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Communications Division

RESOLUTION T-17321

Consumer Programs Branch

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**Opening Comments of the Greenlining Institute and Disability Rights Advocates
on Resolution T-17321**

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Introduction

Pursuant to California Public Utilities Code § 311(g) and Rule 14.5 of the Rules of Practice and Procedure of the California Public Utilities Commission (“the Commission”), the Greenlining Institute and Disability Rights Advocates (collectively referred to as “Greenlining/DisabRA”) file their Opening Comments on Draft Resolution T-17321 (“Draft Resolution”).

Changes in the LifeLine program should not result in the degradation of basic consumer protections.

As the Commission makes changes to incorporate the new Specific Support Amount (SSA) and to accommodate non-traditional LifeLine providers, it must take care to not degrade consumer protections that have been included as part of basic service and the LifeLine program. The emphasis on consumer protections is especially important because with these changes, the Commission hopes to encourage new carriers to participate in the program.¹ These carriers may not be aware of current Commission rules, or may need to adjust their current business practices to comply with these rules. In some cases, it may be necessary to update the G.O. in order to ensure that consumer protections continue into the future.

LifeLine subscribers must be protected against disconnection for nonpayment of non-basic service related charges.

An important consumer protection that has implicitly been part of LifeLine service is the prohibition against disconnection of basic service for the nonpayment of any other services. The Commission imposed the prohibition against disconnection of basic service for the nonpayment of any other services in D.00-03-020 and D.00-11-015 as part of its rules for the entire telecommunications industry to deter slamming and cramming.² However, given the significant changes to telecommunications regulation and the administration of LifeLine in the ensuing years, this important consumer protection should be a clear and formal part of the LifeLine program, and included in G.O. 153.

¹ See D.10-11-033, at p. 2 (“Consumers have accelerated their use of communication options that have never been subject to traditional utility regulation and have not participated in the California LifeLine Program.”)

² See D.00-03-020, p. 33 & Ordering Paragraph 4, modified by D.00-11-015, p. 9 & Ordering Paragraph 1. “For these reasons, we intend to limit disconnection of basic residential and single line business service (i.e., Flat Rate and/or Measured Rate services) to nonpayment of non-recurring and recurring charges for basic residential and single line business services, including all mandated surcharges and taxes.”

This consumer protection will be especially important under the new LifeLine program. The Commission has been clear that its intent is to allow LifeLine customers to sign up for bundled packages and services.³ Thus, a great many charges – some related to voice service and some completely unrelated (for example, cable TV or internet access) could appear on the bill. The G.O. should make clear that basic service will be protected – and that all customer payments and the SSA should be directed first towards payment of basic service as opposed to other charges.⁴

In the proposed G.O., the only provision protecting against disconnection for nonpayment of services is Section 7.7:⁵

If a subscriber is disconnected for nonpayment of toll charges, a California LifeLine Service Provider must provide California LifeLine to the subscriber if the subscriber elects to receive Toll Blocking.

This provision derives from the early days of the LifeLine program when long distance charges were very expensive and could make a phone bill unaffordable. Section 7.7 describes a subscriber being disconnected from service for nonpayment of toll charges (with no mention of any other charges) and only requires the provider to maintain LifeLine service if the subscriber elects Toll Blocking. In the context of bundled service and non-traditional carriers, like wireless, this provision must be expanded or supplemented to protect access to basic service in these new and different situations. The G.O. should contain a clear statement that a LifeLine subscriber cannot be disconnected from basic voice service (or the LifeLine program) for nonpayment of other services.

LifeLine must remain accessible to subscribers.

As much as possible, LifeLine service should be accessible to all eligible subscribers. The G.O. contains provisions for accessibility in languages other than English, but falls short in accessibility for subscribers with disabilities. For this reason, Greenlining/DisabRA urge addition of a provision that all notices regarding the LifeLine program should be in accessible

³ See D.10-11-033 at p. 59.

⁴ In workshop comments, Joint Consumers suggested the following rule, which should be adopted:
“A customer’s LifeLine Service can only be disconnected for non-payment of charges for LifeLine Service. If LifeLine customer is past due on his or her bill, any partial payment must be applied to the LifeLine Service portion of the bill. If a LifeLine customer subscribes to non-LifeLine Services, including those services offered as part of a bundled offering, those non-LifeLine Services must be subject to disconnection for non-payment before LifeLine Service is disconnected.”

⁵ Section 8.1.8 also provides that there will be no charge for toll-limitation services.

formats. Joint Consumers previously suggested such rules, to be added to Section 4.6, in workshop comments and they should be adopted here.⁶ By failing to explicitly require notices in these formats, the Commission would be retreating from a strong policy of accommodating the disabled community as part of the LifeLine program.

Additionally, we have noted several times in comments and at workshops that the G.O. will need to be modified to accommodate the expansion of the program to include wireless data service for customers who qualify for both DDTP and LifeLine. We wish to once again note that several sections of the G.O., in particular, certain definitions as well as Section 5.1.7, will need to be altered to accommodate the expansion of LifeLine and DDTP to include wireless LifeLine services. The Draft Resolution acknowledges this important issue will be part of R.11-03-013 and that the G.O. is incomplete without the related changes.

Additional access to information about the LifeLine Program is an important consumer protection.

Greenlining/DisabRA object to the removal of the requirement that customer service representatives notify customers of the ability to fill out the LifeLine application and the renewal form online. This is currently explicitly required in 4.2.1.2.1.1(ii) during the enrollment process. The online option streamlines the application process for applicants and makes it easier for the LifeLine Administrator to meet important deadlines. Consumer education about this option should not be cut back.

Further, we had proposed that hard copies of the application form and renewal forms be added to sections 4.4 and 4.5 in light of the lack of universal access to a computer, printer and internet within the LifeLine-eligible population. The proposed revisions do not appear in the G.O. and this request is not discussed in the Draft Resolution. There is no rationale for failing to adopt this requirement. While Greenlining/DisabRA understand that application forms must be pre-printed with individual identifiers, samples would be valuable for CBOs trying to educate consumers or for the consumer themselves trying to understand the requirements of the program. The Commission errs by rejecting this suggestion and not acknowledging that a sample application could easily be distinguished from the actual application to avoid customer

⁶ “Any carrier that provides billing and other information to a customer in alternative formats such as large print or Braille shall provide LifeLine notices in the same format to the customer.”

“All carriers shall ensure that their customer service representatives are trained to respond to inquiries from callers using TTY and/or relay services.”

confusion. The proposed revised G.O. should facilitate access to hard copy sample forms and instructions to help consumers understand the application and renewal process.

The Commission must address non-traditional carrier issues in more detail in the new rulemaking.

It is difficult to update a complicated program to accommodate a new technology. The Commission originally set aside an entire Phase 2 to work on these issues and, subsequently, opened a new OIR to address, at least in part, the inclusion of wireless services in the LifeLine program. However, the Draft Resolution and accompanying edits attempt to revise G.O. 153 to include wireless, as discussed above, do not go far enough or include enough detail to adequately protect consumers. The Draft Resolution makes no reference to the specific pending issues related to wireless, including the definition of basic service in R.09-06-019, except to state that they will be “addressed” in the new docket.⁷ But it is unclear whether some of the edits to the G.O. proposed in this Draft Resolution specifically to accommodate wireless will be re-opened for discussion in that new docket. The Draft Resolution should be crystal clear about how these issues will be treated. If these edits are to be the final say on these issues, then the G.O. must be revised to fix some of the problems discussed above. If issues will be discussed in the LifeLine docket, the Commission should be specific about which issues those will be.

Correction of Drafting Errors.

The proposed revised G.O. at Section 2.49 “Service Start Date” definition states that the “subscriber receives California LifeLine discounts back to the Service Start Date.” This is inconsistent with the other parts of the G.O. which use the application date as the start date for the discount (*see e.g.*, section 4.2.5 requiring LifeLine service providers to notify applicants that once approved they will receive credits for the LifeLine discount as of the customer’s application date). The service start date and the application date can be two different events and the consumer does not necessarily have control over the factors affecting when services starts, but does have full control over when he or she calls to enroll into the LifeLine program. This appears to be a drafting error and should be corrected to require the discounts back to the Application Date.

There also appears to be a drafting error in 4.2.1.2.2.1 and 4.2.1.2.1.1. These sections should mirror each other and they do not. In Section 4.2.1.2.2.1, subsections (iv) and (v) provide

⁷ See Draft Resolution at p. 4.

disclosure requirements regarding payment plans and deposits. Subsection (iv) relates to non-California LifeLine Service while subsection (v) relates to basic service. Section 4.2.1.2.1.1 is missing the corresponding requirement for basic service, and both are important as the up-front costs of non-recurring charges are a barrier for many low income customers. We also note that the current G.O. subsection regarding the requirement “to specify any deposits required” has been deleted from Section 4.2.1.2.2.1 in what appears to be a drafting error as this deposit language remains in a similar provision in 4.2.1.2.1.1 (iii).

The resolution must establish the process that provides notice and opportunity to comment on sections of the G.O. that will be moved to websites.

The proposed revised G.O. moves several important program design components, income limitations, the timeline for processing California LifeLine Qualifications, the Carrier Claim form and the Timeline for Processing California LifeLine Qualifications from publication in the G.O. to weblinks. However, this Resolution must clarify the process by which future changes to these items will be handled. There must be adequate notice and an opportunity to comment for the parties served notice of this Resolution (the service lists for R06-05-028, R11-03-013, the LifeLine Administrative Committee, the LifeLine Working Group and all the telecommunications carriers in the state).

Conclusion

Greenlining/DisabRA respectfully request that the G.O. be revised to address the issues outlined above.

Sincerely,

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