granted additional time to comply with any given request. For example, a request could effectively require a carrier to contact several, different internal departments and coordinating a response may take more than five business days. Or a request may cover a long period of time which may result in a carrier requiring additional time and resources to compile a response. Further, some carriers may have a single point of contact for Lifeline inquires and to the extent that person is out sick or on vacation, the carriers could likely need additional time to respond.

Accordingly, Cox proposes that Section 9.11.3 be modified as follows:

Utilities shall provide to the Commission or CD within 5 business days, upon request, documents, workpapers, records (to the extent that records exist) and other information regarding costs and lost revenues claimed by the utility. A carrier may reasonably request additional time to comply with any such requests. Failure to respond to requests to provide information requested by the Commission or CD is reasonable grounds to deny costs and lost revenues claimed by the utility.

GO 153, Sections 4.2.5 and 5.4.6: Issuance of Checks for Credits. Although not addressed specifically in the Draft Resolution, Cox requests that the Commission consider making minor edits to Sections 4.2.5 and 5.4.6 to ensure that there is no confusion with respect to when carrier

must issue checks for net credit balances reflected on Lifeline subscriber's invoices. These two sections implement rules the Commission adopted in D.08-08-029 that allow a Lifeline subscriber to request a check for net credit balance in certain circumstances.

Existing Section 4.2.5 states:

Utilities shall inform LifeLine applicants that once certified, they will receive a credit on their bill for LifeLine discounts as of the application date and, if they have a credit of at least \$10.00, may request a refund check for any net credit balances reflected on their next bill.

And existing Section 5.4.6 states:

Upon successful completion of the certification process, the customer's basic service will be converted to LifeLine service and the customer's account credited the difference between LifeLine rates and charges and regular tariff rates and charges, as outlined in Section 8.1 of this General Order, and any deposits related to basic service, as of the Application Date. Customers with a credit balance of at least \$10.00 may request a refund check in the amount of the credit balance reflected on their next bill.

Cox recommends that these two sections be modified as follows:

Section 4.2.5: Utilities shall inform LifeLine applicants that once certified, they will receive a credit on their bill for LifeLine discounts as of the application date and, if they have a net credit balance of at least \$10.00 reflected on their next bill, they may request a refund check for any such net credit balances ~~reflected on their next bill~~.

And existing Section 5.4.6 states:

Upon successful completion of the certification process, the customer's basic service will be converted to LifeLine service and the customer's account credited the difference between LifeLine rates and charges and regular tariff rates and charges, as outlined in Section 8.1 of this General Order, and any deposits related to basic service, as of the Application Date. Customers with a net credit balance of at least \$10.00 reflected on their next bill may request a refund check in the amount of ~~the~~ such net credit balance ~~reflected on their next bill~~.

These minor edits makes clear that checks may be requested if there is a net balance credit of \$10.00 or more reflected on the bill sent to the subscriber after she qualifies for Lifeline. If it were otherwise, carriers could be required to send checks for less than \$10.00, which is contrary to the rule adopted in D.08-08-029.⁵

/

/

⁵ D.08-08-029, p. 32, Ordering Paragraph No. 4.

III. Conclusion.

Cox generally supports the Draft Resolution and respectfully requests that the Commission adopt the proposed changes discussed above as they will facilitate successful implementation of new and revised rules into General Order 153.

Dated: April 1, 2009

Respectfully submitted,

/s

Douglas Garrett
Cox Communications
2200 Powell St., Suite 1035
Emeryville, CA 94608
T: 510.923.6222
E: douglas.garrett@cox.com

Margaret L. Tobias
Tobias Law Office
460 Pennsylvania Avenue
San Francisco, CA 94107
T: 415.641.7833
E: marg@tobiaslo.com
Attorney for Cox Communications

Esther Northrup
Cox Communications
350 10th Avenue, Suite 600
San Diego, CA 92101
T: 619.266.5315
E: esther.northrup@cox.com

Marcie Evans
Cox Communications
350 10th Avenue, Suite 600
San Diego, CA 92101
T: 619.266.5637
E: marcie.evans@cox.com

Appendix A

Revised Findings and Ordering Paragraphs

New Findings

10. To facilitate Lifeline subscribers transferring their eligibility to a new service provider, the CD should work with Cert A and carriers to revise the data record that the Cert A and carriers currently exchange.

11. Revising the data record template that the Cert and carriers currently exchange will require both the Cert A and carriers to modify their internal systems and processes.

New Ordering Paragraph

6. GO 153, Section 4.2.1 will not be revised at this time and will be revised once the Cert A and carriers can collect and exchange additional information facilitating a Lifeline subscriber transferring her Lifeline eligibility to a new carrier.

CERTIFICATE OF SERVICE

I, Margaret L Tobias, the undersigned, hereby declare that, on April 1, 2009, caused a copy of the foregoing:

OPENING COMMENTS OF COX CALIFORNIA TELCOM, LLC, DBA COX COMMUNICATIONS, ON DRAFT RESOLUTION T-17202

in the above-captioned proceeding, to be served as follows:

Via email service and US Mail to each Commissioner

Via email service and US Mail to the Chief Administrative Law Judge

Via email service and US Mail to the General Counsel

Via email service to John Leutza

Via email service to Benjamin Schein

Dated: April 1, 2009 at San Francisco, California.

/s

Margaret L. Tobias