

BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Thomas E. Wright, Chairman
Joseph F. Harkins
Ward Loyd

STATE CORPORATION COMMISSION

SEP 03 2010



In the Matter of Staff's Motion to the
Commission to Commence a Generic
Proceeding to Address Issues Concerning
the Kansas Lifeline Service Program)

) Docket No. 10-GIMT-658-GIT
)
)

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") June 18, 2010, Order soliciting comments regarding Staff's motion to the Commission to address issues concerning the Kansas Lifeline service program ("KLSP").

I. INTRODUCTION

1. CURB has consistently supported a strong, robust KLSP and therefore welcomes the Commission's and the Staff's inquiry into issues concerning the KLSP. While Kansas has a good program in place, the fact remains that Kansas is not one of the leaders in Lifeline participation rates in the country. In fact the latest data shows that

only 10% - 20% of the eligible households in Kansas participate in the program¹. CURB is hopeful that this docket can address any issues that are contributing to this low participation rate.

II. COMMENTS

Requirement to Retain Lifeline Eligibility Documentation.

2. Staff did not have a recommended position but noted that the Commission, in Docket No. 08-SWBT-041-KSF, “directed Staff to open a proceeding to review the record-keeping issue.” Staff does note that the FCC does not require Lifeline service providers to retain the consumer’s corroborating documentation of Lifeline eligibility.

3. This is an issue that does not appear to directly impact the broad availability of Lifeline and CURB looks forward to comments filed by other parties in this docket for any potential reply comments.

Annual Certification of Record-Keeping Requirements.

4. Staff’s memo states, “ETCs in federal default states are required to certify that the company has procedures in place to verify the continued eligibility of a statistically valid random sample of its Lifeline customers.” Staff further states, “all ETCs are required to file an Annual Lifeline Certification and Verification form with the Universal Service Administrative Company (USAC) by August 31st of each year.” Staff also states that, “Commission Staff is aware that Kansas is one of a handful of states that do not require ETCs to provide a Lifeline certification to the state on an annual basis.”

¹ http://www.usac.org/_res/documents/li/pdf/li-participation-rate-map-2009.pdf

5. CURB recommends that the Commission close the gap between Kansas reporting requirements and the federal standards and require ETCs to implement procedures to verify annually the continued eligibility of a statistically valid random sample of the Lifeline subscribers in accordance with 47 C.F.R. §54.410 (c) (2). CURB understands this may require the implementation of additional procedures for some ETCs, but feels the financial integrity of the KLSP justifies the additional procedures.

List of Eligible Programs.

6. Staff lists a number of Kansas low-income assistance plans that qualify consumers for Lifeline service. Staff also notes that the Department of Social and Rehabilitative Services has implemented new low-income plans, such as Grandparents as Caregivers, and recommends the Commission address whether new plans should be added to the list of qualifying programs.

7. In an effort to increase Kansas KLSP participation rates, CURB supports the addition of appropriate new plans. For instance, the Department of Social and Rehabilitative Services website describes LIEAP (Low Income Energy Assistance Program)². This plan is described as:

“The Low Income Energy Assistance Program (LIEAP) is a federally funded program that helps eligible households pay a portion of their home energy costs by providing a one-time per year benefit.

In order to qualify, applicants must be living at the address, be personally responsible for purchasing heating costs incurred at the current residence, demonstrate a recent history of payments toward purchase of the primary heating

² <http://www.srs.ks.gov/services/Pages/LIEAP.aspx>

energy, and the combined gross income (before deductions) of all persons living at the address may not exceed 130% of the federal poverty level.”

8. According to the website Lifeline Across America³ this program has already been approved as a qualifying program in the following states⁴:

Alabama	Alaska	California	Colorado
Florida	Georgia	Hawaii	Illinois
Indiana	Iowa	Kentucky	Maine
Massachusetts	Michigan	Minnesota	Missouri
Montana	Nebraska	New Hampshire	New Jersey
New York	Ohio	Oklahoma	Pennsylvania
South Dakota	Tennessee	Texas	

This plan appears to be an appropriate new plan for consideration in Kansas and will broaden the availability of KLSP. CURB welcomes other party’s comments on its inclusion in the KLSP.

Timeliness of Application of the Lifeline Discount.

9. Staff states that numerous complaints have been filed regarding the length of time it takes to implement the Lifeline discount after the customer has been verified. CURB supports Staff in their effort to determine why there are delays. Prompt implementation of the discounts should be a priority for carriers. If carriers are unable to provide reasonable and verifiable reasons for delays, CURB urges the Commission to

³ http://www.lifeline.gov/lifeline_TK_stateinfo.html

⁴ CURB notes that the programs go by different names in different states. Most common is LIHEAP, LIEAP and HEAP.

mandate a specific timeframe for implementation. CURB suggests implementation should be required no later than one complete billing cycle after verification. CURB welcomes reply comments addressing this recommendation.

Additional Issues.

10. CURB will not address additional issues at this time but does reserve the right to address all issues in reply comments including any new issues raised by the parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Steven Rarrick', written over a horizontal line.

C. Steven Rarrick, #13127

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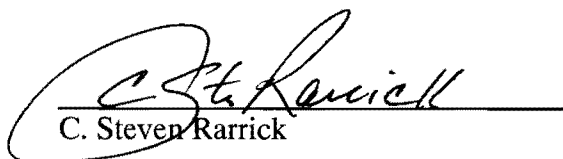
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VERIFICATION

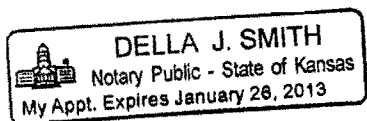
STATE OF KANSAS)
COUNTY OF SHAWNEE) ss:

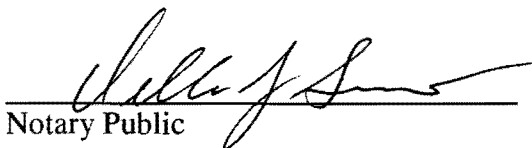
I, C. Steven Rarrick, of lawful age, being first duly sworn upon his oath states:

That he is an attorney for the Citizens' Utility Ratepayer Board, 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 3rd day of September, 2010.




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, electronic service, or hand-delivered this 3rd day of September, 2010, to the following:

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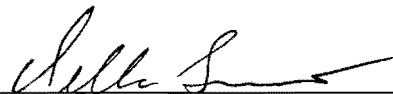
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