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AFFILIATE OFFICE
MUMBAI, INDIA

March 17, 2020

By ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **National Lifeline Association Notice of Oral *Ex Parte* Presentation,
WC Docket Nos. 17-287, 11-42, 09-197 and 10-90**

Dear Ms. Dortch:

On Friday, March 13, 2020, John Heitmann and Joshua Guyan of Kelley Drye & Warren LLP spoke by phone on behalf of the National Lifeline Association (NaLA) with Jodie Griffin, Trent Harkrader and Ryan Palmer from the Wireline Competition Bureau (Bureau) to discuss potential responses by Lifeline service providers and the Commission to assist low-income Americans with voice and broadband communications during these difficult times responding to the spread of coronavirus disease 2019 (COVID-19). We discussed and recommended relief from the Lifeline recertification, reverification and non-usage de-enrollment requirements to avoid disconnecting low-income Americans from critical communications at this time. We also discussed as well as the need for additional voice minutes and broadband data in particular for connecting to healthcare providers and to support remote learning, including a 24/7 “homework gap” for too many low-income Americans.

We explained that we believe the Commission should suspend de-enrollments from Lifeline service due to the annual recertification,¹ National Verifier reverification and non-usage² processes because no Lifeline subscriber should lose voice and/or broadband connectivity during this time of national emergency. Several state public utility regulators, including Ohio, West Virginia, Louisiana, Kansas and South Carolina that we are aware of at this time, have ordered or

¹ See 47 C.F.R. § 54.405(e)(4).

² See 47 C.F.R. § 54.405(e)(3).

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urged public utilities to suspend disconnection efforts.³ For example, on Friday, March 13, 2020, the West Virginia Public Service Commission sent an automated message to service providers in the state that “The Public Service Commission of West Virginia, effective immediately and until further notice, is urging all utilities to suspend utility service terminations except where necessary as a matter of safety or where requested by the customer.”⁴

Pursuant to the Commission’s annual recertification and reverification efforts, if a subscriber is not found in the available eligibility databases (in most states SNAP eligibility databases are not available to the National Verifier), then the subscriber must open a letter from the Universal Service Administrative Company (USAC) and respond either by returning a recertification form by mail or by obtaining his or her application ID from the letter and completing recertification online or by Interactive Voice Response (IVR) to confirm his or her eligibility for the Lifeline program. This manual process imposes substantial burdens on consumers, which often includes them having to obtain and submit required documentation, which in turn can require travel to state benefit distribution centers (which may now be closed) and/or eligible telecommunications carrier (ETC) retail stores or enrollment events (which may be closed or significantly curtailed). In addition, there currently remains a great deal of confusion regarding COVID-19 and how it is transmitted. Many people are concerned about whether it can be transmitted via packages and mail.⁵ The consensus of the reputable sources on the matter indicate that such transmission is highly unlikely, but it is a question that people are

³ See State Regulator Orders and Messages in the Exhibit.

⁴ See message from the Public Service Commission in the Exhibit.

⁵ See Leah Groth, “Can the Coronavirus Spread Through Mail? What to Know About Online Packages and COVID-19 Risk,” (Mar. 13, 2020) (“Ultimately, while **there is a very small chance for coronavirus to be transmitted via packages or mail carriers**, it's highly unlikely.”), available at <https://www.health.com/condition/infectious-diseases/coronavirus/can-the-coronavirus-spread-through-mail>; Joel Achenback, “Coronavirus can stay infectious for days on surfaces. But it’s still okay to check your mail”, Washington Post (Mar. 13, 2020), available at https://www.washingtonpost.com/health/coronavirus-can-stay-infectious-for-days-on-surfaces/2020/03/12/9b54a99e-6472-11ea-845d-e35b0234b136_story.html. Some may not read the Washington Post and may be concerned about that “very small chance.” Even the Center for Disease Control and Prevention (CDC) guidance is not definitive with respect to an FAQ about packages from China – “There is still a lot that is unknown about the newly emerged COVID-19 and how it spreads...In general, because of poor survivability of these coronaviruses on surfaces, there is likely very low risk of spread from products or packaging that are shipped over a period of days or weeks at ambient temperatures.”). See <https://www.cdc.gov/coronavirus/2019-ncov/faq.html#spreads>.

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concerned about and the guidance is not definitive. Now is not the time to disconnect low-income Americans from their Lifeline service because they cannot successfully navigate the considerable hurdles involved in re-proving their eligibility to the National Verifier.

With respect to usage requirements, the Commission's Lifeline rules contemplate that consumers can maintain eligibility by notifying their ETC that they wish to keep the service, even if they do not place phone calls, send text messages or use data.⁶ Consumers can save minutes and megabytes for an emergency and many may be doing just that. Given the state of emergency, and the state orders included in the Exhibit, the Commission must decide whether it should ensure that Lifeline subscribers continue to have service at this time when demonstrating usage in this manner may be more difficult – and when re-enrolling after de-enrollment and disconnection also may be more difficult (ETCs report that many subscribers re-enroll after de-enrollment and disconnection) as enrollment events are suspended and Americans are advised not to gather in groups.

The meeting participants also discussed possible options for additional Lifeline reimbursements and increased voice and/or broadband offerings for eligible Lifeline subscribers. Since the meeting, we learned that T-Mobile has begun working with its wireless reseller Lifeline providers to make available an additional 5 GB of data per month for a limited two-month time period to subscribers that use their entire Lifeline broadband allotment.⁷ In the meeting, we noted the precedent in the Commission's 2005 Katrina Order, which provided one-time support of up to \$130 for a free wireless handset and a package of at least 300 minutes for people eligible for individual FEMA housing assistance.⁸ In the Katrina Order, the Commission determined that the \$130 per household was reasonable based on the competitive retail plans available to consumers.⁹ NaLA has recently introduced into the record a study of available retail mobile broadband service offerings that may be useful to low-income Americans during this

⁶ See 47 C.F.R. 54.407(c)(2).

⁷ See T-Mobile COVID-19 FAQs available at https://www.t-mobile.com/brand/ongoing-updates-covid-19?icid=MGPO_TMO_P_CUSTSUPT_K49SR0SE1EB2Z9F6E20091_HP (noting that for Lifeline subscribers “We are working with our Lifeline partners to provide customers extra free LTE data up to 5GB per month over the next two months.”).

⁸ See *Federal-State Joint Board on Universal Service, Schools and Libraries Universal Service Support Mechanism, Rural Health Care Support Mechanism, Lifeline and Link-Up*; CC Docket Nos. 96-45, 02-6, WC Docket Nos. 02-60, 03-109, Order, FCC 05-178, ¶ 11 (2005).

⁹ See *id.* ¶ 12.

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emergency,¹⁰ but we indicated that the “breakage”¹¹ assumed for current retail mobile broadband service offerings likely could not be assumed for Lifeline subscribers during this time of social distancing and sequestering at home. Lifeline subscribers during this time would be more likely to use their entire allotment of minutes or megabytes.

Additional voice service in particular would be valuable for low-income Americans to contact healthcare professionals since the available guidance asks people to call their doctor if they exhibit potential symptoms of COVID-19, rather than going to a doctor’s office or the hospital.¹² Doctors and other healthcare professionals want to triage cases over the phone first before deciding the best course of diagnosis or treatment. It would make sense to make available additional data and especially voice minutes for Lifeline subscribers that qualify through their participation in the Medicaid program, especially since the National Verifier has access to a nationwide Medicaid eligibility database, which is the most efficient eligibility determination method.

Further, many schools have temporarily closed and students across the country of all ages, including students at vocational and community colleges, have been sent home for at least the next several weeks. These students will need to access remote or home learning resources to continue their studies and will need additional broadband data and voice minutes.¹³ We suggested that the National Verifier could work with educational institutions to quickly implement a means to confirm eligibility for additional subsidies, while the Commission considers full school lunch support, as a potential eligibility trigger. The Commission should consider waiving the one-per-household rule, as necessary to meet the needs of multi-member

¹⁰ See NaLA and Q LINK Joint Notice of Oral *Ex Parte* Presentation, WC Docket Nos. 17-287, 11-42, 09-197 and 10-90, Exhibit B (Nov. 1, 2019).

¹¹ Breakage is the amount of a service that the subscriber does not use in a month. For example, if a subscriber has 2 GB of data and uses 1.5 GB, then 500 MB is breakage.

¹² The CDC recommends calling ahead before visiting a doctor. See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html> (“If you have a medical appointment, call the healthcare provider and tell them that you have or may have COVID-19. This will help the healthcare provider’s office take steps to keep other people from getting infected or exposed.”).

¹³ Many students will be asked to use home learning resources like Zoom or Google Classroom to receive online instruction. It appears that Zoom will limit its use to 1 MB per minute on a 3G or 4G connection and therefore a 9 GB service offering would amount to 150 hours on Zoom, a 10 GB offering would be 167 hours on Zoom and 12 GB would be 200 hours on Zoom. See <https://support.awhastings.com/s/article/Does-Zoom-use-a-lot-of-Mobile-Data>.

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households.

The wireless Lifeline service providers represented by NaLA will continue to engage with the Commission regarding efforts that can be undertaken to assist low-income Americans to stay connected and make sufficient voice and broadband service available to ease burdens during this national emergency. Any emergency relief efforts or additional reimbursements for enhanced service offerings should be available for at least six months so that Lifeline service providers can gather and invest the necessary resources to participate.

Pursuant to Section 1.1206(b) of the Commission's rules, this letter is being filed electronically.



Respectfully submitted,

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Counsel to the National Lifeline Association

cc: Jodie Griffin
Trent Harkrader
Ryan Palmer

EXHIBIT

**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 Addressing the COVID-19)
Pandemic in the State of Kansas.) Docket No. 20-GIMX-393-MIS

EMERGENCY ORDER SUSPENDING DISCONNECTS

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having reviewed the public record, the Commission makes the following findings:

1. On March 11, 2020, the World Health Organization (WHO) declared the COVID-19 virus a pandemic. On March 12, 2020, Governor Kelly issued an emergency declaration for the State of Kansas in response to COVID-19, authorizing the use of state resources and personnel to assist with response and recovery operations in affected counties. On March 13, 2020, President Trump declared the COVID-19 pandemic a national emergency. As a result of the actions by the WHO, Governor Kelly, and the President of the United States, the Commission exercises its emergency powers under K.S.A. 77-536(b) to prevent or avoid the immediate danger to the public health, safety or welfare, and directs all public utilities under the Commission's authority to suspend the practice of disconnecting service for non-payment while customers and communities are experiencing potential hardship from the COVID-19 virus.

2. Several utilities have already voluntarily suspended disconnects due to the pandemic. The Commission extends its gratitude to those utilities.

3. Pursuant to K.S.A. 77-536(d), this order is effective immediately. The suspension of disconnecting service will remain in effect until April 15, 2020. The Commission may elect to

extend the suspension period in a subsequent order pursuant to its emergency powers under K.S.A. 77-536.

4. This directive covers all electrical, natural gas, water, and telecommunications utilities subject to the Commission's jurisdiction. The Commission encourages those utilities not subject to its jurisdiction to enact similar practices. The Commission also directs utilities to coordinate and communicate with local agencies and other community-based organizations during the state of emergency.

THEREFORE, THE COMMISSION ORDERS:

A. Pursuant to K.S.A. 77-536, the Commission directs all public utilities subject to its jurisdiction to suspend disconnect service for non-payment until April 15, 2020.

B. This Order is being served by electronic means and posted on the Commission's website, www.kcc.ks.gov.

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).¹

D. The Commission retains jurisdiction over the subject matter and parties to enter further orders as it deems necessary.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 03/16/2020



Lynn M. Retz
Executive Director

BGF

¹ K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

LOUISIANA PUBLIC SERVICE COMMISSION

EXECUTIVE ORDER NUMBER MARCH 13, 2020

LOUISIANA PUBLIC SERVICE COMMISSION, EX PARTE

In re: Executive Order Creating Emergency Suspension of Disconnection of Utility Services in Areas Under a State of Emergency/Public Health Emergency related to COVID-19.

Due to the risks related to public health associated with the COVID-19 Coronavirus, Governor John Bel Edwards has declared a statewide Public Health Emergency.¹ Given the severity of these events, and the uncertain impact it may have on Commission-jurisdictional ratepayers, immediate action is required to ensure utility service is not disconnected for non-payment. While the Commission is currently scheduled to meet Wednesday, March 18, 2020, it is critical that this issue be address immediately, as potential impacts continue to unfold at an exponential rate.

The Commission's General Order dated November 3, 2005 delegates to the Executive Secretary,

Limited authority to make temporary exceptions to Commission rules and/or orders during a state of emergency in Louisiana declared by the Governor of the State of Louisiana and/or President of the United States and after approval of the requested action by the Chairman of the Commission, or Vice Chairman of the Commission if the Chairman is unavailable.

As further stated therein,

During times of crisis, the ability of the Louisiana Public Service Commission to make immediate decisions is often required in order to avoid possible negative results for the public.

Consistent with the requirements of General Order dated November 3, 2005, Executive Secretary Brandon Frey has received approval from Commission Chairman Mike Francis to implement the following emergency action:

1. As of the date of this Executive Order, all Public Utilities subject to the jurisdiction of the Commission are prohibited from disconnecting customers for non-payment of utility bills statewide, irrespective of whether the utility has followed the disconnection protocol outlined in the General Orders dated July 12, 1976 and October 11, 2019.
2. Pursuant to the General Order dated November 3, 2005, the Commission will vote to consider this action at its next scheduled Business and Executive Session, which is currently scheduled for March 18, 2020. In the event the Commission is unable to consider this action at the March 18, 2020 Business and Executive Session, this Order will be considered at the Commission's next scheduled Business and Executive Session.
3. This Executive Order shall not affect a utility's ability to disconnect a customer's service for public safety concerns unrelated to non-payment of services.

This Order is effectively immediately.

IT IS SO ORDERED.

**BY ORDER OF THE EXECUTIVE SECRETARY
BATON ROUGE, LOUISIANA**

March 13, 2020



**BRANDON MARK FREY
SECRETARY**

¹ Proclamation Number 25 JBE 2020.

OHIO

From: docketing@puco.ohio.gov <docketing@puco.ohio.gov>
Sent: Thursday, March 12, 2020 6:13 PM
To: docketing@puco.ohio.gov
Subject: NOTICE OF FILING in Case No. 20-591-AU-UNC

NOTICE OF FILING **Docketing Division** **(614) 466-4095**

The filing of the following document is being served upon all regulated entities and interested parties via the electric-energy service lists.

Case number 20-591-AU-UNC

Case title In the Matter of the Proper Procedures and Process for the Commission's Operations and Proceedings During the Declared State of Emergency and Related Matters.

Document Entry that due to the declaration of a state of emergency, the Commission directs all public utilities under its jurisdiction to review their service disconnection policies, practices, and tariff provisions and to promptly seek any necessary approval to suspend otherwise applicable requirements that may impose a service continuity hardship on residential and non-residential customers or create unnecessary COVID-19 risks associated with social contact. The Commission also finds that its chair and deputy chair should be individually empowered to act and make decisions on behalf of the full Commission for the duration of the emergency. Finally, the Commission suspends paper and facsimile filing until further notice.

URL <https://dis.puc.state.oh.us/TiffToPDF/A1001001A20C12B54837D01597.pdf>

WEST VIRGINIA

From: docketnotify@psc.state.wv.us <docketnotify@psc.state.wv.us>

Sent: Friday, March 13, 2020 12:52 PM

To: docketnotify@psc.state.wv.us

Subject: To all Public Utilities in the State of West Virginia

This is an automated message from the West Virginia Public Service Commission. Please do not reply to this message. If you have any question or concerns, please contact us at 304-340-0300 or Toll Free at 1-800-344-5113.

To all Public Utilities in the State of West Virginia: In consideration of the rapidly unfolding events surrounding the coronavirus, and Aware that citizens of this state are facing a health threat and the prospect of economic disruption, and Understanding that utility services are helpful in maintaining communications and safe, clean, and sanitary conditions, The Public Service Commission of West Virginia, effective immediately and until further notice, is urging all utilities to suspend utility service terminations except where necessary as a matter of safety or where requested by the customer. The Commission will provide additional information as warranted. Charlotte R. Lane, Chairman Public Service Commission of West Virginia