

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Re Draft Resolution T-17321 to Revise General
Order 153 To Reflect Revisions to the
California LifeLine Telephone Program as
Adopted in Decision 10-11-033.

Draft Resolution T-17321

**REPLY COMMENTS OF AT&T ON DRAFT RESOLUTION T-17321
REVISING GENERAL ORDER 153 TO REFLECT REVISIONS
TO THE CALIFORNIA LIFELINE TELEPHONE PROGRAM
AS ADOPTED IN DECISION 10-11-033**

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Pursuant to the instructions in the Notice of Availability of Draft Resolution T-17321 issued June 13, 2011 and Rule 14.5 of the Commission's Rules of Practice and Procedure, AT&T¹ hereby submits these reply comments on Draft Resolution T-17321 adopting revisions to the California LifeLine Telephone Program as adopted in Decision No. 10-11-033.

I. INTRODUCTION

The Draft Resolution revises General Order 153 to transition California LifeLine to a fixed benefit program ordered in D.10-11-033. As discussed in our Opening Comments, the proposed revisions correctly implement the Order, with the exception of a few modifications recommended in AT&T's opening comments. A number of parties proposed modifications to GO 153 that were not adopted in D.10-11-033. Ordering paragraph 34 expressly framed Commission Staff's objective in this Resolution to conform California LifeLine Program rules and GO 153 to D.10-11-033. As described with more specificity below, proposals to augment GO 153 with additional obligations or requirements not found in Decision 10-11-033 must be rejected because such new rules fall beyond the scope of this Resolution.

II. REPLY COMMENTS

A. Proposed Edits that Do Not Reflect Revisions to the California LifeLine Program Adopted in D.10-11-033 Should Be Rejected.

1. SureWest's Edit to Element 8 of Appendix A Should Be Rejected.

Appendix A lists the 22 service elements that make up California LifeLine Service. Element 8 states, "Access to foreign Numbering Plan Areas." SureWest requests to augment this description with the following phrase: "unless subscriber has requested Toll Blocking."² This change is inappropriate because not all foreign Numbering Plan Areas ("NPAs") constitute a toll call. Large metropolitan areas, such as Los Angeles or San Francisco, typically have numerous foreign NPAs within a local calling area. In such an area, toll blocking would not

¹ AT&T California (U 1001 C); AT&T Communications of California, Inc. (U 5002 C); TCG San Francisco (U 5454 C); TCG Los Angeles, Inc. (U 5462 C); TCG San Diego (U 5389 C); AT&T Advanced Solutions, Inc. (U 6346 C) and New Cingular Wireless PCS, LLC (U 3060 C).

² Small LECs/SureWest Comments on Draft Resolution T-17321, Attach. A, p. 5.

necessarily exclude the caller from a foreign NPA. Adopting SureWest's edit in this instance will improperly decrease a LifeLine participant's current local calling area.

2. Rule 4.6.2 Should Not Reference D.07-07-043.

Cox and SureWest propose augmenting Rule 4.6.2 to incorporate all rules and regulations set forth D. 07.07.043.³ AT&T opposes modifying Rule 4.6.2 at this time. D.10-11-033 limits jurisdiction over non-regulated providers that voluntarily participate to comply with LifeLine program rules. D.10-11-033 does not expand the Commission's jurisdiction over these providers to non-LifeLine regulations, such as D.07-07-043. Furthermore, D.07-07-043 does not govern LifeLine notices, application forms, or access to customer representatives. In order to include new LifeLine rules those rules must be addressed in a rulemaking, allow parties to comment on the issues, and be approved by the full Commission. Modifying GO 153 with a new policy is not appropriate for this resolution. Furthermore, including this new rule in GO 153 falls beyond the implementation scope set forth in D.10-11-033.

3. Providers Should Not Be Required to Notify Applicants and Subscribers of Potential Audits.

Verizon's proposal to move carrier audit requirements to Rule 4.1, which governs disclosures, should be rejected.⁴ As stated correctly by Cox,⁵ the Certifying Agent, not the carrier, is required to send out certification and verification forms to notify new applicants and subscribers that the Commission may audit his/her participation. The audit disclosures should be conveyed in Rules 4.4.1.1.1 and 4.5.1.1.1 as proposed in AT&T's opening comments.

4. Proposed Rules Prohibiting Disconnection for Nonpayment of Non-Basic Service Should Be Rejected at This Time.

Greenlining proposes the addition of a new rule restricting disconnection of LifeLine service for non-payment of non-basic service charges.⁶ Although this rule governs wireline intrastate telecommunications carriers, it is not a LifeLine program rule, nor part of the definition

³ Small LECs/SureWest Comments on Draft Resolution T-17321, p. 2; Cox Comments on Draft Resolution T-17321, p. 7.

⁴ Verizon Comments on Draft Resolution T-17321, p. 3.

⁵ Cox Comments on Draft Resolution T-17321, p. 5.

⁶ Greenlining/Disability Rights Advocates Comments on Draft Resolution T-17321, pp. 1-2.

of LifeLine service set forth in Attachment A. D.10-11-033 limits jurisdiction over non-regulated providers that voluntarily participate to comply with LifeLine program rules. Commission rules regarding deniable and non-deniable charges do not apply to wireless or VoIP providers. In order to include this rule in LifeLine rules, it must be addressed in a rulemaking, allow parties to comment on the relevant policy issues, and be approved by the full Commission. Including this new rule in GO 153 does not comport with the program rules articulated in D.10-11-033.

5. **Proposed Edits that Expand Provider Obligations Regarding LifeLine Notices Should Be Rejected at This Time.**

Greenlining requests that GO 153 be augmented with a new rule requiring providers to offer LifeLine notices distributed to subscribers in alternate formats, without a Commission Decision, regulation, or requirement supporting this proposal.⁷ In order to include new LifeLine rules, it should be addressed in a rulemaking where parties may comment on the relevant policy issues, and approved by the full Commission. Augmenting GO 153 with this new rule at this time is premature considering that D.10-11-033 did not address this issue.

6. **GO 153 Should Not Require Non-Traditional Providers to File with the Commission Terms and Conditions at This Time.**

TURN's proposal to require non-traditional providers to file with the Commission their terms and conditions is premature.⁸ D.10-11-033 expressly requires non-traditional providers to file LifeLine rates and charges, not terms and conditions.⁹ Augmenting GO 153 with such a requirement goes beyond the ministerial authority Commission staff has to administer this program. Imposing such a new requirement constitutes policy making, which remains within the exclusive role of the Commission. D.10-11-033 sets a phase II of the proceeding to clarify outstanding issues with regard to the participation of non-traditional carriers, including wireless and VoIP carriers, in the LifeLine and DDTP Programs.¹⁰ It also directed the CD to hold at least

⁷ Greenlining/Disability Rights Advocates Comments on Draft Resolution T-17321, p. 2.

⁸ TURN/National Consumer Law Center Comments on Draft Resolution T-17321, pp. 3-4.

⁹ See D.10-11-033, *mimeo*, pp. 66-73 (Section 5.2).

¹⁰ *Id.* at 102.

one workshop on how non-traditional providers will participate in California LifeLine. These next steps will be conducted in R.11-03-013. TURN’s proposed rules should be addressed in R.11-03-013; they are not appropriate revisions to GO 153 at this time.

B. The Resolution should Articulate the Process Commission Staff Should Follow When Modifying LifeLine Forms/Documents on the Commission Website That Are Incorporated in GO 153 by Reference.

Greenlining points out that this Resolution should articulate a process by which future changes to LifeLine forms/documents incorporated in GO 153 by reference are handled.¹¹

AT&T agrees that a process that provides parties adequate notice of future changes and an opportunity to comment should be outlined in this Resolution.

III. CONCLUSION

AT&T respectfully urges the CD to reject all proposed modifications to Draft Resolution T-17321, as well as any provisions of the Draft Resolution itself, that do not comport with D.10-11-033.

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Respectfully submitted,

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¹¹ Greenlining/Disability Rights Advocates Comments on Draft Resolution T-17321, p. 5.