

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

Before Commissioners: Susan K. Duffy, Chair
Shari Feist Albrecht
Dwight D. Keen

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 JUNE 30, 2020**

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 July 12, 2016, the Commission issued an Order Opening Docket; Soliciting Comments; Procedural Matters and Schedule (Order), soliciting comments for possible changes to the Kansas Lifeline Service Program (KLSP) as a result of changes to the federal Lifeline program since the Commission last modified the KLSP in Docket No. 10-GIMT-658-GIT (10-658 Docket). The Order included Commission Staff's (Staff) Report and Recommendation (R&R) dated June 29, 2016, examining federal Lifeline changes since the 10-658 Docket. In relevant part, Staff's analysis addressed Program Eligibility and Income Criterion and Recertification & De-enrollment.¹

2. The Order invited all interested parties to respond to Staff's First R&R by August 8, 2016, with reply comments due August 22, 2016, followed by a second Staff Report and Recommendation on September 23, 2016, with responses due October 7, 2016.²

¹ Order Opening Docket; Soliciting Comments; Procedural Matters and Schedule, July 12, 2016.

² *Id.*, See *Ordering Clauses C-F*.

3. On October 18, 2016, the Commission issued an Order Modifying Kansas Lifeline Service Program (KLSP) Requirements; and Soliciting Further Comment.³ On October 18, 2016, after reviewing both Staff's June 29, 2016 R&R and Staff's September 23, 2016 R&R, and the comments in responses, 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.⁴

4. 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, 2020 to ensure that all of the waiver periods for Lifeline's de-enrollment rules will have the same duration; and (3) the FCC directed the Universal Service Administrative Company (USAC) 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).

5. Since the Commission previously determined it would adopt the FCC's recertification and de-enrollment regulations and timelines for the KLSP, in its April 14 Order, the Commission waived the KLSP program's re-certification and de-enrollment rules to May 29,

³ Order Modifying Kansas Lifeline Service Program (KLSP) Requirements; Soliciting Further Comment, October 18, 2016.

⁴ *Id.*, ¶ 11.

2020, to coincide with the FCC's actions and stated it would follow suit if the FCC issues additional delays to these regulations and timelines.⁵

6. 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 extends 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, waives 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.

7. Applying the rationale from the Commission's April 14 Order, the Commission waives the KLSP program's re-certification and de-enrollment rules to June 30, 2020, to coincide with the FCC's actions and until June 30, 2020, 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.

8. With regard to income documentation for qualification for the federal Lifeline program, the FCC directed the Universal Service Administrative Company (USAC), which administers the federal Lifeline program, to:

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

develop guidance for documentation that would allow a consumer to confirm their income-based eligibility. Such guidance must be comprised of only official documents that contain income information and may include a notice of unemployment benefit payments or notice of a successfully submitted application for unemployment benefits. Consumers pursuing income-based qualification for the Lifeline program must still meet the 135% of federal poverty guidelines per household threshold, but our action today will give greater flexibility to the many consumers who have only recently found themselves in need of assistance from the Lifeline program to apply for new jobs, pursue remote learning, or seek medical care via telehealth.⁶

The Commission adopts 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.

THEREFORE, THE COMMISSION ORDERS:

A. The KLSP program's re-certification and de-enrollment rules are waived until June 30, 2020, to coincide with the FCC's actions.

B. The Commission waives the requirement until June 30, 2020, 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. The income documentation must satisfy the requirements outlined by the FCC and further defined by the USAC.

C. The parties have 15 days from the date this Order was electronically served to petition for reconsideration.⁷

⁶ In the Matter of Lifeline and Link Up Reform and Modernization, WC Docket No. 11-42, April 2020, ¶ 7.

⁷ K.S.A. 66-118b; K.S.A. 77-529(a)(1).

D. The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chairman; Albrecht, Commissioner; Keen, Commissioner

Dated: 05/05/2020



Lynn M. Retz
Executive Director

BGF

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 05/05/2020.

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