

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

APR 16 2012

by  
State Corporation Commission  
of Kansas

In the Matter of Staff's Motion to the )  
Commission to Commence a Generic ) Docket No. 10-GIMT-658-GIT  
Proceeding to Address Issues Concerning )  
the Kansas Lifeline Service Program )

**COMMENTS OF THE CITIZENS' UTILITY RATEPAYER BOARD**

COMES NOW the Citizens' Utility Ratepayer Board ("CURB") and files the following comments in this docket related to the Kansas Corporation Commission's ("KCC" or "Commission") March 27, 2012, Order ("Lifeline Order") soliciting comments concerning the Kansas Lifeline Service Program ("KLSP").

**I. INTRODUCTION**

1. After reviewing the Commission's order filed in this docket, CURB offers these comments. CURB is hopeful that the result of this docket will be an even stronger, more robust KLSP with broader participation.

**II. COMMENTS**

**A. What additional information, if any, should be provided to the Commission to demonstrate the Lifeline-only ETC's technical and financial capacity to provide the supported service.**

2. The technical standards for provision of Lifeline-only service are from the FCC in the FCC Lifeline Order 12-11,<sup>1</sup> Paragraphs 361-381. The KCC incorporated these standards and additionally requires all competitive ETCs to file responses to the questions in paragraphs 20 and

<sup>1</sup> In the Matter of Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training; WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23; Report and Order and Further Notice of Proposed Rulemaking; Rel. Feb. 6, 2012, ("FCC Lifeline Order").

21 of the Lifeline Order. Companies in compliance with the FCC technical standards and affirmatively responding to the KCC questions would presumptively meet the technical standards requirements for Kansas

3. The financial capacity question is made more difficult by the fact that these companies are deregulated. Because of this, the traditional financial review is not possible. However, they do still need to meet the state standards for receiving a business license in Kansas and the KCC requirements to provide service in Kansas as detailed in the “Application Information for CLEC, IXP, OSP, STS” on the KCC website. This of course includes requirements to meet some minimum quality of service standards and financial standards if deposits are to be collected.

4. In addition to the above criteria, the best measure of future performance is past performance. In the FCC Lifeline Order, Paragraph 379(b), the FCC imposes an obligation for ETCs to provide, “a detailed description of how the carrier offers service, the geographic areas in which it offers service, and a description of the carrier’s various Lifeline service plan offerings, including subscriber rates, number of minutes included and types of plans available.” It is not clear that Kansas specific data would be provided to the FCC so CURB recommends that similar data be required of ETCs in Kansas.<sup>2</sup> This cumulative data should give indications of reliability and ability to serve.

**B. How The Commission Can Increase Lifeline Participation In Kansas.**

5. The percentage of eligible Lifeline participation in Kansas continues to be among the lowest in the nation. This is in spite of having obtained a growth in subscribers from

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<sup>2</sup> To avoid duplicative reporting, if the information supplied to the FCC contains Kansas specific data, no additional reporting should be required.

approximately 26,737 in 2008 to 54,680 in 2011, which constitutes a 28 percent compound annual growth rate between 2008 and 2011.<sup>3</sup>

6. As a first step in increasing participation rates, CURB recommends that a comprehensive review of all qualifying programs (such as LIHEAP, Section 8, SSI, etc.) be conducted to insure that all programs, at all locations, actively participate in coordinated registration. This seems a relatively easy step that puts Lifeline in the front line of registration, i.e. you apply for the program and for Lifeline benefits at the same time and place.

7. However, even after a comprehensive review and implementation of coordinated registration, many people that qualify for Lifeline due to low income but do not participate in any of the qualifying programs, may be missed. Certainly there are many elderly that fall into that category. CURB recommends a review to determine if there are any data bases that identify eligible persons that are not participating in any qualifying program. If such data bases exist, CURB recommends a proactive attempt to identify them. Once they are identified, direct contact, either by mail or by phone, should be initiated. Since this will still not identify all potential Lifeline customers, a general mass mailing, bill inserts, or ads in mass media, should be done, perhaps on a recurring basis.

8. Because of the reluctance of some people to participate in programs such as Lifeline, it is doubtful that anything near full participation will ever occur. A survey of steps taken by states with higher participation levels may also be helpful to determine how increased participation was achieved in those states.

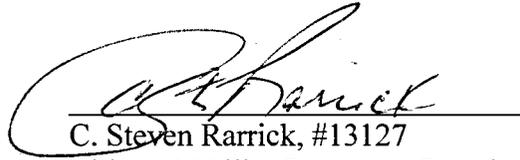
9. CURB will not address additional issues at this time but does reserve the right to address all issues in any subsequent proceedings in this docket.

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<sup>3</sup> FCC Lifeline Order, footnote 295.

10. For the reasons set forth above, CURB urges the Commission to implement these recommendations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. Steven Rarrick", is written over a horizontal line. The signature is fluid and cursive.

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VERIFICATION

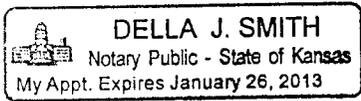
STATE OF KANSAS )  
 ) ss:  
COUNTY OF SHAWNEE )

I, C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the above named petitioner; that he has read the above and foregoing document, and, upon information and belief, states that the matters therein appearing are true and correct.

  
C. Steven Rarrick

SUBSCRIBED AND SWORN to before me this 16<sup>th</sup> day of April, 2012.



  
Notary Public

My Commission expires: 01-26-2013.

**CERTIFICATE OF SERVICE**

10-GIMT-658-GIT

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing document was placed in the United States mail, postage prepaid, or hand-delivered this 16<sup>th</sup> day of April, 2012, to the following:

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