COM/MP6/lil **Date of Issuance 11/1/2016**

Decision 16-10-039 October 27, 2016

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding Revisions to the California Universal Telephone Service (LifeLine) Program.	Rulemaking 11-03-013 (Filed March 24, 2011)

DECISION ADOPTING REVISIONS TO MODERNIZE AND EXPAND THE CALIFORNIA LIFELINE PROGRAM BY ALLOWING VOLUNTARY PARTICIPATION BY FIXED-VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS WITHOUT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Table of Contents

Title Page

DECISION ADOPTING REVISIONS TO MODERNIZE AND EXPAND THE CALIFORNIA LIFELINE PROGRAM BY ALLOWING VOLUNTARY PARTICIPATION BY FIXED-VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS WITHOUT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY 1
Summary 2
1. Background 3
2. Phase II 5
3. Filed Comments and Reply Comments on Staff Proposal 7
4. Discussion 8
5. Discussion and Analysis 10
5.1. Jurisdiction 10
5.2. Fixed-VoIP Service Provider Registration 12
5.3. California LifeLine Pre-requisites for Fixed-VoIP Service Providers 12
5.4. Initial and Ongoing California Lifeline Requirements 14
5.4.1. Administrative Obligations 14
5.4.2. California LifeLine Fixed-VoIP Service Elements 14
5.5. California LifeLine Rates and Monthly California LifeLine Reimbursements 16
5.6. Performance Bond Requirement 17
5.7. Resolution Process for Consumer Related Complaints 18
5.7.1. Data Requests 20
5.8. Withdrawal, Transfer, and Exit Requirements 21
5.8.1. Withdrawal and Exit Requirements 21
5.8.2. Transfer Requirements 22
5.9. California LifeLine Program Rules and Requirements 24
5.10. Commission Staff Responsibilities 26
6. Enforcement Issues 26
7. Comments on Proposed Decision 27
8. Assignment of Proceeding 28
Findings of Fact 28
Conclusions of Law 29
ORDER 34

Table of Contents
(Cont'd)

Title Page

ATTACHMENT A - California LifeLine Program Participation Rules, Requirements and Service Elements

ATTACHMENT B - Sample Transfer Notice

DECISION ADOPTING REVISIONS TO MODERNIZE AND EXPAND THE CALIFORNIA LIFELINE PROGRAM BY ALLOWING VOLUNTARY PARTICIPATION BY FIXED-VOICE OVER INTERNET PROTOCOL SERVICE PROVIDERS WITHOUT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

Summary

This decision adopts revisions to the California LifeLine Program (California LifeLine or Program). The Program revisions expand the Program to allow for fixed-Voice over Internet Protocol Service Providers[1] (VoIP) who do not hold a Certificate of Public Convenience and Necessity (CPCN) to become California LifeLine service providers and provide California LifeLine service to their customers. The California Public Utilities Commission encourages non-certificated[2] fixed-VoIP service providers to offer California LifeLine service.

The California LifeLine service elements we adopt herein for non-certificated, fixed-VoIP service providers will promote competition by preserving essential consumer protections across technology platforms and by ensuring that minimum communications needs are met regardless of income. We also achieve technological neutrality by focusing on the function California LifeLine service is to perform. Our decision is informed by the legislative goals and the statutory requirements of the Moore Universal Telephone Service Act,[3] the California Public Utilities Commission (Commission) and, the comments and reply comments filed with the Commission in response to our Scoping Memo.[4]

---

[1] For purposes of this proceeding we define fixed-VoIP as a technology that permits a customer to make voice calls from a fixed address using wireline technologies.

[2] Non-Certificated refers to providers who do not hold a CPCN.

[3] *See* Public Utilities (Pub. Util.) Code § 871 *et seq.*

[4] *See* Assigned Commissioner's Ruling and Amended Scoping Memo Regarding Phase II (Filed February 3, 2015).

Our focus in this decision is to develop rules allowing the addition of fixed-VoIP services and participation to the California LifeLine and to update the California LifeLine rules applicable to the Program provided by non-certificated fixed-VoIP service providers.

1. Background

On March 30, 2011, the California Public Utilities Commission (Commission) opened this Rulemaking to focus on revisions to the California LifeLine Program (California LifeLine or Program). This Program was designed to ensure that telephone service remains affordable for low-income Californians consistent with the Moore Universal Telephone Service Act (Moore Act). Our ongoing commitment to achieving that objective led to this Rulemaking to examine the California LifeLine rules and adapt them, as necessary, to meet the communications needs of Californians to promote safety, prosperity, and the public interest. This proceeding is a successor to the Commission's earlier Rulemaking (R.) 06-05-028, in which the Commission addressed its telecommunications public policy programs, and a sequel to its revision of residential basic telephone service in Decision (D.) 12-12-038.

On January 27, 2014, the Commission issued D.14-01-036 (Phase I) Adopting Revisions to Modernize and Expand the California LifeLine Program.[5] D.14-01-036 revised the California LifeLine Program by extending the price cap on California LifeLine wireline telephone services and adopting service elements and specifications for California LifeLine wireless telephone services.

[5] D.14-01-036 was issued during Phase I.

D.14-01-036 was the first substantive decision in this proceeding and applied to all extant California LifeLine providers and as well as to those eligible to participate as Phase I providers under the newly adopted rules. Consumers have accelerated their use of communications options, some of which have not been subject to traditional utility regulation and whose providers have not previously participated in the Program. In D.14-01-036, the Commission established that wireless service providers may voluntarily participate in the Program and offer California LifeLine wireless services.

The Commission designated Phase II of this proceeding as the place to consider the changes needed to facilitate participation of fixed-Voice over Internet Protocol Service Providers (VoIP) service providers that do not have a Certificate of Public Convenience and Necessity (CPCN)[6] in the Program. In this decision, the Commission continues towards its goal of maintaining a high degree of uniformity and program integrity across all technologies without being blind to their different capacities, billing arrangements, service features, market characteristics, and the Commission's jurisdiction with respect to those technologies. One of the chief objectives of the Moore Act is affordability of service. While that is a comprehensive and singular purpose, it requires Program distinctions and distinctive service elements for each technology in order for affordability to be realized in practical terms.

Through this decision, the Commission furthers competition by providing consumers with more choices for providers across different technology platforms while ensuring public safety, consumer protection, and establishing rules that

[6] Fixed-VoIP service providers without a CPCN are also referred to as non-certificated fixed-VoIP service providers in this decision.

promote competition and protect program and service integrity. Our intent in this regard is to provide low-income households with a broader range of options for discounted California LifeLine services, consistent with their service needs, as they determine them, accompanied by appropriate consumer protections.

2. Phase II

D.14-01-036 designated certain issues for a subsequent Phase of this rulemaking proceeding.[7] Phase II of this rulemaking divided these issues between two assigned Commissioners; Michael Picker and Catherine J.K Sandoval. Commissioner Sandoval is the assigned Commissioner for Phase II issues related to the California LifeLine for wireline and wireless service providers that were not resolved in D.14-01-036. Commission President Michael Picker is the assigned Commissioner for Phase II's consideration of participation by fixed-VoIP service providers that do not have a CPCN in the Program.[8]

On February 3, 2015, President Picker issued his Ruling and Scoping Memo (Scoping Memo) and the procedural plan for the Commission's consideration of expanding the Program to include non-certificated fixed-VoIP service providers and the appropriate rules for their participation. The Scoping Memo focused on examining service elements, program implementation, program administration, legal and jurisdictional issues, safety considerations, non-discrimination, consumer protection, privacy, program compliance, complaint procedures, enforcement actions, and program evaluation.

---

[7] *See* D.14-01-036 at 128-130.

[8] *See* February 25, 2014, Assigned Commissioner's Ruling and Scoping Memo, R.11-03-013.

On March 9, 2015, the assigned Administrative Law Judge (Judge) issued a ruling placing the Communications Division's (CD) proposal to allow fixed-VoIP service providers without a CPCN to participate in the Program into the record.[9] The March 9th ruling requested parties to comment on CD's proposal and asked for comment on the following questions:

1. Can and/or should the Commission allow entities without CPCNs or franchises to participate in California LifeLine?
2. Can and/or should the Commission limit the type of VoIP services that should be supported by California LifeLine funds to fixed-VoIP service?
    a. Does Pub. Util. Code § 710, or other federal laws, present any legal impediments to including any VoIP services in the California LifeLine?
3. What enforcement rules should the Commission adopt for fixed-VoIP service providers without a CPCN or franchise that receive LifeLine funds?
    a. Should the Commission adopt a uniform set of enforcement rules that apply to all LifeLine service providers regardless of regulatory classification and/or technology that is used to offer LifeLine service? If yes, which set of rules should the Commission adopt?
    b. Does Pub. Util. Code § 710 raise any legal issues or limitations for the Commission to establish enforcement rules for fixed-VoIP service providers participating in the LifeLine program without a CPCN or franchise?
    c. Can and/or should the Commission extend its existing enforcement authority over public utilities under the Pub. Util. Code to fixed-VoIP service providers that are

[9] On March 18, 2015, the Judge issued a subsequent ruling to place the correct version of the CD proposal into the record and extended the dates for parties to submit comments and reply comments to the Commission.

participating in the Lifeline program without a CPCN or franchise? Should the Commission be authorized to do so in order for fixed-VoIP service providers without a CPCN or franchise to receive California LifeLine funds?

4. Does including VoIP service in the LifeLine Program raise any safety considerations that the Commission needs to be aware of? If yes, identify the type of VoIP service and associated safety considerations.
5. How should the Commission apply the public interest standard to the service providers without any prior experience of offering fixed-VoIP services?
6. What amount of performance bond should the Commission adopt for fixed-VoIP service providers without a CPCN or franchise to participate in the LifeLine Program? Address whether the performance bond amount should be higher for companies without prior experience of offering fixed-VoIP services.
7. Should the Commission adopt a uniform set of withdrawal of service/transfer of service/exit rules that apply to all California LifeLine service providers regardless of regulatory classification and/or technology that is used to offer California LifeLine service? If yes, which set of rules should the Commission adopt?

3. Filed Comments and Reply Comments on Staff Proposal

On April 2, 2015, Calaveras Telephone Company (U1004C), CAL-ORE Telephone Co. (U1006C), Ducor Telephone Company (U1007C), Foresthill Telephone Co. (U1009C), Kerman Telephone Co. (U1012C), Pinnacles Telephone Co. (U1013C), The Ponderosa Telephone Co. (U1014C), Sierra Telephone Company, Inc. (U1016C), The Siskiyou Telephone Company (U1017C), Volcano Telephone Co. (U1019C), (Independent Small Local Exchange Carriers (LECs)); The Center for Accessible Technology, The Greenlining Institute, and Utility Reform Network (Joint Consumers); The Office of Ratepayer Advocates; Verizon California, Inc. (U1002C); AT& T California (U1001C) (AT&T); and CITA-The

Wireless Association timely filed opening comments on the staff proposal and questions posed by the Commission.

On April 27, 2015, COX California Telecom, LLC (COX), the Independent Small LECs, AT&T, and the Joint Consumers timely filed reply comments. The parties' comments and reply comments were considered by the Commission and will be discussed in detail below where applicable.

4. Discussion

The Commission engaged in an extensive process to obtain comments from all interested stakeholders. We have considered these comments in developing a process and rules to allow non-certificated fixed-VoIP service providers to offer California LifeLine service to their customers.

By this decision, the Commission establishes a purely voluntary program through which a non-certificated, fixed-VoIP service provider[10] can become an authorized California LifeLine fixed-VoIP service provider and offer California LifeLine service to its customers. The California LifeLine Program Participation Rules, Requirements and Service Elements for non-certificated, fixed-VoIP service providers, is attached as Attachment A to this decision and will be discussed in detail.

As noted earlier, fixed-VoIP is defined a technology that permits a customer to make voice calls from a fixed address using wireline technology. Fixed-VoIP service providers frequently provide a managed environment (also referred to as a "walled garden"), wherein the provider of the broadband service is in control of both the broadband infrastructure and the VoIP service. Control

[10] VoIP carriers without a CPCN are also referred to as "non-tariffed VoIP providers."

over both the broadband carrier and the VoIP application permits this type of provider to optimize the quality of voice delivery. Over-the-top (OTT) VoIP service providers by definition, do not control the underlying infrastructure. OTT VoIP service, therefore, may be more vulnerable to service quality problems which managed service providers have the capability to overcome. Power outages, physical infrastructure cuts and other environmental factors can affect the user experience of both OTT VoIP service and managed VoIP service.

Pub. Util. Code § 239 defines VoIP as voice communication that uses Internet Protocol or a successor protocol to enable real-time, two-way voice communication.[11] The Commission will subsidize California LifeLine service offered by non-certificated fixed-VoIP service providers who wish to provide

---

[11] Cal. Pub. Util. Code § 239(a) (1) "Voice over Internet Protocol" or "VoIP" means voice communications service that does all of the following:

> (A) Uses Internet Protocol or a successor protocol to enable real-time, two-way voice communication that originates from, or terminates at, the user's location in Internet Protocol or a successor protocol.
>
> (B) Requires a broadband connection from the user's location.
>
> (C) Permits a user generally to receive a call that originates on the public switched telephone network and to terminate a call to the public switched telephone network.
>
> (2 A service that uses ordinary customer premises equipment with no enhanced functionality that originates and terminates on the public switched telephone network, undergoes no net protocol conversion, and provides no enhanced functionality to end users due to the provider's use of Internet Protocol technology is not a VoIP service.
>
> (b) "Internet Protocol enabled service" or "IP enabled service" means any service, capability, functionality, or application using existing Internet Protocol, or any successor Internet Protocol, that enables an end user to send or receive a communication in existing Internet Protocol format, or any successor Internet Protocol format through a broadband connection, regardless of whether the communication is voice, data, or video.

California LifeLine service to their customers after such a provider completes the Digital Voice Service (DVS) registration process and submits a Tier 3 advice letter that demonstrates that it meets all of the California LifeLine entry pre-requisites. Upon approval, the non-certificated fixed-VoIP service provider can offer California LifeLine service to its customers provided it meets initial and ongoing program requirements set forth in detail below.

5. Discussion and Analysis

5.1. Jurisdiction

The Commission previously recognized that it does not need rate jurisdiction over wireless, VoIP, and other non-traditional carriers to regulate their voluntary participation in the California LifeLine Program.[12] A non-certificated, fixed-VoIP service provider may voluntarily choose to participate in the Program and receive the California LifeLine reimbursements, but that participation would require that the fixed-VoIP service provider abide by the Program rules. Because participation would be voluntary, the Commission concluded that it is not exercising jurisdiction over these non-traditional carriers, but rather, is operating pursuant to the Public Utilities Code to administer the Program.[13]

We acknowledge the differences in the scope of the Commission's jurisdiction over traditional wireline, wireless, and fixed-VoIP service providers. Although Pub. Util. Code § 710 limits Commission authority over VoIP service

---

[12] *See* D.13-05-035 at 15-16.

[13] *See Re Review the Telecommunications Public Policy Programs,* Decision No. 10-11-033, *Decision Adopting Forward Looking Modifications to California LifeLine in Compliance with the Moore Universal Service Act,* 2010 WL 4912458 (Cal PUC Nove. 19, 2010), *mimeo,* p. 135 (Conclusion of Law 29).

providers, it, does not prevent the Commission from requiring non-certificated fixed-VoIP providers to meet program requirements and standards where participation by that provider is strictly voluntary. As a result, we do not mandate, but rather, encourage non-certificated fixed-VoIP service providers to participate in the California LifeLine Program on a voluntary basis. In approving this voluntary participation, we do not seek to "regulate" VoIP service. Having seen significant success in the voluntary participation of wireless providers in California LifeLine, we are providing fixed-VoIP service providers, who do not hold a CPCN, the opportunity to participate in the Program on a voluntary basis as well.

As the Independent Small LECs and AT&T noted in their respective comments on the Staff Proposal, the Commission has the authority to create such a program for fixed-VoIP providers because participation in the Program is voluntary. In choosing to participate, non-certificated, fixed-VoIP service providers can review the Program rules and requirements and understand what they must provide in order to receive Program subsidies. Because the Program is funded exclusively by ratepayer dollars, the Commission, as the Program administrator, is responsible for ensuring that these funds are spent lawfully, and consistent with both program rules and state fiscal policies.

The Moore Act allows this Commission broad authority to "designate a class of lifeline service necessary to meet minimum communications needs."[14] The Moore Act is technology neutral, and in fact, encourages this Commission to

[14] *See* Pub. Util. Code § 873(a)(1)(A).

adapt the Program to advances in technology.[15] That mandate forms the underpinning of our push to expand the Program to invite non-certificated, fixed-VoIP providers in the Program.

5.2. Fixed-VoIP Service Provider Registration

A non-certificated, fixed-VoIP service provider must complete and submit a VoIP Provider Registration Form to CD and pay the registration fee. CD will create the VoIP Provider Registration Form within 90 days from the issuance of this decision. The VoIP Provider Registration fee amount shall be equal to the amount that the Commission requires for a Competitive Local Carrier's (CLC) registration fee. After the VoIP Provider Registration Form has been submitted, the fixed-VoIP service provider shall request and obtain a Utility Contact Information System Identification Number (ID) for DVS from CD's Licensing Team.

5.3. California LifeLine Pre-requisites for Fixed-VoIP Service Providers

In order to begin providing California LifeLine service, the registered fixed-VoIP service provider shall file a Tier-3 Advice Letter. In the Tier 3 Advice Letter filing, the fixed-VoIP service provider must do the following:

a) Demonstrate that the company has an active VoIP Provider Registration (DVS ID) with the Commission;
b) Demonstrate that the company is current in collecting and remitting public purpose program surcharges;
c) Demonstrate that the company's proposed services comply with the California LifeLine fixed-VoIP service elements;

[15] *See* Pub. Util. Code §§ 871.7(b)-(d).

d) Commit to provide California LifeLine fixed-VoIP services throughout the company's service area(s) (identify service area – map, zip codes list, geographic area list);

e) Demonstrate the company's financial, technical capabilities and managerial competence;

f) Demonstrate the company's ability to remain functional at all times;

g) Demonstrate that the company meets all public interest standards;

h) Provide terms and conditions of the company's proposed services;

i) Provide disclosures for the company's proposed services;

j) Provide a schedule of rates and charges for the company's proposed services;

k) Describe how the company will interface with consumers before, during, and after enrollment;

l) Describe how the company will integrate its intake and provisioning process in compliance with the California LifeLine Administrator's[16] enrollment process;

m) Comply with the CPUC's Performance Bond requirement (discussed in detail below); and

n) Submit an affidavit (CD will be develop an affidavit within 90 days from issuance of this decision).

A fixed-VoIP service provider seeking to offer California LifeLine must meet the items on this list before the Commission can consider the application complete.

[16] The California LifeLine Administrator handles the enrollment process and has the sole responsibility for determining consumers' eligibility to participate in the California LifeLine Program.

5.4. Initial and Ongoing California Lifeline Requirements

Once the Commission approves a fixed-VoIP service provider's Tier 3 advice letter, the provider must meet administrative obligations set forth below.

5.4.1. Administrative Obligations

The California LifeLine fixed-VoIP service provider must submit marketing materials for review and approval by CD prior to public dissemination. The Commission understands that companies often change services and the marketing of those services. If a California LifeLine fixed-VoIP service provider wants to make any changes to the services that are approved in its Tier 3 advice letter, it must file a new Tier 2 advice letter and obtain approval from CD.

At all times, the California LifeLine fixed-VoIP provider must comply with California LifeLine Program's eligibility rules and enrollment process, including, but not limited to validation checks, transmission requirements, and efforts to prevent waste, fraud, and abuse as administered by the California LifeLine Administrator.

5.4.2. California LifeLine Fixed-VoIP Service Elements

The California LifeLine service elements we adopt in this decision for fixed-VoIP service providers include those services necessary to meet California LifeLine participants' minimum communications needs, which is the standard adopted in the Moore Act that authorized California LifeLine. The service elements set forth in Attachment A at Section 3.II, are the minimum service elements that must be offered on a non-discriminatory basis by any approved fixed-VoIP service provider without a CPCN offering California LifeLine service in California. Providers may offer additional elements as part of its California

LifeLine service offerings, but must not require participants to purchase those additional elements in order to access California LifeLine services.

A California LifeLine participant shall be permitted to subscribe, on the same basis as non-LifeLine customers, to VoIP service provider plans that offer more than California LifeLine fixed-VoIP service. This requirement promotes consumer choice and competition, and will enable consumers who receive the California LifeLine discounts to benefit from the additional savings associated with bundled services.

The California LifeLine fixed-VoIP service elements mirror the traditional wireline service elements for the most part, except that we do not require fixed-VoIP providers to offer eligible participants equal access to interexchange service providers because it is not required under federal rules. Also, recognizing that it is not part of their business model, we do not require fixed-VoIP providers to provide a choice of flat or measured service to participants.

We observe that it is common for VoIP providers to offer unlimited nationwide calling as part of their VoIP service offerings. Therefore, requiring California LifeLine non-certificated fixed-VoIP providers to offer participants unlimited incoming calls, unlimited local calls, unlimited N11 calls, and unlimited calls to 800 or 800-like toll-free services, all for no extra charge, is consistent with VoIP service providers' service offerings in the marketplace.

The Commission will monitor the California LifeLine marketplace and may take further action if: 1) California LifeLine service becomes unaffordable; 2) participants' communications needs are not adequately met; 3) the Commission's and the Moore Act's goals of promoting public safety, the economy, and civic participation through the Program are not being achieved, or

4) the Program needs adjustment to ensure that ratepayer funds are used prudently and in a fiscally sound manner.

5.5. California LifeLine Rates and Monthly California LifeLine Reimbursements

As to California LifeLine reimbursements, fixed-VoIP service providers, without a CPCN, shall be eligible for California LifeLine support for California LifeLine service consistent with the reimbursement rules in General Order (GO) 153. Providers shall apply the California LifeLine discount to any fixed-VoIP plan that meets or exceeds the minimum service elements that the Program participant chooses.

We conclude that disbursing California LifeLine funds to non-certificated, fixed-VoIP service providers is permissible under § 270. Section 270(b) states that: "Moneys in the funds are held in trust and may only be expended pursuant to this chapter and upon appropriation in the annual Budget Act or upon supplemental appropriation." In September 2014, § 270 was modified to remove the language that limited the recipients of the funds to telephone corporations only. Under the current and now effective statutory language of § 270, the Commission is authorized to disburse California LifeLine funds to entities that are not specifically designated as telephone corporations, that voluntarily choose to provide California LifeLine services.

Additionally, we do not require these non-certificated, fixed-VoIP service providers to apply for eligible telecommunications carriers (ETC) designation in order to participate in the California LifeLine Program. But, if a fixed-VoIP service provider has ETC status or becomes an ETC, the provider may combine the monthly federal Lifeline support with the monthly California LifeLine

support to further lower participant's phone bills consistent with the reimbursement rules in GO 153.

As with other California LifeLine service providers, non-certificated, fixed-VoIP service providers can receive the applicable monthly reimbursement amounts no more than once per month per eligible participant from the California LifeLine fund. We also extend the existing reimbursements (up to a maximum of $39) for service connection and conversion charges that California LifeLine wireline telephone service providers are afforded under GO 153. By continuing reimbursements on service connection and conversion charges, we ensure that consumers will continue to have the flexibility to choose a provider of their choice that best meets their communications needs and provides the greatest consumer protection.

5.6. Performance Bond Requirement

Performance bonds are surety bonds issued by an insurance company or a bank to guarantee satisfactory completion of a project by a contractor. The Commission previously defined the term "performance bond" as a mechanism to recover taxes or fees, or both, as well as advance deposits.[17] The Commission recently required Non-Dominant Interexchange Carriers (NDIEC), Wireless Registrants and most holders of a CPCN[18] to obtain a performance bond as a mechanism to facilitate collection of fines, penalties and restitution.[19] For the purposes of this rulemaking, a performance bond is defined as a "commercial

[17] Pub. Util. Code § 1013(e).

[18] D.13-05-035 Uniform Regulatory Framework Carriers and General Rate Case Incumbent LECs where they serve as Carriers of Last Resort, and their wholly and majority owned affiliates from the performance bond requirement.

[19] Pub. Util. Code § 1013(f) and (d).

surety bond" whose purpose is to guarantee performance by the principal of the obligation or undertaking described in the bond.

The Commission previously found that performance bonds can significantly improve the Commission's ability to collect fines, penalties and taxes, surcharges, fees, and restitution for customers for advances or deposits.[20] The Commission requires most CPCN holders and wireless registrants to post a $25,000 bond. We similarly shall require California LifeLine non-certificated fixed-VoIP service providers that are approved to offer California LifeLine service to obtain a performance bond of $25,000.[21] The Commission may revisit the amount of the bond in a subsequent phase of this proceeding. Providers shall include a copy of the executed performance bond in their Tier 3 advice letter. Fixed-VoIP service providers that are offering California LifeLine service must not allow the performance bond to lapse at any time during the period that California LifeLine service is provided. After the initial submission of the bond, providers shall submit a Tier 1 advice letter to the Director of CD, containing a copy of the Fixed-VoIP service provider's executed bond annually, no later than March 31, to demonstrate continued compliance with the performance bond requirement.

5.7. Resolution Process for Consumer Related Complaints

The Commission is committed to public safety and consumer protection. It is imperative that we adopt definitive rules that will adequately protect all

[20] D.13-05-035 at 17.

[21] NDIEC registrants are required to post a bond of $25,000 or 10 percent of intrastate revenues, whichever is greater. However, D.13-05-035 required most CPCN holders and wireless registrants to post a bond of $25,000 until the Commission revisited the amount of the bond.

California LifeLine participants and to ensure that they receive adequate ongoing disclosure of rates, terms, and conditions of service, and to provide for resolution of complaints. We anticipate that consumer complaints could include, but are not limited to disputes regarding the application of the California LifeLine discounts; California LifeLine service rates and charges; California LifeLine service terms and conditions; California LifeLine service elements; compliance with California LifeLine Program rules and other applicable rules; application of California LifeLine Program eligibility and renewal rules; compliance with service quality standards; violations of consumers' bill of rights delineated in GO 168; and Disclosures.

After consideration of the comments regarding our proposed resolution process for consumer complaints, we have modified the resolution process. Registered California LifeLine fixed-VoIP providers shall employ the following CPUC complaint resolution processes:

- Consumer Affairs Branch's informal complaint process;[22]
- Administrative Law Judge Division's expedited complaint process;[23]
- Commission's formal complaint process; and[24]
- Safety and Enforcement Division's investigation process via an Order Instituting Investigation.[25]

Registered California LifeLine fixed-VoIP providers shall provide complaint resolution information to their customers. Any recourse or remedies granted

---

[22] http://www.cpuc.ca.gov/PUC/aboutus/Divisions/CSID/Consumer+Affairs/.

[23] *See* Article 4.5 of the Commission's Rules of Practice and Procedure.

[24] *See* Article 4 of the Commission's Rules of Practice and Procedure.

[25] *See* Article 5.2 of the Commission's Rules of Practice and Procedure.

through the above listed resolution processes must be consistent with applicable state and/or federal rules.

5.7.1. Data Requests

In order to determine whether California LifeLine is meeting the needs of consumers, the Commission needs up-to-date information from fixed VoIP service providers. To this end, we require fixed-VoIP service providers to respond to CD's data requests within 10 business days of the request. If additional time is needed to respond to the data requests, fixed-VoIP service providers may request an extension of time from CD and the request shall be no more than 30 days from the original due date. CD may request any information related to the Program, including but not limited to, the following from fixed-VoIP Program providers:

TYPE OF INFORMATION	PURPOSE
Phone bills and administrative expenses	Substantiate claims for reimbursement
Written and verbal communications with consumers	Enforcement and Waste, Fraud, and Abuse Prevention
Business operations processes and methods	Enforcement and Waste, Fraud, and Abuse Prevention
All aspects of enrollment process and methods	Enforcement and Waste, Fraud, and Abuse Prevention
California LifeLine related complaints and trouble tickets	Enforcement and Waste, Fraud, and Abuse Prevention
Privacy compliance with Customer Proprietary Network Information rules and breaches	Enforcement
California LifeLine related usage/plan information	Substantiate claims for reimbursement and Potential program enhancement

Non-certificated fixed-VoIP service providers shall also prepare and submit to CD the following reports, which vary in frequency:

i. Schedule of Surcharge Remittance (monthly)

ii. Customer Trouble Tickets Report for both retail and California LifeLine services (quarterly)

iii. Schedule of Rates and Charges (annual + advice letters)

iv. Affiliate Transactions Report (annual)

v. Operational and Financial Report (annual)

vi. Residential Service Geographical Survey (annual)

5.8. Withdrawal, Transfer, and Exit Requirements

In this decision, we also adopt rules that non-certificated fixed-VoIP service providers must comply with, in the event they decide to discontinue to offer some or all of their California LifeLine fixed-VoIP services or end their participation in the California LifeLine Program.

5.8.1. Withdrawal and Exit Requirements

A California LifeLine fixed-VoIP provider must comply with the following requirements to withdraw[26] or discontinue providing some or all California LifeLine fixed-VoIP services or to exit[27] from the Program:

1. The California LifeLine fixed-VoIP service provider must file a Tier 2 advice letter with CD and obtain approval prior to withdrawing any of its California LifeLine fixed-VoIP services and/or exiting from California LifeLine.
2. The California LifeLine fixed-VoIP service provider must provide at least two notices to its California LifeLine participants prior to

[26] Withdrawal of California LifeLine fixed-VoIP service, for purposes of the Program, is to discontinue providing some or all California LifeLine fixed-VoIP services to its participants, new or existing, in a portion or all of its service areas.

[27] Exit, for purposes of the California LifeLine Program, is ceasing or terminating participation in the California LifeLine Program and also relinquishing authority as a California LifeLine provider.

withdrawing its service and/or exiting from California LifeLine as follows:

a. First notice must be provided to participants on the same day that Tier 2 advice letter is filed with CD.

b. Second notice must be provided to participants after approval of the Tier 2 advice letter and at least 30 days from the date of service withdrawal and/or exit from California LifeLine.

c. Notice to participants must contain the following information:

   i. Identification of the California LifeLine fixed-VoIP service provider;

   ii. Date(s) of service withdrawal and/or Program exit;

   iii. Statement that participants have a right to select another California LifeLine provider; and

   iv. A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the withdrawal and/or exit. (This provision may end on the date service withdrawal and/or exit occurs.).

3. The California LifeLine fixed-VoIP provider must submit to CaLLmarketing@cpuc.ca.gov for review and approval of its proposed customer notices and other materials prior to disseminating or using them to educate, and must inform its California LifeLine participants about its withdrawal or exit from California LifeLine.

5.8.2. Transfer Requirements

In order to transfer[28] assets, including the entire customer base or an entire class of customers, or transfer control, a California LifeLine fixed-VoIP service provider must comply with the following transfer requirements:

A. The transferee must file a Tier 2 advice letter with CD and obtain approval prior to transferring assets and/or control.

[28] A transfer, for purposes of the California LifeLine program, is defined as a transfer of assets (including the entire customer base or an entire class of customers) and/or transfer of control.

B. The transferee must be an approved California LifeLine provider. If the transferee is not an approved California LifeLine provider, the transferee must submit a request and obtain California Lifeline provider authorization from the Commission, as applicable, before the transferee may provide service to participants.

C. The transferor must provide at least two notices to its California LifeLine participants before the transfer date:

   a. First notice must be provided to participants on the same day that the Tier 2 advice letter is filed with CD. (A sample notice is provided as Attachment B to this decision.)

      i. First notice must contain the following information:

         1. Procedure for filing protests;
         2. Identification of the transferee;
         3. Identification of the transferor;
         4. Description of any changes to rates, charges, terms, or conditions of service;
         5. Statement that participants have a right to select another California LifeLine provider;
         6. A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the transfer; and
         7. Date the transferee will begin providing California LifeLine service.

      ii. Following advice letter approval, second notice must be provided to participants on the date that transfer occurs and must contain the following information:

         1. Identification of the transferee;
         2. Identification of the transferor;
         3. Description of any changes to rates, charges, terms, or conditions of service;
         4. Statement that participants have a right to select another California LifeLine provider;

5. A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the transfer;
6. Date the transferee will begin providing California LifeLine; and
7. Action items that California LifeLine participants must perform in order to begin receiving service by the transferee.

D. The transferee and transferor must submit to CaLLmarketing@cpuc.ca.gov for review and approval of its proposed customer notices and other materials prior to disseminating or using them to educate and inform its California LifeLine participants about the transfer.

5.9. California LifeLine Program Rules and Requirements

Non-certificated fixed-VoIP service providers, authorized to participate in California LifeLine program, must comply with all Commission decisions, orders, and resolutions associated with the California LifeLine Program. These include, but are not limited to:

- GO 153[29] which sets forth rules and requirements of the California LifeLine Program. These rules include filing schedules of rates and charges; written and oral communications with residential customers; in-language communications; residential customers' and service providers' eligibility to participate in the Program; transmission and sharing of information for purposes such as eligibility determination, de-enrollment, and reimbursement of claims; California LifeLine service elements, rates, and charges; reimbursement methodology and amounts; claims-related requirements and process; surcharge-related requirements and process; audits; and record retention;

[29] http://docs.cpuc.ca.gov/WORD_PDF/GENERAL_ORDER/154648.pdf.

- Commission California LifeLine Decisions, including D.14-01-036, D.12-12-038, D.10-11-033, and D.08-08-029;[30] and
- Commission California LifeLine Resolutions, including T-17321, T-17366, and T-17486.[31]

In addition to the above California LifeLine Fixed-VoIP service providers must also comply with the following general rules and requirements:

- GO 66-C (or its successor):[32] Procedures for obtaining information and records in the possession of the Commission and its employees and Commission policy orders thereon;
- GO 95:[33] Rules for Overhead Electric Line Construction;
- GO 96-B:[34] Rules for filing and publishing tariffs for gas, electric, telephone, telegraph, water and heat utilities:
- GO 107-B:[35] Privacy of telephone communications;
- GO 128:[36] Rules for Construction of Underground Electric Supply and Communication Systems;
- GO 133-C,[37] or its successor: Rules Governing Telecommunications Services Service Quality;
- GO 168:[38] Consumer Bill of Rights Governing Telecommunications Services and Market Rules to Empower Telecommunications Consumers and to Prevent Fraud; and

---

30 http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M086/K541/86541587.PDF.

31 http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M086/K541/86541587.PDF.

32 http://docs.cpuc.ca.gov/PUBLISHED/Graphics/644.PDF.

33 https://cs.cpuc.ca.gov/otcs/cs.exe?func=ll&objaction=overview&objid=159434210.

34 http://docs.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/164747.htm.

35 http://docs.cpuc.ca.gov/PUBLISHED/Graphics/567.PDF.

36 http://docs.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/52591.htm.

37 http://docs.cpuc.ca.gov/PUBLISHED/Graphics/110984.PDF.

38 http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M089/K440/89440106.PDF.

- All Commission decisions[39] and resolutions that put in place GOs 66-C or its sucessors, 96-B, 107-B, 133-C, and 168.

5.10. Commission Staff Responsibilities

We reiterate that our staff has the authority to audit California LifeLine providers to ensure compliance with Commission's rules adopted today and GO 153. Staff will investigate California LifeLine providers to prevent abuse of Program rules including, but not limited to over-claiming California LifeLine support. Consistent with D.10-11-033 and D.14-01-036, Commission staff has the authority to adjust the percentage of Program participants audited for all California LifeLine providers, to adopt additional controls to prevent waste, fraud, and abuse, to revise administrative procedures consistent with Commission rules to help ensure the efficient operation of the Program, and to determine the type and frequency of information provided by service providers and by consumers to enroll and participate in the Program. All providers participating in California LifeLine shall follow the directions of the Commission and its staff with respect to the administration, adjudication, and oversight of the California LifeLine Program.

6. Enforcement Issues

We are committed to combating waste, fraud and abuse in the California LifeLine. We shall take enforcement actions and propose monetary forfeitures against service providers that fail to comply with our Program rules and exploit the Program that is intended to help qualifying low-income consumers with basic telephone service. In response to Scoping Memo, we received some comments from parties on the type of enforcement rules the Commission should

[39] D.16-08-024.

adopt for non-certificated, fixed-VoIP service providers that participate in the California LifeLine. Given the limited comments that we received, we defer the following enforcement-related issues to a subsequent decision to allow for more input and further consideration:

A. What enforcement rules should the Commission adopt for fixed-VoIP service providers without a CPCN or franchise that receive California LifeLine funds?

B. Should the Commission adopt a uniform set of enforcement rules that apply to all California LifeLine service providers regardless of regulatory classification and/or technology that is used to offer California LifeLine service? If yes, which set of rules should the Commission adopt?

C. Does Pub. Util. Code § 710 raise any legal issues or limitations for the Commission to establish enforcement rules for fixed-VoIP service providers participating in California LifeLine without a CPCN or franchise?

D. Can and/or should the Commission extend its existing enforcement authority over public utilities under the Pub. Util. Code to fixed-VoIP service providers that are participating in the Lifeline program without a CPCN or franchise? Should the Commission be authorized to do so in order for fixed-VoIP service providers without a CPCN or franchise to receive California LifeLine funds?

7. Comments on Proposed Decision

The proposed decision of assigned Commissioner Picker was mailed to the parties in accordance with Section 311 of the Pub. Util. Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. The Center for Accessible Technology, The Greenlining Institute, and The Utility Reform Network, The California Association of Competitive Telecommunications Companies, and AT&T filed comments on October 17, 2016, and reply comments were filed on October 24, 2016 by The Center for Accessible

Technology, The Greenlining Institute, and The Utility Reform Network, and AT&T. Comments and reply comments have been considered and appropriate changes have been made.

8. Assignment of Proceeding

Michael Picker is the assigned Commissioner to the Phase II of this proceeding regarding participation by non-certificated, fixed-VoIP service providers in California LifeLine, and Katherine Kwan MacDonald is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. The California LifeLine Program is designed to ensure that telephone service remains affordable for low income Californians consistent with the Moore Act.
2. The Moore Act is technology neutral.
3. California LifeLine Program is funded by ratepayer dollars.
4. The Commission furthers competition by providing consumers with more choices for providers across different technology platforms, while ensuring public safety, consumer protection and establishing rules that promote competition and protect program and service integrity.
5. The Commission designated Phase II of this proceeding as the place to consider changes needed to facilitate participation of fixed-VoIP service providers that do not have a CPCN in the California LifeLine Program.
6. A performance bond is a commercial surety bond that guarantees performance by the principal of the obligation or undertaking described in the bond.

7. The Commission has found that performance bonds can significantly improve the Commission's ability to collect fines, penalties, taxes, surcharges, fees, and restitution for customers for advances or deposits.

8. NDIECs, Wireless Registrants, and most CPCN holders are required to obtain a performance bond.

9. The Commission is committed to safety and consumer protection.

10. The Commission has several complaint resolution processes that it can utilize to resolve California LifeLine consumer complaints including; Consumer Affairs Branch's informal complaint process, Administrative Law Judge Division's Expedited Complaint process, the Commission's formal complaint process, and the Safety and Enforcement Division's investigative Division's Order Instituting Investigation process.

11. Withdrawal is defined as discontinuance of some or all California LifeLine services to a participant, new or exiting, in a portion or all of a Program provider's service area.

12. Exit is defined, for purposes of California LifeLine, as ceasing or terminating participation in the Program and also relinquishing authority as a California LifeLine provider.

13. A transfer, for purposes of the Program, is defined as a transfer of assets (including the entire customer base or an entire class of customers) and/or a transfer of control.

Conclusions of Law

1. As the California LifeLine Program administrator, the Commission is responsible for ensuring that California LifeLine funds are spent lawfully, and consistent with both program rules and state fiscal policies.

2. The Moore Act allows this Commission broad authority to designate a class of lifeline service necessary to meet minimum communication needs under Pub. Util. Code § 873(a)(1)(A).

3. The Moore Act encourages this Commission to adapt the Program to advances in technology.

4. Pub. Util. Code § 239 defines VoIP as voice communication that uses Internet Protocol or a successor protocol to enable real-time, two-way voice communication.

5. Fixed-VoIP service providers that do not hold a CPCN may become authorized California LifeLine fixed-VoIP service providers and offer California LifeLine service to customers on a voluntary basis.

6. Pub. Util. Code § 710(a) does not prevent the Commission from regulating California LifeLine fixed-VoIP services where participation by the non-certificated fixed-VoIP service provider is strictly voluntary.

7. Non-certificated fixed-VoIP service providers who wish to offer California LifeLine service to their customers should be required to register with the Commission and obtain a utility ID associated with Digital Voice Service.

8. The VoIP registration fee to participate in the California LifeLine Program should be equal to the CLC registration fee.

9. Following registration, a registered fixed-VoIP service provider should be required to file a Tier 3 advice letter demonstrating that it meets all California LifeLine entry prerequisites.

10. A registered non-certificated fixed-VoIP service provider should be allowed to offer California LifeLine service to its customers provided that the service provided meets both initial and ongoing program requirements.

11. An authorized California LifeLine fixed-VoIP provider should be required to meet ongoing administrative obligations of the Program.

12. An authorized California LifeLine fixed-VoIP provider should be required to comply with the Program's eligibility rules and enrollment processes.

13. The Commission should require an authorized California LifeLine fixed-VoIP provider to provide at least the minimum service elements on a non-discriminatory basis.

14. An authorized California LifeLine fixed-VoIP provider may offer additional elements as part of its Program offerings but must not require participants to purchase those elements in order to access California LifeLine services.

15. The California LifeLine fixed-VoIP service elements should mirror the traditional wireline service elements for the most part, except that we should not require fixed-VoIP providers to offer eligible participants equal access to interexchange service providers because it is not required under federal rules.

16. The Commission should not require fixed-VoIP providers to provide a choice of flat or measured service to participants.

17. The Commission should monitor the California LifeLine marketplace and should determine whether further action is necessary if the Program becomes unaffordable; participants' communications needs are not adequately met; or the Program needs adjustment to ensure ratepayer funds are prudently used in a fiscally sound manner.

18. The Commission should monitor the California LifeLine marketplace and may take further action to ensure the goals of the Moore Act to promote public safety, the economy, and civic participation through the Program are being achieved.

19. Fixed-VoIP service providers without a CPCN should be eligible for California LifeLine support for California LifeLine service consistent with GO 153.

20. California LifeLine fixed-VoIP plans should meet or exceed the minimum service elements adopted by this decision.

21. Pub. Util. Code § 270(b) permits the Commission to disburse California LifeLine funds to entities that are not telephone corporations.

22. Fixed-VoIP service providers that choose to become an ETC or that hold ETC status should be allowed to combine the federal LifeLine support with the monthly California LifeLine support to further lower LifeLine customers' phone bills.

23. The Commission should require all fixed-VoIP service providers who wish to offer California LifeLine to post a performance bond of $25,000.

24. Fixed-VoIP service providers should not be allowed to let the performance bond lapse during the period that California LifeLine service is provided.

25. Authorized California LifeLine fixed-VoIP providers should be required to file a Tier 1 advice letter with CD annually to demonstrate continued compliance with the performance bond requirement.

26. Authorized California LifeLine fixed-VoIP providers should resolve any customer complaints utilizing the Commission's Consumer Affairs Branch informal resolution process, the Administrative Law Judge Division's expedited complaint process, the Commission's formal complaint processes, and Safety and Enforcement Division's investigation process via an Order Instituting Investigation.

27. Authorized California LifeLine fixed-VoIP providers should provide complaint resolution information to their customers.

28. Any recourse granted through the resolution processes of the Consumer Affairs Branch informal resolution process, the Administrative Law Judge Division's expedited complaint process, the Commission's formal complaint processes, and Safety and Enforcement Division's investigation process should be consistent with applicable state and/or federal rules.

29. Authorized California LifeLine fixed-VoIP providers should be required to respond to CD's data requests regarding phone bills and administrative expenses, written and verbal communications with consumers, business operations processes and methods, all aspects of enrollment processes and methods, California LifeLine related complaints and trouble tickets, privacy compliance with CPNI rules and breaches, and California LifeLine Program related usage/plan information.

30. Fixed-VoIP service providers should be required to prepare and submit to CD the following reports; Schedule of Surcharge Remittance, Customer Trouble Tickets Reports for both retail and California LifeLine services, Schedule of Rates and Charges, Affiliate Transactions Report, Operation and Financial Report, and Residential Service Geographical Survey.

31. The Commission should require a fixed-VoIP service provider to file a Tier 2 advice letter to request Commission approval prior to withdrawing California LifeLine fixed-VoIP service and/or exiting from the Program.

32. An authorized California LifeLine fixed-VoIP provider should be required to notify both the Commission and its Program participants prior to withdrawal of California LifeLine fixed-VoIP services and/or exiting from the California LifeLine Program.

33. Authorized California LifeLine fixed-VoIP providers should be required to request approval via a Tier 2 advice letter from the Commission before

transferring assets, including the entire customer base or an entire customer class, or transferring of control to an approved transferee.

34. Authorized California LifeLine fixed-VoIP providers should be required to provide sufficient notice to its California LifeLine participants before the first transfer date of an authorized transfer.

35. Authorized California LifeLine fixed-VoIP providers should be required to comply with all Commission decisions, orders, and resolutions associated with California LifeLine.

36. Commission staff has the authority to revise administrative procedures pursuant to the direction provided in this decision to help ensure the efficient operation of the California LifeLine Program and address any California LifeLine irregularities or other issues.

37. Commission staff has the authority to determine the type and frequency of information provided by California LifeLine providers and by consumers to enroll and participate in California LifeLine.

38. Commission staff has the authority to audit and investigate California LifeLine providers for California LifeLine compliance.

O R D E R

IT IS ORDERED that:

1. Fixed-Voice over Internet Protocol Service Providers that do not hold a Certificate of Public Convenience and Necessity and that voluntarily choose to offer California LifeLine service to their customers must comply with the policies, procedures, and rules adopted in this decision for the provision of California LifeLine service.

2. Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity that offer California LifeLine service must complete and submit a Voice over Internet Protocol Registration Form to the Communications Division and pay the applicable registration fee.

3. The registration fee for a fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity shall be equal to the amount that the California Public Utilities Commission requires for a Competitive Local Exchange Carrier's registration fee.

4. Within 90-days of the effective date of this decision, the Communication's Division shall create a Registration Form and an Affidavit for Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity Registration Form and shall make that form and affidavit available on the California Public Utilities Commission website.

5. A Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity that offers California LifeLine service shall obtain a Utility Contact Information System Identification Number associated with Digital Voice Service.

6. Before offering California LifeLine Service, a registered Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity that offers California LifeLine Service shall submit a Tier 3 advice letter to the Communications Division demonstrating:

a) that the provider has an active Voice over Internet Protocol Service Provider Registration with the Commission;
b) that the provider is current in collecting and remitting public purpose program surcharges;
c) that the provider's proposed services comply with the California LifeLine fixed-Voice over Internet Protocol service elements;

d) The provider's commitment to provide California LifeLine fixed-Voice over Internet Protocol services throughout the company's service area(s);

e) the provider's financial, technical capabilities and managerial competence;

f) the provider's ability to remain functional at all times;

g) that the provider meets all public interest standards;

h) Provision of terms and conditions of the company's proposed services;

i) Provision of disclosures for the company's proposed services;

j) Provision of a schedule of rates and charges for the company's proposed services;

k) Description of how the provider will interface with consumers before, during, and after enrollment;

l) Description of how the company will integrate its intake and provisioning process in compliance with the California LifeLine Administrator's enrollment process;

m) Compliance with the Performance Bond requirement; and

n) Submission of an affidavit.

7. All Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity that are approved to offer California LifeLine service by the California Public Utilities Commission shall meet all administrative obligations adopted in this decision.

8. A California LifeLine Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity revising any previously approved California LifeLine services or plans shall file a Tier 2 advice letter.

9. A California LifeLine Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity must provide the

minimum California LifeLine service elements as defined in Attachment A, Section 3II to this decision.

10. A California LifeLine Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity may provide additional services and/or features above the minimum service elements as part of its California LifeLine service offerings, but shall not require participants to purchase those additional services and/or features in order to access California LifeLine service.

11. A California LifeLine Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity is not required to offer eligible participants equal access to interexchange service.

12. California LifeLine Fixed-Voice over Internet Protocol Service Providers, without a Certificate of Public Convenience and Necessity, shall be eligible for California LifeLine support for California LifeLine service consistent with General Order 153.

13. California LifeLine Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall not be required to apply for eligible telecommunications carrier designation in order to participate in the California LifeLine Program. Fixed-Voice over Internet Protocol Service Providers that are designated as an eligible telecommunications carrier must combine the federal Lifeline support with the monthly California LifeLine support.

14. All California LifeLine Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall post a bond at the minimum bond requirement level of $25,000. Prior to offering California LifeLine service, a copy of the executed bond must be provided to the

Communications Division with the Tier 3 advice letter. Providers shall not allow the performance bond to lapse during the period California LifeLine service is provided. Providers shall submit a Tier 1 advice letter to the Director of the Communications Divisions annually, but not later than March 31, to demonstrate continued compliance with the performance bond requirement.

15. Commission staff has the authority to revise administrative procedures pursuant to the direction provided in this decision to help ensure the efficient operation of the California LifeLine Program and address any California LifeLine Program irregularities or other issues.

16. California LifeLine Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall provide complaint resolution information to their customers. Providers must use the following California Public Utilities Commission resolution processes to resolve consumer complaints:

a) Consumer Affairs Branch Informal complaint process
b) Administrative Law Judge Division expedited complaint process
c) Commission formal complaint process
d) Safety and Enforcement Division investigation process via an Order Instituting Investigation

17. The Communications Division has the authority to issue data requests to California LifeLine Fixed-Voice over Internet Protocol Service Providers. California LifeLine Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall respond to these data requests within 10 business days of the request. Providers may request an extension of time to respond from the Communications Division. Requests for an extension of time to respond shall be no more than 30 days from the original due date.

18. California LifeLine Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall prepare and submit to the Communications Division all required reports on a timely basis.

19. A California LifeLine fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall comply with this decision's requirements to withdraw California LifeLine service and/or to exit from the California LifeLine Program.

a) The California LifeLine Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity shall file a Tier 2 advice letter with the Communications Division and obtain approval prior to withdrawing any of its California LifeLine services and/or exiting from the California LifeLine Program.

b) The California LifeLine Fixed-Voice over Internet Protocol Service Provider must provide at least two notices to its California LifeLine participants prior to withdrawing its California LifeLine services and/or exiting from the California LifeLine Program as follows:

   i) First notice must be provided to participants on the same day that Tier 2 advice letter is filed with the Communications Division.

   ii) Second notice must be provided to participants after approval of the advice letter and at least 30 days from the date of service withdrawal and/or exit from the California LifeLine Program.

   iii) In order to be sufficient notice, the notice to participants must contain the following information:

      1. Identification of the California LifeLine Fixed-Voice over Internet Protocol Service Provider;

      2. Date(s) of service withdrawal and/or exit;

      3. Statement that participants have a right to select another California LifeLine provider; and

4. A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the withdrawal and/or exit. (This provision may end on the date of service withdrawal and/or exit occurs.).

c) The California LifeLine Fixed-Voice over Internet Protocol Service Provider must submit to CaLLmarketing@cpuc.ca.gov for review and approval of its proposed customer notices and other materials prior to disseminating or using them to educate and inform its California LifeLine participants about its withdrawal of California LifeLine service and/or exit from the California LifeLine Program.

20. In order to transfer assets, including the entire customer base or an entire class of customers, and or transfer control, a California LifeLine Fixed-Voice over Internet Protocol Service Provider without a Certificate of Public Convenience and Necessity shall comply with the following transfer of asset requirements:

a) The transferee must file a Tier 2 advice letter with the Communications Division and obtain approval prior to transferring assets and/or control.

b) The transferee must be an approved California LifeLine provider. If the transferee is not an approved California LifeLine provider, the transferee must submit a request and obtain California LifeLine Provider authorization from the Commission, as applicable, before the transferee may provide service to participants.

c) The transferor must provide at least two notices to its California LifeLine participants before the transfer date:

i) The first notice must be provided to participants on the same day that Tier 2 advice letter is filed with the Communications Division. (A sample notice is provided as Attachment B to this Decision.)

ii) The first notice must contain the following information:

(1) Procedure for filing protests;

(2) Identification of the transferee;

(3) Identification of the transferor;

(4) Description of any changes to rates, charges, terms, or conditions of service;

(5) Statement that participants have a right to select another California LifeLine provider;

(6) A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the transfer; and

(7) Date the transferee will begin providing California LifeLine service.

iii) After advice letter approval, the second notice must be provided to participants on the date that transfer occurs and must contain the following information:

(1) Identification of the transferee;

(2) Identification of the transferor;

(3) Description of any changes to rates, charges, terms, or conditions of service;

(4) Statement that participants have a right to select another California LifeLine provide;

(5) A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the transfer;

(6) Date the transferee will begin providing California LifeLine; and

(7) Action items for California LifeLine participants must perform in order to begin receiving service by the transferee.

d) The transferee and transferor must submit to CaLLmarketing@cpuc.ca.gov for review and approval of its proposed customer notices and other materials prior to disseminating or using them to educate and inform its California LifeLine participants about the transfer.

21. All California Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall comply with all Commission decisions, orders, and resolutions associated with the California LifeLine Program, including but not limited to Decision (D.) 14-01-036, D.12-12-038, D.10-11-033 and D.08-08-029.

22. All California LifeLine providers shall follow the directions of the Commission and its staff with respect to the administration, adjudication, and oversight of the California LifeLine Program and timely respond to all requests for information and data with respect to their participation in the California LifeLine Program and/or the federal Lifeline Program.

23. Commission staff has authority to audit California LifeLine providers to ensure compliance with all Commission LifeLine rules, including rules adopted in this Decision and General Order 153.

24. Commission staff has authority to investigate California LifeLine providers and participants in order to detect and prevent program waste, fraud and abuse.

25. Commission staff has authority to remedy any instances of waste, fraud, and abuse of the program by California LifeLine providers and by participants.

26. All California Fixed-Voice over Internet Protocol Service Providers without a Certificate of Public Convenience and Necessity shall comply with the following general rules and requirements:

a) General Order 66-C or its successor and Decision 16-08-024: Procedures for obtaining information and records in the possession of the Commission and its employees and Commission policy orders thereon;

b) General Order 95: Rules for Overhead Electric Line Construction;

c) General Order 96-B: Rules for filing and publishing tariffs for gas, electric, telephone, telegraph, water and heat utilities;

d) General Order 107-B: Privacy of telephone communications;

e) General Order 128: Rules for Construction of Underground Electric Supply and Communication Systems;

f) General Order 133-C, or its successor: Rules Governing Telecommunications Services Service Quality;

g) General Order 168: Consumer Bill of Rights Governing Telecommunications Services and Market Rules to Empower Telecommunications Consumers and to Prevent Fraud; and

h) All Commission decisions and resolutions that put in place General Orders 66-C, 96-B, 107-B, 133-C, and 168.

27. Rulemaking 11-03-013 remains open to resolve further outstanding issues.

This order is effective today.

Dated October 27, 2016, at San Francisco, California.

MICHAEL PICKER
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
LIANE M. RANDOLPH
Commissioners

Commissioner Carla J. Peterman, being necessarily absent, did not participate.

ATTACHMENT A

California LifeLine Program Participation Rules, Requirements and Service Elements for Fixed-Voice over Internet Protocol (VoIP) Providers without a Certificate of Public Necessity and Convenience (CPCN) (non-certificated)

SECTION 1: REGISTRATION PROCESS

To participate in California LifeLine, a non-certificated, fixed-VoIP service provider:

A. Complete and submit a VoIP Provider Registration Form.
B. Obtain a Utility Contact Information System (UCS). Identification (ID) Number associated with Digital Voice Service (DVS) from the Communications Division's (CD) Licensing Team after the VoIP Provider Registration Form has been submitted and approved by CD.
C. Pay required registration fee to receive a DVS ID – amount shall be equal to the amount that the CPUC charges for a Competitive Local Carrier's (CLC) registration fee.[1]

SECTION 2: TIER 3 ADVICE LETTER AUTHORIZATION PROCESS

A fixed-VoIP service provider shall file a Tier 3 Advice Letter with CD and demonstrate that it meets all California LifeLine entry pre-requisites.

A. California LifeLine entry pre-requisites are:
   i. Demonstrate that the company has an active registration with the CPUC;
   ii. Demonstrate that the company is current in collecting and remitting public purpose program surcharges and CPUC user fees;

1 The CLC registration fee is currently $75.

iii. Demonstrate that the company's proposed services comply with the California LifeLine fixed-VoIP service elements;
iv. Commit to provide California LifeLine fixed-VoIP services throughout the designated service area(s) (identify service area – map, zip codes list, geographic area list);
v. Demonstrate the company's financial, technical capabilities and managerial competence;
vi. Demonstrate the company's ability to remain functional at all times;
vii. Demonstrate that the company meets all public interest standards;
viii. Provide terms and conditions of the company's proposed services;
ix. Provide disclosures for the company's proposed services;
x. Provide a schedule of rates and charges for the company's proposed services;
xi. Describe how the company will interface with consumers before, during, and after enrollment;
xii. Describe how the company will integrate its intake and provisioning process in compliance with the California LifeLine Administrator's enrollment process;
xiii. Comply with the CPUC's Performance Bond requirement; and
xiv. Complete and submit an affidavit.

SECTION 3: INITIAL AND ONGOING CALIFORNIA LIFELINE PROGRAM REQUIREMENTS

I. ADMINISTRATIVE OBLIGATIONS

After CD approves the fixed-VoIP service provider's Tier 3 Advice Letter, the provider shall:

A. Submit and obtain approval of the company's provisioning process to the Administrator and CD.
B. Submit marketing materials for review and approval by CD.

C. Comply with the California LifeLine Program's eligibility rules, enrollment process, including, but not limited to validation checks, transmission requirements, and efforts to prevent waste, fraud, and abuse on an ongoing basis.
D. File a Tier 2 Advice Letter to make changes to the company's approved services, plans, or terms and conditions.

II. CALIFORNIA LIFELINE FIXED-VOIP SERVICE ELEMENTS

Fixed-VoIP service providers must offer the following service elements:

1. Provider must offer participants the ability to place and receive voice-grade calls over all distances utilizing the public switched telephone network or successor network.

   a) Provider must, at a minimum, enable calls to be sent and received within a local exchange or over an equivalent or larger-sized local calling area.

   b) Provider must provide a voice-grade connection from the participant's residence to the public switched telephone network or successor network.

   c) Provider must disclose to each participant before activating service that the participant is entitled to a voice-grade connection and the conditions under which the participant may terminate service without penalty if a voice-grade connection cannot be provided.

   d) If, at any time, a participant fails to receive a voice-grade connection to the residence and notifies the provider, the provider is required to (1) promptly restore the voice-grade connection, or if not possible (2) provide telephone service to that participant using a different technology if offered by the provider and if the participant agrees. Nothing in these rules alters or modifies the service obligation of a

carrier of last resort (COLR) to ensure continuity and functionality of basic service within the residence.

2. Provider must provide free, unlimited access to 911 emergency services, in compliance with current state and federal laws and regulations.

   a) Provider must disclose to potential and existing participants information regarding 911/E911 emergency services, in compliance with current state and federal laws and regulations.

3. Provider must provide to participants for free, one directory listing per year and white pages telephone directory.

   a) Provider shall include a participant's listing for free in the local white pages telephone directory as a default unless the participant affirmatively requests to have the number unpublished.

   b) Provider shall include a participant's listing for free in the directory listing as a default unless the participant affirmatively requests to have the number unlisted.

   c) Provider must provide participants the option to receive a free printed paper copy of the white pages directory instead of an electronic copy covering the local community where the participant resides if the provider publishes the white pages directory in both printed and electronic forms. Some service providers may provide electronic delivery i.e., by CD-ROM or by on line access, of the free white pages directory pursuant to Resolution T 17302. However, participants may contact the provider to affirmatively elect to receive a printed paper copy instead of an electronic copy of the free white pages directory.

4. Provider must abide by the following additional billing provisions.

   a) Provider must offer at least one California LifeLine plan that meets or exceeds the California LifeLine service elements, and is not bundled with

any video or data services. Provider may offer added features and/or enhanced service elements without additional charge(s).

b) Provider shall apply the applicable California LifeLine discount to the participant's selected plan.

c) Provider must offer California LifeLine discounted services on a non-discriminatory basis to any consumer residing within the service territory where the provider offers retail residential telephone services. Provider must only provide California LifeLine discounts to consumers that are approved by the California LifeLine Administrator.

d) Provider must offer a service plan option with monthly rates and without contract or early termination penalties.

e) Provider may offer features and/or enhanced services that exceed minimum service elements as part of the California LifeLine offering, but must not require participants to subscribe to these additional features/services in order to receive the California LifeLine discounts.

5. Provider must offer access to California Relay Service pursuant to Public Utilities Code § 2881 for deaf or hearing-impaired persons or individuals with speech disabilities.

6. Provider must provide participants free blocking for 900/976 information services and a one-time free billing adjustment for 900/976 information services related charges that are inadvertently or mistakenly incurred, or without authorization.

7. Provider must provide free access to operator services.

8. Provider must provide the ability to receive free, unlimited incoming calls.

9. Provider shall prominently disclose and disseminate terms and conditions of service, including service rates, charges, and fees associated with purchasing additional minutes, 911 emergency services location accuracy

and reliability standards as required in basic service element number I.2.(d) in Appendix A of Decision 12-12-038, service coverage and service quality issues, back-up power, and safety related considerations caused by outages, latency, and jitter. Disclosures must clearly state that participants are entitled to a voice grade connection, identify conditions under which participants may terminate service without incurring an early termination fee or penalty, charges or fees associated with using operator services, and describe the impact of terminating fixed-VoIP service for contracts that exceed one year, e.g., the consumer will be subject to the retail rates charged by the service provider and any applicable early termination fees.

10. Provider must provide access to local directory assistance (DA). Each provider shall offer to its participants the same number of free DA calls that the provider provides to its retail customers.

11. Provider shall file a schedule of rates and charges for its California LifeLine services.

12. Provider shall make available to participants its California LifeLine service rates and charges.

13. Provider must provide free, unlimited access to 800 or 800-like toll-free services.

14. Provider must provide free, unlimited access to customer service for information about California LifeLine, service activation, service termination, service repair, and bill inquiries. Calls to the provider's customer service shall not count against the participant's allotted voice minutes or number of calls.

15. Provider must provide free, unlimited access to customer service representatives fluent in the same language (English and non-English) that the California LifeLine was originally sold or marketed. Calls to the provider's customer service shall not count against the participant's allotted voice minutes or number of calls.

16. Provider must provide free access to Toll-Blocking Service.

17. Provider must provide free access to Toll-Control Service, but only if (i) the provider is capable of offering Toll-Control Service, and (ii) the California LifeLine participant has no unpaid bill for toll service.

18. Provider must provide access to two California LifeLine discounted telephone lines to Deaf and Disabled Telecommunications Program participants or teletypewriter users.

19. Provider must provide free access to the California Relay Service via the 711 abbreviated dialing code.

III. CALIFORNIA LIFELINE PROGRAM RULES AND REQUIREMENTS

Fixed-VoIP service providers authorized to participate in California LifeLine must comply with all CPUC decisions, orders, and resolutions associated with the California LifeLine Program, including, but not limited to the following:

- General Order 153 (http://docs.cpuc.ca.gov/WORD_PDF/GENERAL_ORDER/154648.pdf)

GO 153 sets forth rules and requirements of the California LifeLine program. Rules include filing schedules of rates and charges; written and oral communications with residential customers; in-language communications; residential customers' and service providers' eligibility to participate in the program; transmission and sharing of information for purposes such as eligibility determination, de-enrollment, and reimbursement of claims; California LifeLine service elements, rates, and charges; reimbursement methodology and amounts; claims-related requirements and process; surcharge-related requirements and process; audits; and record retention.

- January 2014 CPUC California LifeLine Decision, D. 1401036 (http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M086/K541/86541587.PDF)

- Additional rules that the CPUC adopts for fixed-VoIP service providers after the completion of this phase of the California LifeLine proceeding (R.11-03-013)

IV. OTHER APPLICABLE CPUC RULES AND REQUIREMENTS

Fixed-VoIP service providers must comply with the following CPUC rules and requirements:

OTHER APPLICABLE GENERAL ORDERS

- General Order 66-C (Procedures for obtaining information and records in the possession of the Commission and its employees and Commission policy orders thereon) (http://docs.cpuc.ca.gov/PUBLISHED/Graphics/644.PDF)
- General Order 95 (Rules for Overhead Electric Line Construction) (https://cs.cpuc.ca.gov/otcs/cs.exe?func=ll&objaction=overview&objid=159434210)
- General Order 96-B (Rules for filing and publishing tariffs for gas, electric, telephone, telegraph, water and heat utilities) (http://docs.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/164747.htm)
- General Order 107-B (Privacy of telephone communications) (http://docs.cpuc.ca.gov/PUBLISHED/Graphics/567.PDF)
- General Order 133-C, or its successor (Rules Governing Telecommunications Services Service Quality) (http://docs.cpuc.ca.gov/PUBLISHED/Graphics/110984.PDF)
- General Order 128 (Rules for Construction of Underground Electric Supply and Communication Systems) (http://docs.cpuc.ca.gov/PUBLISHED/GENERAL_ORDER/52591.htm)

- General Order 168 (Consumer Bill of Rights Governing Telecommunications Services. Market Rules to Empower Telecommunications Consumers and to Prevent Fraud.) (http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M089/K440/89440106.PDF)

- All CPUC decisions and resolutions that put in place General Orders 66-C, 96-B, 107-B, 133-C, and 168.

RESOLUTION PROCESS FOR VOIP SERVICE CONSUMER RELATED COMPLAINTS, ISSUES, AND APPEALS

A. Fixed-VoIP service providers shall employ and make available to participants the following CPUC complaint resolution processes:
   i. Consumer Affairs Branch's (CAB) informal complaint process (http://www.cpuc.ca.gov/PUC/aboutus/Divisions/CSID/Consumer+Affairs/);
   ii. Administrative Law Judge Division's expedited complaint process;
   iii. Formal complaint process under Article 4 of the Commission's Rules of Practice and Procedure (http://docs.cpuc.ca.gov/published/RULES_PRAC_PROC/70731.htm); and
   iv. Safety and Enforcement Division's (SED) investigation process via an Order Instituting Investigation (OII).

B. Types of consumer complaints may include, but not limited to the following:
   i. Application of the California LifeLine discounts;
   ii. California LifeLine service rates and charges;
   iii. California LifeLine service terms and conditions;
   iv. California LifeLine service elements;

v. Compliance with California LifeLine Program rules and other applicable rules;

vi. Application of California LifeLine Program eligibility and renewal rules;

vii. Compliance with service quality standards;

viii. Violations of consumers' bill of rights delineated in GO 168; and

ix. Disclosures.

C. Recourse and remedy must be consistent with applicable state and federal laws and regulations.

DATA REQUESTS AND REPORTS

A. Fixed-VoIP service providers must respond to CD's data requests within 10 business days of the request. Fixed-VoIP service providers may request an extension of time from CD and the request shall be no more than 30 days from the original due date. CD may request the following types of information from fixed-VoIP service providers:

TYPE OF INFORMATION	**PURPOSE**
Phone bills and administrative expenses	Substantiate claims for reimbursement
Written and verbal communications with consumers	Enforcement + Waste, Fraud, and Abuse Prevention
Business operations processes and methods	Enforcement + Waste, Fraud, and Abuse Prevention
All aspects of enrollment process and methods	Enforcement + Waste, Fraud, and Abuse Prevention
California LifeLine related complaints and trouble tickets	Enforcement + Waste, Fraud, and Abuse Prevention
Privacy compliance with CPNI rules and breaches	Enforcement
California LifeLine related usage/plan information	Substantiate claims for reimbursement + Potential program enhancement

B. Fixed-VoIP service providers must prepare and submit to CD the following types of reports, which vary in frequency:
   i. Schedule of Surcharge Remittance (monthly)
   ii. Customer Trouble Tickets Report for both retail and California LifeLine services (quarterly)
   iii. Schedule of Rates and Charges (annual + advice letters)
   iv. Affiliate Transactions Report (annual)
   v. Operational and Financial Report (annual)
   vi. Residential Service Geographical Survey (annual)

WITHDRAW/TRANSFER/EXIT REQUIREMENTS

WITHDRAWAL AND EXIT REQUIREMENTS – Fixed-VoIP provider must comply with the following requirements to withdraw or discontinue providing some or all California LifeLine fixed-VoIP services to its participants and/or to exit from the California LifeLine Program:

A. Definition of "Withdrawal" – discontinue providing California LifeLine service to its participants, new or existing, in a portion or all of its service areas.

B. Definition of "Exit" – ceasing or terminating participation in the California LifeLine Program and also relinquishing authority as a California LifeLine provider.

C. Provider must file a Tier 2 advice letter with CD and obtain approval prior to withdrawing any of its California LifeLine services and/or exiting from the California LifeLine Program.

D. Provider must provide at least two notices to its California LifeLine participants prior to withdrawing its service and/or exiting from the California LifeLine Program:

1. First notice must be provided to participants on the same day that Tier 2 advice letter is filed with CD.
2. Second notice must be provided to participants at least 30 days from the date of service withdrawal and/or exit from the California LifeLine Program.

E. Notice to participants must contain the following information:

1. Identification of the California LifeLine fixed-VoIP service provider;
2. Date(s) of service withdrawal and/or program exit;
3. Statement that participants have a right to select another California LifeLine provider; and
4. A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the withdrawal and/or exit. (This provision may end on the date of service withdrawal and/or exit occurs)

F. Fixed-VoIP provider must submit to CaLLmarketing@cpuc.ca.gov for review and approval of its proposed customer notices and other materials prior to disseminating or using them to educate and inform its California LifeLine participants about its withdrawal and/or exit from the California LifeLine Program.

TRANSFER REQUIREMENTS – Fixed-VoIP service provider must comply with the following transfer requirements:

E. Definition of "Transfer" - a Transfer of assets (including the entire customer base or an entire class of customers) and/or Transfer of control.

F. The transferee must file a Tier 2 advice letter with CD and obtain approval prior to transferring assets and/or control.

G. The transferee must be an approved California LifeLine provider. If the transferee is not an approved California LifeLine provider, the transferee

must submit a request and obtain California LifeLine provider authorization from CD and/or the Commission, as applicable, before transferee may provide service to participants.

H. The transferor must provide at least two notices to its California LifeLine participants before the transfer date:

1. First notice must be provided to participants on the same day that Tier 2 advice letter is filed with CD. Transferor may use the following sample notice:

   "The proposed Transfer is being submitted by Advice Letter [insert advice letter number] for review and possible approval by the California Public Utilities Commission. The advice letter was filed with the Communications Division [insert date of filing]. Anyone may object to the advice letter by sending a written protest to: Advice Letter Coordinator, Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102.

   The protest must state specifically the grounds on which it is based. The protest must be received by the Advice Letter Coordinator no later than 20 days after the date that the advice letter was filed. On or before the day that the protest is sent to the Advice Letter Coordinator, the protestant must send a copy of the protest to [insert name and address of person whom the Utility has designated in the advice letter to receive protests]. To obtain information about the Commission's procedures for advice letters and protests, go to www.cpuc.ca.gov.

   First notice must contain the following information:

   a. Procedure for filing protests;
   b. Identification of the transferee;
   c. Identification of the transferor;
   d. Description of any changes to rates, charges, terms, or conditions of service;

e. Statement that participants have a right to select another California LifeLine provider;

f. A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the transfer; and

g. Date the transferee will begin providing California LifeLine service.

2. Second notice must be provided to participants on the date that transfer occurs.

   Second notice must contain the following information:

   a. Identification of the transferee;

   b. Identification of the transferor;

   c. Description of any changes to rates, charges, terms, or conditions of service;

   d. Statement that participants have a right to select another California LifeLine provider;

   e. A toll-free customer service telephone number for participants to ask questions, obtain information or submit complaints about the transfer;

   f. Date the transferee will begin providing California LifeLine; and

   g. Action items for California LifeLine participants must perform in order to begin receiving service by the transferee.

G. The transferee and transferor must submit to CaLLmarketing@cpuc.ca.gov for review and approval of its proposed customer notices and other materials prior to disseminating or using them to educate and inform its California LifeLine participants about the transfer.

(End of Attachment A)

Attachment B
Sample Transfer Notice

The proposed Transfer is being submitted by Advice Letter [insert advice letter number] for review and possible approval by the California Public Utilities Commission. The advice letter was filed with the Communications Division [insert date of filing]. Anyone may object to the advice letter by sending a written protest to: Advice Letter Coordinator, Communications Division, 505 Van Ness Ave., 3rd Floor, San Francisco, CA 94102.

The protest must state specifically the grounds on which it is based. The protest must be received by the Advice Letter Coordinator no later than 20 days after the date that the advice letter was filed. On or before the day that the protest is sent to the Advice Letter Coordinator, the protestant must send a copy of the protest to [insert name and address of person whom the Utility has designated in the advice letter to receive protests]. To obtain information about the Commission's procedures for advice letters and protests, go to www.cpuc.ca.gov.

(End of Attachment B)