



**FILED**  
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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking Into  
Implementation of Federal Communications  
Commission Report and Order 04-87, As It  
Affects The Universal Lifeline Telephone Service  
Program.

Rulemaking 04-12-001  
(Filed December 2, 2004)

**ASSIGNED COMMISSIONER'S RULING DIRECTING CARRIERS TO  
IMMEDIATELY COMPLY WITH GENERAL ORDER 153 AND  
DECISION 06-11-017 AND SETTING FOLLOWUP ACTIONS**

**I. Summary**

It has come to my attention that Pacific Bell Telephone Company dba AT&T California (AT&T) and Verizon California (Verizon) are not complying with portions of General Order (GO) 153, Section 4.2 relating to providing California LifeLine service information<sup>1</sup> and Commission Decision (D.) 06-11-017. More specifically, both AT&T and Verizon continue to bill customers for the service conversion charge in Section 8.1.3 of this Commission's GO 153, despite the six-month suspension of these charges in D.06-11-017. This Assigned Commissioner's Ruling (ACR) directs AT&T and Verizon to immediately comply with GO 153 pertaining to the California LifeLine program and D.06-11-017.<sup>2</sup> Commission staff have also determined that customers who enter into the

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<sup>1</sup> Formerly known as the Universal Lifeline Telephone Service or ULTS.

<sup>2</sup> D.06-11-017, approved by the commission 5-0, ratified the November 1, 200 ACR by Commissioner Dian M. Grueneich.

LifeLine certification process are experiencing problems similar to those that had occurred in the verification process. This ACR directs AT&T and Verizon to ensure that customers who have been deemed ineligible under the current certification process receive bill credits for all charges that would not otherwise accrue pursuant to GO 153.

## **II. Background**

In July 2006, the Commission implemented D.05-04-026, the adoption of a program of income certification and annual verification, as required by the Federal Communications Commission's (FCC) (April 29, 2004) Lifeline Order. The Commission's third party administrator, Solix, began to mail annual verification notices to customers currently enrolled in LifeLine. Those customers were required to return the completed form to Solix. The new verification process resulted in an unprecedented low response rate during August and September 2006. Under the newly implemented process, customers who did not return the verification form were sent a letter stating that they were being removed from the LifeLine program and would be required to pay regular telephone rates. On November 1, 2006, I issued an ACR suspending the verification process for six months to allow staff to analyze the reasons for the low response rate and determine a solution.

In conjunction with California telecommunications carriers, Solix, and consumer groups, Commission staff has been working, and continues to work, to resolve the low response rate issue. Through the efforts of staff, a tremendous amount of progress has been made and we anticipate an on-time lifting of the six-month suspension.

### **III. Consumer Impacts**

During the initial discovery of the verification process problem, the Consumer Affairs Branch (CAB) began to receive complaints from consumers appealing their elimination from the LifeLine program. These complaints came in the form of approximately 500 letters per day and even more phone calls.

D.06-11-017 required CAB to discontinue processing appeals of disqualifications based on late-filed responses or non-responses to the verification notice. Instead, the customers were to be informed that they would be reinstated to LifeLine service, pending a subsequent verification during the next year. Solix was directed to send affected customers a letter explaining the restoration of LifeLine service and that over the course of one to two telephone bills, the customer should expect any associated service charges to be deleted from their bills.<sup>3</sup> Solix mailed the explanation letters to customers the week of November 26, 2007. The Commission expected the number of letters and calls in regard to the new LifeLine process to decrease after Solix issued the explanation letter. However, the customer complaints did not decrease. In August 2006, CAB received 15 LifeLine informal appeals. By December 2006, the number of appeals soared to over 1,000 and the number of LifeLine calls were almost 2,700.

CAB has identified several trends within these calls. Many consumers reported they were not receiving bill credits, including credits for the service conversion charge, as required in D.06-11-017. Many consumers, when contacting their carrier about the failure to receive bill credits, did not receive

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<sup>3</sup> "Carriers are instructed to back-date those customers' participation in the LifeLine program to the date when they were removed from the program, and credit their bills accordingly." Commission D.06-11-017, pages 3-4.

correct or complete information from carriers. In some cases, consumers reported being forwarded directly to CAB from the carriers' customer representative without the customer's prior knowledge.

In December and January, Commission staff met with representatives of AT&T and Verizon to discuss ongoing consumer-related LifeLine problems. Staff expressed concern about the impact of consumer questions and complaints regarding the LifeLine program on CAB's workload and consumer accessibility to CAB. CAB's initial data showed that a significant portion of the increase in call volume into CAB and the duration of the calls were attributed to customer confusion or misinformation regarding the LifeLine program and the process for eligibility. Staff sent letters to AT&T<sup>4</sup> and Verizon<sup>5</sup> confirming this discussion and noting GO 153, Section 4.2 which requires carriers to provide appropriate and accurate information to customers about LifeLine. Staff committed to ongoing discussions with AT&T and Verizon on a regular basis to give the carriers the opportunity to provide feedback about measures implemented to eliminate the LifeLine misinformation and subsequent customer confusion.

Since January 29, staff has conducted approximately 50 calls to both AT&T and Verizon call centers to determine whether customers receive correct and complete information regarding LifeLine. The information gathered from these calls provides the Commission with a disturbing picture of what consumers are being told by AT&T and Verizon. Several AT&T and Verizon representatives, when asked for information on LifeLine, told the caller to contact Solix or the

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<sup>4</sup> January 26, 2007 letter from Commission to AT&T.

<sup>5</sup> January 29, 2007 letter from Commission to Verizon.

Commission and provided the caller with a contact number. Nearly half of the AT&T and Verizon representatives provided either incomplete or inaccurate information on the program. At least one consumer representative did not know or have information about LifeLine. None of these practices is compliant with GO 153 Section 4.

I am also concerned that the manner in which the certification process<sup>6</sup> is being administered is leading to conversion charges being placed on the bills of some customers. It appears that a “conversion/regrade” charge is applied to customers who have applied for certification as a LifeLine customer and are rejected and then placed on a non-LifeLine residential service rate. Some of these customers are truly requesting LifeLine qualification for the first time. Some are, in fact, verification process customers who have had problems with the verification process (as detailed in D.06-11-017 and the associated November 1, 2006 ACR) but have been advised to seek new certification as a faster approach than appealing the verification denial.

Regardless of the cause for denial, if a customer is denied certification, it is my understanding that some carriers are not only placing the customer on a non-LifeLine residential rate and charging appropriately the difference between LifeLine and non-LifeLine connection and recurring service charges, but are also imposing a conversion/regrade charge. It seems inappropriate to charge a “conversion/regrade” charge to customers having difficulty with the certification and verifications process which may be of no fault of their own. In

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<sup>6</sup> The certification process addresses requests from customers to enroll in the LifeLine program for the first time.

fact the customer is only provisionally in LifeLine pending action on the certification request and a denial is not a conversion or regrade, but a rejection of a request for a certification. Certain costs of administering the LifeLine program are recoverable from the LifeLine fund and should not be imposed on the customer. This is a separate issue from an existing non-LifeLine customer who successfully changes to LifeLine and does pay a conversion/regrade charge, albeit of a discounted nature.

#### **IV. Commission Response**

As a result of the ongoing problems with incorrect customer billing and misinformation to customers, I am directing AT&T and Verizon to immediately comply with GO 153 and D.06-11-017. Four months has been an adequate amount of time to implement changes in the two carriers' billing software and to train consumer representatives to correctly respond to calls regarding LifeLine service. I order both AT&T and Verizon to report to the Commission's Executive Director no later than Friday, March 2, 2007 with a timeline of measures to be implemented in order to correct these problems. In addition, both carriers shall provide a weekly update to the Directors of the Telecommunications and the Consumer Services and Information Divisions until the problem has been completely resolved.

I am also directing that in complying with GO 153 conversion/regrade charges not be imposed on a customer who is unsuccessful in its certification request and is by certification denial placed in a non-LifeLine service. To the extent that customers have been billed the conversion/regrade charges, (i.e., charges beyond those authorized in GO 153, Section 5.4.4), carriers are instructed to credit or refund those charges to customers who initiated the certification process on or after July 1, 2006, consistent with the requirements of

D.06-11-017. The certification process is not suspended for reasons discussed in D.06-11-107.

The magnitude of the number of consumers affected by these problems is of grave concern. I therefore request the Executive Director to provide an overview of the problems discussed in this ACR and the proposed resolutions to the entire Commission at its regularly scheduled business meeting on March 1, 2007. Additionally, I request the Executive Director to provide regular updates as appropriate.

Likewise, I will hold a public meeting at the Commission's San Francisco offices on March 8. I request the Executive Director to require Solix to attend the meeting. At that time, AT&T and Verizon shall provide an update on all related aspects of the LifeLine processes including their efforts to comply with this ACR and GO 153 and the Executive Director, staff, and Solix shall provide an update on their activities. Opportunity will be given for public comment and questions.

**IT IS RULED that:**

1. Pacific Bell Telephone company dba AT&T California (AT&T) and Verizon California (Verizon) shall immediately comply with General Order (GO) 153 and Decision (D.) 06-11-017.
2. AT&T and Verizon shall report to the Commission's Executive Director no later than Friday, March 2, 2007 with a full description of the measures being taken to comply with GO 153 and D.06-11-017.
3. AT&T and Verizon shall provide a weekly update to the Directors of the Telecommunications and Consumer Service and Information Divisions on measures implemented.
4. The Executive Director shall provide an overview of this issue to the full Commission on March 1, 2006.

5. A public meeting shall be held at the Commission's San Francisco office on March 8, from 10:00 - noon, at which time AT&T and Verizon shall provide a report to the parties of this proceeding and respond to their questions.

6. The Executive Director shall arrange for Solix to attend the March 8 meeting and provide an update improved processes.

7. All customers deemed ineligible under the current LifeLine certification process shall be held harmless from the imposition of all charges that would otherwise not accrue pursuant to GO 153 Section 5.4.4.

8. All customers deemed ineligible under the current LifeLine certification process should not be subject to charges beyond those specified in GO 153 Section 5.4.4.

Dated February 28, 2007, at San Francisco, California.

/s/ DIAN M. GRUENEICH

Dian M. Grueneich  
Assigned Commissioner

## INFORMATION REGARDING SERVICE

I have provided notification of filing to the electronic mail addresses on the attached service list.

Upon confirmation of this document's acceptance for filing, I will cause a copy of the filed document to be served upon the service list to this proceeding by U.S. mail. The service list I will use to serve the copy of the filed document is current as of today's date.

Dated February 28, 2007, at San Francisco, California.

/s/ KRIS KELLER

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Kris Keller

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