

**THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of a General Investigation to)
Address Issues Concerning the Kansas Lifeline) Docket No. 16-GIMT-575-GIT
Service Program.)

**ORDER WAIVING KLSP RECERTIFICATION AND REVERIFICATION RULES
AND REVISING THE INCOME DOCUMENTATION REQUIREMENT
UNTIL FEBRUARY 28, 2021**

This matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1. On October 18, 2016, the Commission issued an Order Modifying Kansas Lifeline Service Program (KLSP) Requirements; and Soliciting Further Comment.¹ On October 18, 2016, the Commission concluded that it would, among other things, adopt the Federal Communications Commission's (FCC) re-certification rules in 47 C.F.R. § 54.410(f) and de-enrollment rules in 47 C.F.R. § 54.405(e), including deadlines and timelines contained therein for the KLSP.²

2. On March 30, 2020, in *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, the FCC announced that due to the COVID-19 outbreak: (1) the Wireline Competition Bureau temporarily waived the Lifeline program's usage requirements and general de-enrollment procedures until May 29, 2020; (2) the FCC extended its previous waiver of the Lifeline program's recertification and reverification rules to May 29,

¹ Order Modifying Kansas Lifeline Service Program (KLSP) Requirements; Soliciting Further Comment, October 18, 2016.

² *Id.*, ¶ 11.

2020, to ensure that all of the waiver periods for Lifeline’s de-enrollment rules would have the same duration; and (3) the FCC directed the Universal Service Administrative Company (USAC), which administers the federal Lifeline program, to pause any involuntary de-enrollment of existing subscribers. As a result, on April 14, 2020, the Commission issued an Order Waiving KLSP Recertification and Reverification Rules Until May 29, 2020 (April 14 Order).

3. Since the Commission previously adopted the FCC’s recertification and de-enrollment regulations and timelines for the KLSP, in its April 14 Order, the Commission waived the KLSP’s re-certification and de-enrollment rules to May 29, 2020, to coincide with the FCC’s actions and stated it would follow suit if the FCC issued additional delays to these regulations and timelines.³

4. On April 29, 2020, in *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, the FCC announced that due to the COVID-19 outbreak: (1) the FCC extended its recent waivers of the Lifeline program’s recertification, reverification, general de-enrollment, and usage requirements until June 30, 2020; and (2) until June 30, 2020, waived the requirement for consumers seeking to demonstrate income-based qualification for the Lifeline program to provide at least three consecutive months of documentation to confirm their income and authorizes consumers to submit an official document, such as notice of unemployment benefits payments or notice of a successfully submitted application for unemployment benefits, confirming their current income to demonstrate their income-based eligibility for Lifeline support.

5. Applying the rationale from its April 14 Order, on May 5, 2020, the Commission issued an Order waiving: (1) the KLSP program’s re-certification and de-enrollment rules to

³ Order Waiving KLSP Recertification and Reverification Rules Until May 29, 2020, Apr. 14, 2020, ¶ 5.

June 30, 2020, to coincide with the FCC's actions and, until June 30, 2020, (2) the requirement for consumers seeking to qualify for the Lifeline program based on income to present documentation covering three consecutive months and, instead, allowed customers to submit an official document, including notice of unemployment benefits, to confirm their current income to demonstrate their eligibility for KLSP.

6. The FCC directed the USAC to develop guidance on how to confirm a customer's income-based eligibility.⁴ Eligibility can be demonstrated through official documents that contain income information, including notice of unemployment benefit payments or of a successfully submitted application for unemployment benefits.⁵ On May 5, 2020, the Commission adopted the income documentation guidelines outlined by the FCC, and to be further developed by the USAC, for KLSP income-eligibility purposes for the stated waiver period ending June 30, 2020.⁶

7. On June 1, 2020, *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, the FCC extended its waivers of the Lifeline program's recertification, reverification, general de-enrollment, and usage requirements until August 31, 2020. The FCC also extended its waiver of the requirement for consumers seeking to demonstrate income-based qualification for the Lifeline program to provide at least three consecutive months of documentation to confirm their income and authorized consumers to submit an official document, such as notice of unemployment benefits payments or notice of a

⁴ Consumers pursuing income-based qualification for the Lifeline program must still meet the 135% of federal poverty guidelines per household threshold, but the FCC's action will provide greater flexibility to consumers in need of assistance from the Lifeline program to apply for new jobs, pursue remote learning, or seek medical care via telehealth.

⁵ *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, April 2020, ¶ 7.

⁶ Order Waiving KLSP Recertification and Reverification Rules Until June 30, 2020, May 5, 2020, ¶ 8.

successfully submitted application for unemployment benefits, confirming their current income to demonstrate their income-based eligibility for Lifeline support until August 31, 2020.

8. Applying the rationale from the Commission's April 14 Order and reiterated in its May 5, 2020 Order, the Commission waived the KLSP's re-certification and de-enrollment rules to August 31, 2020, to coincide with the FCC's actions and, until August 31, 2020, waived the requirement for consumers seeking to qualify for the Lifeline program based on income to present documentation covering three consecutive months; instead, allowing customers to submit an official document, including notice of unemployment benefits, to confirm their current income to demonstrate their eligibility for KLSP.

9. On August 17, 2020, *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, the FCC extended its waivers of the Lifeline program's recertification, reverification, general de-enrollment, and usage requirements until November 30, 2020. The FCC also extended its waiver of the requirement for consumers seeking to demonstrate income-based qualification for the Lifeline program to provide at least three consecutive months of documentation to confirm their income and authorized consumers to submit an official document, such as notice of unemployment benefits payments or notice of a successfully submitted application for unemployment benefits, confirming their current income to demonstrate their income-based eligibility for Lifeline support until November 30, 2020.

10. On August 27, 2020, the Commission waived the KLSP's re-certification and de-enrollment rules to November 30, 2020, to coincide with the FCC's actions and, until November 30, 2020, waived the requirement for consumers seeking to qualify for the Lifeline program based on income to present documentation covering three consecutive months and, instead, allow

customers to submit an official document, including notice of unemployment benefits, to confirm their current income to demonstrate their eligibility for KLSP.

11. On November 16, 2020, *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, the FCC extended its waivers of the Lifeline program's recertification, reverification, general de-enrollment, and usage requirements until February 28, 2021. The FCC also extended its waiver of the requirement for consumers seeking to demonstrate income-based qualification for the Lifeline program to provide at least three consecutive months of documentation to confirm their income and authorizes consumers to submit an official document, such as notice of unemployment benefits payments or notice of a successfully submitted application for unemployment benefits, confirming their current income to demonstrate their income-based eligibility for Lifeline support until February 28, 2021.

12. Applying the rationale from the Commission's prior Orders, the Commission waives the KLSP's re-certification and de-enrollment rules to February 28, 2021, to coincide with the FCC's actions and, until February 28, 2021, waives the requirement for consumers seeking to qualify for the Lifeline program based on income to present documentation covering three consecutive months and, instead, allow customers to submit an official document, including notice of unemployment benefits, to confirm their current income to demonstrate their eligibility for KLSP.

THEREFORE, THE COMMISSION ORDERS:

A. The KLSP's re-certification and de-enrollment rules are waived until February 28, 2021, to coincide with the FCC's actions.

B. The Commission waives the requirement, for consumers seeking to qualify for the KLSP based on income to present documentation covering three consecutive months and allows

customers to submit an official document, including notice of unemployment benefits payments or notice of a successfully submitted application for unemployment benefits, to confirm their current income to demonstrate their eligibility for KLSP, until February 28, 2021. The income documentation must satisfy the requirements outlined by the FCC and further defined by the USAC.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).⁷

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chairman; Keen, Commissioner; French, Commissioner

Dated: 12/01/2020



Lynn M. Retz
Executive Director

BGF

⁷ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

CERTIFICATE OF SERVICE

16-GIMT-575-GIT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of

electronic service on 12/01/2020.

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