

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Petition of AT&T Ohio for)
an Order Confirming Relinquishment of Eligible) Case No. 17-1948-TP-UNC
Telecommunications Carrier Designation in)
Specified Areas and Request for Waiver.)

**COMMENTS ON AT&T OHIO'S REQUEST TO STOP PROVIDING LIFELINE
TELEPHONE SERVICE TO THOUSANDS OF LOW-INCOME OHIOANS
BY
GREATER EDMONT COMMUNITY COALITION,
OHIO ASSOCIATION OF COMMUNITY ACTION AGENCIES,
OHIO POVERTY LAW CENTER,
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AND
THE OFFICE OF THE OHIO CONSUMERS' COUNSEL**

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I. INTRODUCTION

In a display of placing profits above people, AT&T Ohio wants to stop providing Lifeline telephone service in all or parts of 118 of its 192 exchanges.¹ That is a problem for thousands of Ohioans who live with such risks as poverty and food insecurity. This proposal comes on the heels of AT&T Ohio’s current legislative initiative to, in four years, remove any limit on rate increases for its most basic telephone service that is available to at-risk Ohioans and others wanting this limited and price-protected service. Consumers in Ohio deserve better from their utilities – and need protection by their state legislature and the Public Utilities Commission of Ohio (“PUCO”). The PUCO should say “no” to AT&T Ohio and “yes” to protecting Ohio families in need.

¹ See Petition (September 7, 2017), Exhibit A.

The Lifeline program helps low-income Ohioans obtain and maintain basic telephone service through discounts on monthly bills and installation charges. Ohioans qualify for Lifeline if their household income is at or below 135 percent of the federal poverty guidelines, or if they participate in an eligible low-income assistance program.² Without Lifeline, many low-income Ohioans might not be able to afford telephone service for their families. This case is about protecting the thousands of low-income customers of AT&T Ohio who may lose their provider of Lifeline telephone service.³

AT&T Ohio's request relates to areas where it receives no federal Connect America Fund II ("CAF II") funding to help AT&T Ohio bring broadband to high cost, primarily rural, areas in Ohio.⁴ A condition of its participation in this program requires AT&T Ohio to provide Lifeline in the census blocks for which it is eligible to receive CAF II funding.⁵ Under the law, AT&T Ohio can stop offering Lifeline only in those areas where the PUCO determines that at least one other Lifeline provider (i.e., eligible telecommunications carrier) offers Lifeline service.⁶ In addition, the PUCO cannot approve AT&T Ohio's petition unless it ensures that *all customers* affected by the petition will continue to have Lifeline service.⁷

² See <http://www.puco.ohio.gov/be-informed/consumer-topics/lifeline-telephone-assistance-program-help-with-paying-your-telephone-bill/#sthash.vmR94oaj.dpbs>. The qualifying programs are Medicaid, Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI), Public Housing Assistance/Section 8, and Veterans Pension (including Survivors Pension).

³ In its petition, AT&T Ohio stated that 10,482 Ohioans would be at risk of losing their Lifeline service. See Petition (September 7, 2017), ¶15. AT&T Ohio now claims that as of July 1, 2018, the number would be 7,946. Supplemental Filing (August 23, 2018).

⁴ Petition, ¶15.

⁵ *Id.*

⁶ 47 U.S.C. §214(e)(4). See also 47 C.F.R. §54.205(a).

⁷ See 47 U.S.C. §214(e)(4). See also 47 C.F.R. §54.205(b).

AT&T Ohio has identified 11 other Lifeline providers that, it claims, offer service in some or all the exchanges.⁸ But at least ten of the 11 other Lifeline providers are not facilities-based (i.e., they are resellers).⁹ This is significant because the Federal Communications Commission (“FCC”) proposed to discontinue Lifeline funding for resellers that are not capable of offering voice and broadband.¹⁰ If the FCC eliminates Lifeline support for resellers, some Lifeline providers will likely cease operations.¹¹ This may mean that, with AT&T Ohio’s withdrawal, there could be no Lifeline providers to serve low-income customers in some areas of the state.

As the petitioner, AT&T Ohio has the burden of showing that it meets the requirements under the law for it to receive PUCO authorization to stop providing Lifeline service to the affected customers. AT&T Ohio has not met its burden. AT&T Ohio’s assertion that alternative Lifeline providers offer service to customers in the affected exchanges is based on the providers’ *intent* to offer service in those exchanges when they applied for designation as Lifeline providers.¹² But intent is not enough under

⁸ See Petition, Exhibit C.

⁹ Tempo Telecom (Case No. 13-1527-TP-UNC, Application (June 27, 2013)); Air Voice (Case No. 13-952-TP-UNC, Application (April 17, 2013)); Sage Telecom (Case No. 13-514-TP-UNC, Application (February 22, 2013)); Telrite (Case No. 13-173-TP-UNC, Application (January 10, 2013)); Boomerang (Case No. 12-2428-TP-UNC, Application (September 4, 2012)); Q-Link (Case No. 12-2379-TP-UNC, Application (August 24, 2012)); Global (Case No. 12-2253-TP-UNC, Application (August 7, 2012)); American Broadband & Telecommunications, wireless service (Case No. 12-1714-TP-UNC, Application (May 31, 2012)); i-wireless (Case No. 11-571-TP-UNC, Application (February 3, 2011)); TracFone (Case No. 97-632-TP-COI and Case No. 10-614-TP-UNC, Application (September 5, 2008)). Although American Broadband & Telecommunications is designated as a Lifeline provider for its wireline service (*see* Case No. 97-632-TP-COI, Supplemental Finding and Order (January 27, 2010)), it apparently does not offer Lifeline through its wireline facilities in Ohio. It apparently offers Lifeline only as a wireless reseller. *See* <https://www.ambt.net/home-solutions/> (which shows only a wireless Lifeline service).

¹⁰ *See In the Matter of Lifeline and Link Up Reform Modernization*, FCC WC Docket No. 11-42, et al., Notice of Proposed Rulemaking (adopted November 16, 2017, released December 4, 2017) (“NPRM”), ¶¶67-73.

¹¹ *See, e.g.*, FCC WC Docket No. 11-42, et al., Comments of the National Lifeline Association (February 21, 2018) at 8, n. 21.

¹² *See* Section III.A below.

the law. AT&T Ohio must show that providers are currently providing Lifeline service in the exchanges. AT&T Ohio has not made this showing. The petition should be denied on this basis.

Further, the Consumer Groups¹³ urge the PUCO to refrain from acting on AT&T Ohio's petition at least until after the FCC has decided whether to end Lifeline support for resellers. There could be serious consequences for consumers if resellers that were supposed to replace AT&T Ohio's Lifeline service go out of business because of the FCC's action.

Additionally, the PUCO must thoroughly examine whether alternative Lifeline service is available to the affected AT&T Ohio Lifeline customers at their homes. This would require a granular examination of the alternative Lifeline carriers' coverage. Such an examination should go beyond looking at coverage maps (which may be inaccurate¹⁴) or relying on the wire centers listed in a carrier's Lifeline application, as AT&T Ohio apparently has.¹⁵ Instead, the PUCO must determine *with certainty* that all Lifeline customers in the area to be relinquished by AT&T Ohio will have Lifeline service available at their homes.

¹³ The Consumer Groups are Greater Edgemon Community Coalition ("Edgemon"), Ohio Association of Community Action Agencies, Ohio Poverty Law Center, Southeastern Ohio Legal Services, and the Office of the Ohio Consumers' Counsel ("OCC").

¹⁴ For example, Virgin Mobile notes that its mapping tool "provides high-level estimates of our wireless coverage. Coverage is not available everywhere and varies based on an [sic] number of factors." <https://www.virginmobileusa.com/why-virgin-mobile/network-coverage>.

¹⁵ In discovery, AT&T Ohio informed OCC that the list of "designated CETCs" for each wire center (Petition, Exhibit C) was compiled by examining the list of wire centers each alternative carrier proposed to serve in its application for designation as a Lifeline provider.

II. APPLICABLE LAW

Section 214(e)(4) of the United States Code sets out the process for a telephone company to discontinue Lifeline service to its customers.¹⁶ Under the law, a state commission “shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier.”¹⁷ The law also requires the telephone company to give the state commission advance notice of the proposed discontinuance of Lifeline service. AT&T Ohio would have the process end there.¹⁸ But the process of protecting Ohioans does not end there.

The federal law requires state commissions – *before* allowing a telephone company to stop providing Lifeline – to ensure that the telephone company’s Lifeline customers would not lose their service. Before permitting a telephone company to discontinue Lifeline service to its customers, the state commission “*shall require* the remaining eligible telecommunications carrier or carriers to ensure that *all customers served by the relinquishing carrier will continue to be served*, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.”¹⁹ Under 47 U.S.C. §214(e)(4), Lifeline carriers that the PUCO requires to serve the relinquishing telephone company’s Lifeline customers will have up to a year to purchase or construct the required facilities.

¹⁶ See also 47 C.F.R. §54.205; Ohio Adm. Code 4901:1-6-09(D)(2).

¹⁷ In order to provide Lifeline service to consumers, a local or competitive telephone company must be designated as an “eligible telecommunications carrier.” See 47 U.S.C. §214(e); 47 C.F.R. §54.201(a)(1); Ohio Adm. Code 4901:1-6-13(A), (T).

¹⁸ 47 U.S.C. §214(e); 47 C.F.R. §54.201(a)(1).

¹⁹ 47 U.S.C. §214(e)(4) (emphasis added).

III. RECOMMENDATIONS

- A. AT&T Ohio has not met its burden of showing that the other Lifeline providers identified in its petition actually serve customers in the affected exchanges, and thus AT&T Ohio's petition to stop providing Lifeline service to low-income customers should be denied.**

Under the law, a telephone company may stop providing Lifeline service “in any area *served* by more than one” provider of Lifeline service.²⁰ In this case, AT&T Ohio has the burden of showing that more than one provider of Lifeline service is serving customers in the affected exchanges. AT&T Ohio has not done so.

To support its petition, AT&T Ohio compiled a list of the other Lifeline providers it claims are operating within each exchange.²¹ AT&T Ohio states that, to its “knowledge,” each provider is still designated as a Lifeline provider in those exchanges.²² AT&T Ohio's information, however, does not prove that the providers “serve” the exchanges.

In discovery, AT&T Ohio disclosed that it compiled Exhibit C by examining the list of wire centers each alternative carrier proposed to serve in its application for designation as a Lifeline provider. But the applications were filed more than five years ago. Since then, the business plans of some or all of the providers may have changed. AT&T Ohio's Exhibit C does not guarantee that any of the providers actually serve any of the exchanges listed in the exhibit.

²⁰ 47 U.S.C. §214(e); 47 C.F.R. §54.205(a) (emphasis added).

²¹ See Petition, Exhibit C.

²² *Id.* at 13.

This is the first case in Ohio where an incumbent telephone company proposes to stop providing Lifeline service to some of its customers.²³ The PUCO thus does not have precedent for evaluating AT&T Ohio's petition. But the PUCO can look to other Ohio cases for guidance. For example, the PUCO can look to basic service alternative regulation cases, where a telephone company had to meet one of four competitive tests (of its own choosing) to increase the amount it charged customers for basic service each month.²⁴ In some of the tests, the telephone company had to show, among other things, that competitors actually provided residential service in an exchange.²⁵ This is similar to the standard in 47 U.S.C. §214(e)(4) that alternative Lifeline providers serve an area.

In the basic service alternative regulation cases, the PUCO required more convincing data than what AT&T Ohio has provided here. In such cases, the PUCO noted that some wireless carriers advertised the availability and coverage of their services in an exchange. But the PUCO held that the porting of customers' telephone numbers to the wireless carriers was more dispositive of whether the carriers in fact served residential customers in the exchange.²⁶ "We would clarify that, based on data submitted by AT&T, a wireless provider is not considered to satisfy the 'providing residential

²³ The cases cited by AT&T Ohio (Petition, n. 17) were all wireless carriers that relied on the presence of the local telephone company, including AT&T Ohio in some cases, as another Lifeline provider in each exchange.

²⁴ See *In the Matter of the Implementation of H.B. 218 Concerning Alternative Regulation of Basic Local Exchange Service of Incumbent Local Exchange Telephone Companies*, Case No. 05-1305-TP-ORD, Entry on Rehearing (May 3, 2006), ¶22.

²⁵ See *id.* These cases occurred before a different test for allowing telephone companies to increase basic service rates was codified in R.C. 4927.12. The new test requires a telephone company to show only that at least two alternative providers "offer" service in the exchange, not actually provide service. R.C. 4927.12(C)(3)(a). Nevertheless, the previous basic service alternative regulation cases are informative.

²⁶ See, e.g., *In the Matter of the Application of The Ohio Bell Telephone Company d/b/a AT&T Ohio for Approval of an Alternative Form of Regulation of Basic Local Exchange and Other Tier 1 Services Pursuant to Chapter 4901:1-4, Ohio Administrative Code*, Case No. 08-107-TP-BLS, Opinion and Order (June 26, 2008) at 19.

service’ criteria of Test 4 in a specific exchange absent evidence that such wireless provider is in fact serving residential customers in that exchange, i.e., absent evidence of porting phone numbers.”²⁷

This was the level of proof the PUCO required for allowing a telephone company to increase the amount it charged customers for basic service. The PUCO should require no less in this case involving the *elimination* of Lifeline service for some customers. Indeed, given the importance of Lifeline service for at-risk Ohio families, the PUCO should require a higher standard be met with more proof.

The PUCO should not permit AT&T Ohio to stop providing Lifeline service to thousands of low-income Ohioans based on information that is speculative and may be out of date. AT&T Ohio, which has the burden of proof in this case, has not shown that other Lifeline providers *actually serve* any of the 118 exchanges. Its petition should be denied.

B. To have a clear understanding of the Lifeline carriers available to consumers in the affected AT&T Ohio exchanges, the PUCO should not act until the FCC decides whether to remove Lifeline funding from resellers.

The PUCO has specific obligations under federal law to protect consumers where a telephone company seeks to stop providing Lifeline service. Section 214(e)(4) of the U.S. Code requires that before allowing a carrier to cease providing Lifeline, a state commission (like the PUCO) must require the remaining provider(s) to ensure that *all* Lifeline customers served by the relinquishing carrier will continue to be served. The law also requires that the remaining Lifeline provider(s) receive sufficient notice to allow the purchase or construction of adequate facilities to serve the customers. The law also

²⁷ *Id.*

provides that the remaining Lifeline provider(s) have up to one year to purchase or construct the facilities. This requirement has taken on added importance because of the FCC's proposal to end federal funding for Lifeline providers that are resellers.

On November 16, 2017, the FCC began a rulemaking concerning the role of states in Lifeline program administration and the issues of waste, fraud, and abuse of the Lifeline program.²⁸ As part of this rulemaking, the FCC is considering providing Lifeline funding only to broadband service provided over facilities-based networks that also support voice service.²⁹ Lifeline funding for non-facilities based providers (i.e., resellers) would be discontinued.³⁰ And funding for Lifeline providers that are partially facilities-based would be reduced to support service over the "last mile" facilities they own.³¹

Most competitive Lifeline providers are not facilities-based and thus could lose the federal money they rely on to provide service to low-income consumers. It appears that at least ten of the 11 competitive Lifeline carriers identified in AT&T Ohio's petition are not facilities-based or use a combination of their own facilities and resale to provide service.³² The operations of these competitive Lifeline providers might be jeopardized if the FCC were to cut off their federal funding.

This possibility was expressed vividly by Sprint Corporation in comments filed at the FCC. Sprint stated that the elimination of Lifeline funding for resellers would

²⁸ See NPRM, ¶53.

²⁹ See *id.*, ¶67.

³⁰ *Id.*

³¹ *Id.*

³² See note 9, above. The Lifeline funding status of the lone facilities-based provider, Virgin Mobile, is unclear. Virgin is "a wholly-owned subsidiary of Sprint Corporation" and uses "Sprint's network facilities to provide its Lifeline service to customers." Comments of Virgin Mobile USA L.P. d/b/a Assurance Wireless (July 26, 2018). Whether the FCC would allow full funding for a Lifeline provider that provides service through its parent company's facilities is uncertain.

significantly alter the Lifeline marketplace. “First, there would be a sharp reduction in the number of wireless service providers offering Lifeline service; in some areas, there may remain only a single facilities-based wireless Lifeline service provider, and in other areas, there may be no facilities-based wireless Lifeline service provider at all.”³³ This view was echoed by the industry trade organization for Lifeline providers, which stated that the economic impact of eliminating federal funding for Lifeline resellers “would force most of these providers out of business.”³⁴

In this proceeding, TracFone noted the reliance on resellers to provide Lifeline service to low-income customers. TracFone stated it is evident from AT&T Ohio’s petition that “it is very possible that in the near future there may simply not be any facilities-based carriers able or willing to provide Lifeline supported service to [affected] customers, regardless of how much time they have to search for one.”³⁵ And TracFone noted the harm that the FCC’s the proposed ban on Lifeline funding for resellers could cause.³⁶ If the FCC were to adopt its proposal, many of the Lifeline providers identified in AT&T Ohio’s petition likely would not be available to serve customers. It would be understatement to say, in that circumstance, the basis for AT&T Ohio’s petition would be undermined.

In comments in this proceeding, at least eight of the alternative Lifeline providers identified in AT&T Ohio’s petition – Boomerang Wireless, American Broadband & Telecommunications, Air Voice Wireless, i-wireless, Telrite, Global Connection, Sage

³³ FCC WC Docket No. 11-42, et al., Comments of Sprint Corporation (February 21, 2018) at 17.

³⁴ See, e.g., FCC WC Docket No. 11-42, et al., Comments of the National Lifeline Association (February 21, 2018) at 8, n. 21.

³⁵ TracFone Comments (August 31, 2018) at 2.

³⁶ *Id.* at 3.

Telecom, and Q-Link – noted that the FCC’s decision could directly affect their operations in Ohio. The providers stated they would continue to offer Lifeline service in Ohio “unless prohibited directly from doing so by the FCC when it issues its order, or unless the FCC rulemaking results in less-direct but equally harmful requirements such as its consideration of a requirement that wireless resellers pass 100% of federal support through to its underlying facilities-based provider.”³⁷ Most of the providers stated that they would inform the PUCO if the FCC’s decision altered their business plans in Ohio.³⁸

But that may be too late to prevent some low-income consumers from losing Lifeline service altogether if AT&T Ohio’s Lifeline service is withdrawn before the FCC decision is known. If AT&T Ohio stops providing Lifeline service, an FCC decision eliminating federal funding for the remaining providers could be devastating for low-income consumers. If they cannot be served by another Lifeline carrier, they could be forced to have no service at all. This could severely limit their ability to contact family, doctors, employers, school officials, and other important people in their lives.³⁹

An unsuitable alternative for Lifeline customers would be to pay much higher charges for phone service. As AT&T Ohio stated in its petition, “All customers in the

³⁷ Boomerang Comments (July 30, 2018) at 3; American Broadband & Telecommunications Comments (August 27, 2018) at 3. *See also* Air Voice Comments (August 29, 2018) at 2; i-wireless Comments (August 29, 2018) at 2; Telrite Corporation Comments (August 29, 2018) at 2; Global Connection Comments (August 30, 2018) at 2; Sage Telecom Comments (August 31, 2018) at 2; Q-Link Comments (August 31, 2018) at 5.

³⁸ Boomerang Comments at 3; American Broadband & Telecommunications Comments at 3; Air Voice Comments at 2; i-wireless Comments at 2; Telrite Corporation Comments at 2; Global Connection Comments at 2; Sage Telecom Comments at 2.

³⁹ *See* Toledo Blade editorial, “Don’t yank away Lifeline” (August 26, 2018), available at <http://www.toledoblade.com/Editorials/2018/08/26/Don-t-yank-away-Lifeline/stories/20180826049>; Pittsburgh Post-Gazette editorial, “Don’t take a lifeline: The poor, elderly rely on subsidized phone service” (August 28, 2018), available at <http://www.post-gazette.com/opinion/editorials/2018/08/28/Don-t-take-a-lifeline-att-phio-credits-poor-elderly/stories/201808280060>. Both editorials are attached to these comments.

relinquishment area, including former AT&T Lifeline customers who choose to keep their AT&T service, will have access to services offered by AT&T *at standard AT&T prices, including all applicable surcharges, fees and taxes.*⁴⁰ And, as described earlier, AT&T Ohio is actively lobbying for legislation that could enable it to charge basic service customers whatever it wants, without PUCO control, in four years' time.⁴¹ This comes at a time when too many Ohioans are food-insecure and face difficult choices for meeting basic needs like food or clothing for their families.

Under U.S.C. §214(e)(4), the PUCO has an obligation to ensure that competitive Lifeline providers can serve all of AT&T Ohio's Lifeline customers *before* allowing AT&T Ohio to withdraw its service. Given the FCC's proposal to discontinue funding for resellers of Lifeline service, the PUCO cannot meet this obligation at this time.

The PUCO should deny AT&T Ohio's petition. But if the PUCO is unwilling to take that step to protect consumers, the PUCO should hold this case in abeyance pending the outcome of the FCC's rulemaking. At that time, the PUCO will have a clearer picture of the alternative Lifeline providers that would be left to serve Ohioans. Only then will the PUCO know whether it can meet its statutory obligation to ensure that all AT&T Ohio Lifeline customers will be able to continue receiving Lifeline service if AT&T Ohio withdraws it.

⁴⁰ Petition at 9 (emphasis added).

⁴¹ Substitute House Bill 402, 132nd General Assembly.

C. The PUCO’s obligation under 47 U.S.C. §214(e)(4) – to ensure that all of AT&T Ohio’s Lifeline customers will still be served by a Lifeline provider – requires a granular examination of where the customers are located and whether a Lifeline provider’s service is available at each customers’ residence.

Even after the FCC issues its decision concerning Lifeline funding for resellers, the PUCO must undertake a granular examination of the availability of Lifeline providers to consumers affected by the petition. Before allowing AT&T Ohio to stop providing Lifeline service to any of the customers affected by the petition, the PUCO must ensure that the customers would not lose their service. The law requires the PUCO to ensure that “all customers served by the relinquishing carrier will continue to be served...”⁴² This is similar to the General Assembly’s directive to the PUCO collaborative formed to prepare for telephone companies’ withdrawal of basic service in Ohio.

As part of the state budget bill in 2015,⁴³ the General Assembly enacted legislation that allows telephone companies to withdraw basic service in Ohio if they receive FCC approval to remove the interstate access component of basic local service.⁴⁴ As part of the withdrawal process, the PUCO was tasked with ensuring that all affected customers have a reasonable and comparatively priced alternative to their telephone company’s basic service.⁴⁵ The alternative service must be available at the customer’s home.⁴⁶

⁴² 47 U.S.C. §214(e)(4). AT&T Ohio claims that actions taken by other state commissions are relevant to this case. *See, e.g.*, Further Supplemental Authority in Support of AT&T Ohio’s Petition to Relinquish Its ETC Designation (August 20, 2018) (action in ETC relinquishment case in Illinois). But as OCC and Edgemont previously stated, actions in other states are irrelevant to this case because the PUCO has the statutory obligation to ensure that *Ohio* consumers do not lose Lifeline service. *See* Response to AT&T Ohio’s Supplemental Authority Filing (February 2, 2018) at 3.

⁴³ Sub. H.B. 64, 131st General Assembly (“Sub. H.B. 64”).

⁴⁴ R.C. 4927.10(A).

⁴⁵ R.C. 4927.10(B)(1).

⁴⁶ R.C. 4927.10(B)(1)(a).

To help prepare for the possible withdrawal of basic service by telephone companies in Ohio, the General Assembly ordered the PUCO to form a collaborative of numerous stakeholders.⁴⁷ One legislative directive for the collaborative was to “include a review of the number and characteristics of basic-local-exchange-service customers in Ohio, an evaluation of what alternatives are available to them, including both wireline and wireless alternatives, and the prospect for the availability of alternatives where none currently exist.”⁴⁸ If the collaborative finds any basic service residential customers who would be without reasonable and comparatively priced alternatives to their telephone company’s service, those customers would not have to file the petition required by R.C. 4927.10(B) in order to get PUCO assistance in finding a new phone company.

To be sure, AT&T Ohio has stated that it is not proposing to withdraw basic service in this proceeding.⁴⁹ Nevertheless, the PUCO’s obligation here – to ensure that no AT&T Ohio Lifeline customer would lose service – is similar to the objective of the petition process in R.C. 4927.10(B) and the directive to the collaborative in Sub. H.B. 64. The collaborative’s investigation of the availability of alternatives to telephone companies’ basic service at a customer’s residence should be granular and based on accurate information.⁵⁰ The same holds true for the PUCO’s examination of the availability of alternatives to AT&T Ohio’s Lifeline service for consumers in the affected exchanges.

⁴⁷ Sub. H.B. 64, Sec. 749.10.

⁴⁸ Sub. H.B. 64, Sec. 749.10(C).

⁴⁹ See Petition at 2, 9.

⁵⁰ See OCC Presentation on Consumer Protections to the Telephone Network Transition Collaborative (January 19, 2016) at 3-4 (available at <http://www.puco.ohio.gov/puco/index.cfm/be-informed/consumer-topics/telephone-network-transition/occ-consumer-protection-presentation-text-jan-19-2016-revised/>).

To help identify those AT&T Ohio customers who might be without alternative Lifeline service, the PUCO will need to gather very detailed, very specific, and very accurate information regarding the availability of alternative providers at the residences of the affected Lifeline customers. The PUCO will need to know the exact locations of the affected Lifeline customers' homes. Although at least three alternative carriers (Virgin Mobile/Assurance Wireless, Tempo, and TracFone) have committed to providing service to AT&T Ohio Lifeline customers within their "service areas,"⁵¹ there is no guarantee that their signals cover the entirety of any of the exchanges for which they are designated to provide Lifeline service. For example, Virgin Mobile and Tempo apparently have the same or similar coverage areas. Virgin Mobile is a Sprint company⁵² and Tempo resells Sprint service.⁵³ In its application for designation as a Lifeline provider, Tempo stated that its designated service area for Lifeline service in Ohio "comprises *a portion of* or the entirety of the exchanges set forth" in Exhibit O to the application.⁵⁴ Thus, the list of exchanges in a Lifeline provider's designated service area is not an indication that the provider's service will be available at a given customer's home.

In addition, wireless carriers' coverage maps might not accurately show whether a Lifeline carrier's service is available at a customer's home. Wireless carriers' coverage maps contain disclaimers that the map might not accurately depict actual coverage or that the quality and availability of the signal within coverage areas may be affected by a

⁵¹ Comments of Virgin Mobile USA L.P. d/b/a Assurance Wireless (July 26, 2018); Comments of Tempo Telecom, LLC (July 30, 2018); TracFone Comments at 1.

⁵² See Comments of Virgin Mobile USA L.P. d/b/a Assurance Wireless (July 26, 2018).

⁵³ See Case No. 13-1527-TP-UNC, Application (June 27, 2013) at 5.

⁵⁴ *Id.* (emphasis added).

variety of factors. For example, Sprint's (and thus Virgin Mobile's and Tempo's) coverage map includes the following disclaimer:

Our coverage maps are high-level estimates when using your device outdoors under optimal conditions. Estimating wireless coverage and signal strength is not an exact science. There are gaps in coverage within our estimated coverage areas that, along with other factors both within and beyond our control (network problems, software, signal strength, your wireless device, structures, buildings, weather, geography, topography, etc.), will result in dropped and blocked connections, slower data speeds, or otherwise impact the quality of services. In addition, off-network roaming is not included in As You Go plans.

Sprint regularly measures the performance, coverage and speed of our networks in an effort to ensure our coverage maps and performance information are accurate and up-to-date. Our average speed and latency estimates are based on a combination of independent third-party testing and Sprint-generated results. Coverage isn't available everywhere, and speeds may vary considerably from these averages when users are on one of our roaming partner networks.⁵⁵

Coverage maps are not reliable enough for the PUCO to determine whether a Lifeline provider's service will be available at a given customer's home. The PUCO will need to have precise and dependable information regarding the services that are available at the homes of affected AT&T Ohio Lifeline customers. That might require on-site activities at a customer's home to measure wireless signal strength, etc. The obligation to ensure that all AT&T Ohio Lifeline customers continue to have service requires such a detailed examination of the availability of other Lifeline carriers at customers' homes. Without such granular information, the PUCO should deny the petition.

⁵⁵ https://coverage.sprint.com/important_coverage_info_popup.html.

D. Ensuring that all of AT&T Ohio's Lifeline customers will still be served by a Lifeline provider is necessary to further state telecommunications policy.

Two state policies are an integral part of the PUCO's obligation to ensure that all of AT&T Ohio's Lifeline customers will still have Lifeline service available at their homes if AT&T Ohio withdraws the service. One is the policy to ensure "the availability of adequate basic local exchange service or voice service to citizens throughout the state."⁵⁶ The other is the policy to "[p]rotect the affordability of telephone service for low-income subscribers through the continuation of federal lifeline assistance programs."⁵⁷

The PUCO has recognized that all Lifeline providers should offer eligible subscribers "comparable access to emergency and community services as well as reliable, high-quality and affordable voice service..."⁵⁸ This applies whether the offering is prepaid or postpaid, and regardless of the technology used to provide the service.⁵⁹ In this proceeding, the PUCO must continue to further state policies that promote access to reliable, high-quality, and affordable Lifeline service.

E. AT&T Ohio's petition should be denied for areas where any customer(s) have no alternative provider's service available at their residence.

Under federal law, before granting AT&T Ohio's petition the PUCO must require the other Lifeline provider(s) in AT&T Ohio's service territory to ensure that all of

⁵⁶ R.C. 4927.02(A)(1). Lifeline includes access to "voice telephony service," which is nearly identical to "basic local exchange service." Compare 47 U.S.C. §54.400(m) and R.C. 4927.01(A)(1).

⁵⁷ R.C. 4927.02(A)(10).

⁵⁸ *In the Matter of the Commission Investigation into the Provision of Nontraditional Lifeline Service by Competitive Eligible Telecommunications Carriers*, Case No. 10-2377-TP-COI, Entry (November 3, 2010), ¶3.

⁵⁹ *Id.*

AT&T Ohio's Lifeline customers continue to have service.⁶⁰ This might not be possible in some of the exchanges affected by AT&T Ohio's petition. As discussed above, many of the carriers identified in the petition might not stay in business if the FCC eliminates their Lifeline funding. This could significantly reduce the number of carriers available to serve the affected Lifeline customers.

In addition, there might not be adequate signal coverage at the homes of some AT&T Ohio Lifeline customers in the affected exchanges to ensure that a wireless Lifeline carrier could provide adequate service to the customers. This could be especially true in rural areas of eastern and southeastern Ohio, where cellular coverage is notoriously spotty at best. Although 47 U.S.C. §214(e)(4) provides carriers up to a year to purchase or construct required facilities, there may be obstacles (such as terrain) that could make providing service to some customers virtually impossible.

The PUCO should deny the petition for any areas where Lifeline customers do not have an alternative Lifeline provider available. The federal law requires that all customers in an area continue to have Lifeline service available. If this standard cannot be met in an area, the PUCO should deny the petition for that area.

IV. CONCLUSION

Federal law (47 U.S.C. §214(e)(4)) obligates the PUCO to protect Ohio consumers who are affected by AT&T Ohio's petition. The PUCO's obligation to ensure that consumers will continue to have Lifeline service available must be fulfilled *prior to* allowing AT&T Ohio to stop providing Lifeline service.

⁶⁰ 47 U.S.C. §214(e)(4).

Ohio law – and state policy – also obligate the PUCO. The PUCO must: “Protect the affordability of telephone service for low-income subscribers through the continuation of federal lifeline assistance programs.”⁶¹

AT&T Ohio’s petition does not give the PUCO the evidence necessary to meet its obligation under the law. The list of alternative Lifeline providers in Exhibit C of the petition does not help the PUCO to determine whether any alternative provider’s service is available at the homes of the thousands of Ohioans who would lose AT&T Ohio’s Lifeline service. The PUCO should deny the petition for lack of supporting documentation and for the protection of the Ohioans the PUCO serves. The stakes for at-risk Ohioans are too high to allow AT&T Ohio’s withdrawal of Lifeline telephone service based on AT&T Ohio’s insufficient evidence.

If the PUCO does not deny the petition, it should not act on the petition until after the FCC has completed its Lifeline rulemaking. As discussed above, it is quite likely that many of the alternative providers identified by AT&T Ohio would stop providing Lifeline service if the FCC follows through on its proposal to eliminate federal Lifeline funding for resellers. Without AT&T Ohio’s Lifeline service, many consumers in the affected exchanges might be without service, should the FCC halt funding for resellers. The PUCO should have a clear picture of the alternative Lifeline providers available to consumers at their homes. The PUCO must determine where affected, at-risk consumers are located and whether an alternative provider’s service is actually available at the consumers’ homes.

⁶¹ R.C. 4927.02(A)(10).

To protect consumers, the PUCO should adopt the Consumer Groups' recommendations.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of these Comments was served on the persons stated below via electronic transmission or US Mail this 31st day of August 2018.

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Don't yank away Lifeline - The Blade



AT&T recently asked the Public Utilities Commission of Ohio for permission to drop out of a program that assists low-income residents afford phone service.

GETTY IMAGES/ETIENNE FRANCHI [Enlarge](#)

AT&T is asking state regulators to let it drop out of a program that helps low-income Ohioans afford phone service.

Lifeline uses federal money to offer discounts to low-income customers for phone lines, wireless phone service, and broadband internet service.

Qualified low-income phone customers get a \$9.25 credit for landline telephones on their monthly bills.

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AT&T asked the Public Utilities Commission of Ohio for permission earlier this year to drop out of the program, saying a dwindling number of its Ohio customers — fewer than 10,000 — use Lifeline.

The problem is that the AT&T customers who need Lifeline are among its poorest and most isolated. The company has acknowledged that most of its remaining Lifeline users are in the southeastern part of the state and in other rural areas.

Opponents of the phone company's request have asked state regulators to preserve it for the sake of the elderly and rural customers who rely on it to provide not only phone service, but broadband internet service.

AT&T is one of about 30 phone companies operating in Ohio that participate in Lifeline. If AT&T is allowed to drop Lifeline, participants would have to find a new phone carrier that still offers it.

Access in some parts of Ohio to phone service can be a challenge, particularly to elderly low-income customers. Opponents of the request say that losing even one phone company from the Lifeline program could make it difficult for some of Ohio's most vulnerable citizens to have affordable access to a very basic utility — the phone.

Even if the PUCO denies AT&T's request to drop out of the federally funded Lifeline, authorities have warned that the Federal Communications Commission is considering ending the program nationwide for companies that do not own their own infrastructure.

In Ohio, that would reduce the options for phone customers even further.

Phone service is far from a luxury, particularly for rural Ohioans who need access to doctor's offices, emergency services, and other care.

The PUCO should strive to preserve — if not improve — access to such basic utilities for all Ohio customers. The commissioners should reject AT&T's request and then set about making plans for keeping phone service accessible if and when federal authorities restrict the Lifeline program.

Don't take a lifeline: The poor, elderly rely on subsidized phone service

The Editorial Board Pittsburgh Post-Gazette Aug 28, 2018 12:00 AM

Proposed changes to a federal subsidy that helps low-income people get access to phone services and the internet is in jeopardy.

AT&T is asking state regulators in Ohio let it drop out of Lifeline, a program that uses federal money to offer discounts to low-income customers for phone lines, wireless phone service and broadband internet service. Qualified low-income phone customers get a \$9.25 credit for landline telephones on their monthly bills.

Even if Ohio regulators deny AT&T's request to drop Lifeline in that state, the 32-year-old program faces threats at the national level. The Federal Communications Commission is considering ending the program nationwide for companies that do not own their own infrastructure. That would reduce the options for phone customers with limited means even further.

Though AT&T is not one of Pennsylvania's Lifeline providers, the Pennsylvania Public Utility Commission is one of several state utility agencies that filed objections with the FCC over proposed changes to the program, saying it would limit phone service for about 500,000 Pennsylvanians who use Lifeline.

Earlier this month a federal court blocked the FCC's plan to end Lifeline programs on tribal lands, but a final decision about whether or how to continue it is expected later this year.

Nationwide, about 12 million households use Lifeline.

Access to phone service can be a challenge for customers in rural areas, particularly to elderly, low-income customers. Even in large cities, phone and internet service can be inaccessible to the poor. And without being able to make phone calls or use the internet, those people face an even bigger challenge to escape poverty.

Opponents of AT&T's Ohio request say that losing even one phone company from the Lifeline program could make it difficult for some of the most vulnerable citizens to have access to the most basic utility — a phone.

State utility authorities and the FCC alike should strive to preserve — if not improve — access to phone and internet service. Regulators should reject AT&T's request in Ohio and similar authorities across the country should strive to keep the basic necessities of communication and connection accessible to the marginalized and most vulnerable.

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Case No(s). 17-1948-TP-UNC

Summary: Comments Comments on AT&T Ohio's Request to Stop Providing Lifeline Telephone to Thousands of Low-Income Ohioans by Greater Edgemont Community Coalition, Ohio Association of Community Action Agencies, Ohio Poverty Law Center, Southeastern Ohio Legal Services, and The Office of the Ohio Consumers' Counsel electronically filed by Ms. Jamie Williams on behalf of Etter, Terry Mr.