Decision **PROPOSED DECISION OF COMMISSIONER SANDOVAL**
(Mailed 9/16/2011)

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)

DECISION CLOSING PROCEEDING

1. Summary

In this decision, we deny intervenors' request to transfer time spent on implementation work to Rulemaking (R.) 11-03-013 and close R.04-12-001.

This proceeding is closed.

2. Background

This proceeding was opened on December 2, 2004, and the stated purpose of the proceeding was to bring California's Lifeline program into compliance with the Federal Communications Commission's (FCC) Lifeline/Link-Up Order which was issued on June 22, 2004. The FCC Order modified the requirements for eligible telecommunications carriers to receive federal Lifeline/LinkUp funds. In its Order, the FCC required all states that, like California, operate their own income-based Lifeline programs to document low-income customers' income qualification for their income-based program.

In Decision (D.) 05-04-026, we adopted a program of income certification and annual verification, as required by the FCC's Order. At the same time, we

adopted program-based eligibility, to facilitate participation in the program by all eligible customers. Program-based eligibility is based on the customer's participation in specific means-tested programs. The decision made other program changes to facilitate enrollment in the LifeLine program.

As a final step in this proceeding, on August 21, 2008, in D.08-08-029, we adopted a pre-qualification requirement for the California LifeLine program. Under pre-qualification, a new applicant for the program will receive the discounted LifeLine rate for telephone service once the certifying agent determines that he/she is eligible. The proceeding was kept open so the Commission could monitor implementation of pre-qualification.

Three years have passed, and pre-qualification was successfully implemented. On May 9, 2011, the assigned Administrative Law Judge (ALJ) issued a ruling asking for comments on closing the proceeding. The only comments were filed on June 1, 2001 by a group of intervenors: Disability Rights Advocates, The Utility Reform Network, National Consumer Law Center, and The Greenlining Institute (Joint Consumers). The Joint Consumers do not oppose closing Rulemaking (R.) 04-12-001. However, to the extent that intervenors would be eligible to request compensation for substantial contributions in this proceeding, those intervenors assert that they should be allowed to transfer any time spent on implementation work in proceeding R.04-12-001 to R.11-03-013.

3. Discussion

The Joint Consumers indicate that intervenors have worked to oversee implementation of changes to the LifeLine program, including participation in numerous working group calls, meetings, and workshops in an effort to monitor implementation of pre-qualification, as well as other adjustments to the LifeLine

program. According to the Joint Consumers, these intervening parties should maintain their eligibility to seek compensation for this implementation work, with the time spent transferred to the new LifeLine proceeding, R.11-03-013.

R.11-03-013 was initiated to address unresolved issues, previously identified in another rulemaking R.06-05-028, necessary to reform the LifeLine program. In R.11-03-013, R.06-05-028 was closed, with the comment that the new rulemaking would be a "successor proceeding to R.06-05-028."[1] The rulemaking also states that all intervenor compensation filings and findings from R.06-05-028 will be transferred to the new rulemaking.[2] That transfer is appropriate since some issues were carried forward from the earlier proceeding. Both proceedings entail a comprehensive review of the LifeLine program, in light of technological changes in the telecommunications industry and their impact on LifeLine service and subsidies.

However, those issues differ from the issues addressed in this proceeding, R.04-12-001. This rulemaking dealt with the process for enrolling in the LifeLine program, rather than with LifeLine benefits. Thus, any time spent in implementation of pre-qualification would not result in any "substantial contribution" to a decision in R.11-03-013. Rule 17.3 of the Commission's Rules of Practice and Procedure indicates as follows:

> A request for an award of compensation may be filed after the issuance of a decision that resolves an issue on which the intervenor believes it made a substantial contribution.

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[1] R.11-03-013 at 2.

[2] R.11-03-013 at 15.

The issues involved in this proceeding do not carry forward into R.11-03-013. so Joint Consumers' request to transfer the time they spent implementing pre-qualification is rejected.

4. Comments on Proposed Decision

The proposed decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Section 311 of the Public Utilities Code and comments were allowed under Rule 14.3 of the Commission's Rules of Practice and Procedure. No comments were filed.

5. Assignment of Proceeding

Catherine J. K. Sandoval is the assigned Commissioner and Karen Jones is the assigned ALJ in this proceeding.

Findings of Fact

1. No party opposes closing this proceeding.
2. The issues in R.04-12-001 are not the same as those in R.11-03-013.

Conclusions of Law

1. Intervenors should not be permitted to transfer the time they spent overseeing the implementation of pre-qualification to R.11-03-013.
2. This proceeding should be closed.

O R D E R

Therefore, **IT IS ORDERED** that:

1. The request of Disability Rights Advocates, The Utility Reform Network, National Consumer Law Center, and The Greenlining Institute to transfer any time spent in implementation work in proceeding Rulemaking (R.) 04-12-001 to R.11-03-013 is denied.

2. Rulemaking 04-12-001 is closed.

This order is effective today.

Dated _____, at San Francisco, California.