

BEFORE THE PUBLIC UTILITIES COMMISSION OF  
THE STATE OF CALIFORNIA



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Order Instituting Rulemaking to Update  
the California LifeLine Program.

**CENTER FOR ACCESSIBLE TECHNOLOGY COMMENTS ON  
STAFF PROPOSAL ON LIFELINE SPECIFIC SUPPORT AMOUNT AND MINIMUM  
SERVICE STANDARDS**

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## **I. INTRODUCTION**

In accordance with the instructions provided in the Order Instituting Rulemaking to Update the California LifeLine Program (the OIR), issued on November 26, 2025, and the updated schedule for filing comments issued on December 8, 2025, Center for Accessible Technology (CforAT) submits these timely comments on the Staff Proposal on LifeLine Specific Support Amount and Minimum Service Standards attached to the OIR.

## **II. DISCUSSION**

### **A. The Commission Should Reject Industry Attempts to Create Distractions or Confusion in this Proceeding.**

The OIR states that the purpose of this proceeding is to continue improving the California LifeLine program, including specifically considering a new methodology for calculating the Specific Support Amount (SSA) paid to carriers that serve LifeLine customers.<sup>1</sup> The issue of updating the SSA methodology is the first priority, and parties are invited to provide comments or alternative proposals as the very first form of input in this docket.<sup>2</sup> The OIR does not set out any specific questions for response by parties. Given the lack of guidance or restrictions on comments, CforAT anticipates that carriers and/or industry groups will likely respond with efforts to drag the Commission's focus away from its aims of improving the SSA methodology and instead put the focus on revisiting so-called threshold issues that are well settled and items that will not result in improved service for customers. The Commission should be wary of such attempts and avoid any effort to be lured off track.

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<sup>1</sup> OIR at p. 5.

<sup>2</sup> OIR at pp. 6-7.

## **1. The Commission Should Reject any Provider Claims that the Commission Lacks Jurisdiction to Take Actions Consistent with the Staff Proposal.**

Based on providers' past behavior, industry comments can be expected to include a deluge of faulty and well-worn arguments claiming that the Commission lacks the jurisdiction to create LifeLine rules for wireless and/or VoIP providers, or for broadband services generally. Industry parties will continue to make these arguments despite past Commission decisions which have unequivocally rejected them. As CforAT has previously noted, and the Commission has acknowledged:

While [parties] certainly [have] the right to vigorously advocate ... constant repetition of arguments that have been rejected does not advance (and can actively impede) resolution of important issues. Additionally, it diverts resources as the Commission and other parties are obligated to dig through repetitive arguments to ensure that [parties have] not included any new information or material. This prevents advocates and decisionmakers from focusing on new or unresolved matters.<sup>3</sup>

The Commission should not let providers drag the focus of this proceeding towards jurisdictional arguments to avoid squarely addressing the issues and recommendations addressed in the staff proposal or otherwise distract the Commission and stakeholders in this proceeding.

Such efforts not only serve to distract stakeholders and decisionmakers, but they also slow down efforts to address substantive policy issues. CforAT has identified a frequent practice of industry parties to focus their comments solely on jurisdictional issues and minimize or completely avoid providing substantive discussion of any other issues. The Commission and stakeholders will not benefit from yet another proceeding where providers and industry representatives repeat erroneous jurisdictional claims and fail to meaningfully engage with the scoped issues. As CforAT has previously noted, jurisdictional issues (specifically, issues

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<sup>3</sup> Resolution T-17796 at pp. 4-5 (Aug. 31, 2023).

involving federal preemption), are often fact-specific.<sup>4</sup> Even if there are any elements of the proposal that would benefit from further review, it would not be a good use of Commission resources to consider jurisdictional impacts of any of the the Staff Proposal’s recommendations at this stage of the proceeding, because it is likely modify at least some of those recommendations before adopting any revised methodology.

To the extent that the Commission may wish to entertain comment on the extent of its own jurisdiction (an action which, as discussed above, is unnecessary), it should only do so after it has considered substantive input from parties and stakeholders and made any necessary changes to the recommendations in the Staff Proposal.

## **2. The Commission Should Reject Provider Attempts to Use Industry Groups as a Shield.**

In communications proceedings before the Commission, individual providers have frequently relied on industry groups to raise threshold arguments that avoid or distract from the substantive concerns under consideration. By using this strategy, individual providers can disclaim responsibility for derailing the purpose of the proceeding while still avoiding action on key issues. As CforAT noted in R.20-02-008, the predecessor to this proceeding:

Based on CforAT’s longstanding experience working on proceedings addressing low-income communications programs, it appears that, in proceedings like this one, providers and trade associations (particularly Cal Broadband, US Telcom, and CTIA) work together strategically. Providers will often represent themselves as open to reasonable solutions or work with stakeholders, while depending on the trade associations to take hardline stances in opposition to options that might reduce profitability for carriers. Generally, this opposition comes with claims that any requirements for affordable service with strong service quality standards will cause providers to decline to participate in low-income programs. This allows

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<sup>4</sup> Joint Brief of The Public Advocates Office at the California Public Utilities Commission, The Utility Reform Network, the Prison Policy Initiative, and Center for Accessible Technology at p. 16 (Jan. 28, 2022, Order Instituting Rulemaking to Consider Regulating Telecommunications Services Used by Incarcerated People, R.20-10-002 (Oct. 8, 2020), Citing *Mozilla v. FCC*, 940 F.3d 1, 136-137 (D.C. Cir. 2019).

providers to appear open to options that they do not actually support, while using trade associations as their proxies.<sup>5</sup>

As the Commission has recently emphasized, Rule 1.1 of the Commission’s Rules of Practice and Procedure prohibits parties from misleading “the Commission or its staff by an artifice or false statement of law or fact,” and omissions can be misleading.<sup>6</sup> When reviewing input from providers, the Commission should remain aware of this strategy and not take providers’ claims of sincerity or intent to participate in LifeLine at face value.

**B. CforAT Supports the Staff Proposal Subject to Some Additional Consumer Protections.**

The Staff Proposal recommends that the Commission update its methodology for calculating the SAA and the LifeLine Minimum Service Standards (MSS) “to better meet the evolving communication needs of low-income Californians.”<sup>7</sup> In order to achieve this goal, the Staff Proposal focuses on updating the SSA methodology to align with the MSS, while updating the MSS to maximize benefit for customers, and establishing affordable copayment wireless plans.<sup>8</sup> It also updates non-usage rules and charges for wireless activation/connection charges.<sup>9</sup>

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<sup>5</sup> CforAT Comments on Assigned Commissioner’s Ruling Requesting Comments on Strategies to Address the Home Broadband Adoption Gap at pp. 3-4 (May 16, 2025), Order Instituting Rulemaking to Update the California Universal Telephone Service (California LifeLine) Program, R.20-02-008 (Feb. 27, 2020) (2020 LifeLine Proceeding).

<sup>6</sup> Assigned Commissioner’s Ruling Requiring Additional Testimony at pp. 5-6 (July 23, 2025), In the Matter of the Joint Application of Verizon Communications Inc., Frontier Communications Parent, Inc., Frontier California Inc., Citizens Telecommunications Company of California Inc., Frontier Communications of the Southwest Inc., Frontier Communications Online and Long Distance Inc., and Frontier Communications of America, Inc. for Approval of the Transfer of Control of Frontier California Inc. (U-1002C), Citizens Telecommunications Company of California (U-1024C), Frontier Communications of the Southwest Inc. (U-1026C), Frontier Communications Online and Long Distance Inc. (U-7167C), and Frontier Communications of America, Inc. (U-5429C), to Verizon Communications Inc. Pursuant to California Public Utilities Code Section 854, A.24-10-006 (Oct. 18, 2024).

<sup>7</sup> Staff Proposal at p. 1.

<sup>8</sup> Staff Proposal at p. 1.

<sup>9</sup> Staff Proposal at p. 2.

## **1. CforAT Supports the Staff’s Proposal for Updating the MSS and SSA Methodology.**

The Staff Proposal reviews the background of the existing SSA methodology, describing how it is based on the highest basic service rate charged by any COLR in the state.<sup>10</sup> This method produced regular increases in the SSA from 2017 until it was frozen by the Commission in 2025.<sup>11</sup>

While the SSA has steadily increased, the increases have been based solely on increases in the basic service rate charged by AT&T (routinely the highest-cost COLR), without analysis of the need to incorporate new technologies or the way that participants rely on accessing broadband data.<sup>12</sup> The Staff Proposal notes that AT&T’s rates, and its frequency of rate increases, are an outlier, yet they have impacted the SSA statewide, even as the federal Lifeline subsidy and other state Lifeline rates have stayed flat.<sup>13</sup> The existing methodology, relying on AT&T, has increased program costs while failing to provide substantial access to wireline voice service bundled with broadband.<sup>14</sup>

In order to better support access to wireline voice and broadband through adoption of a reasonable SSA, the Staff Proposal recommends the creation of MSS tiers providing various data plan options for customers.<sup>15</sup> This includes retention of \$0 options as well as higher data plans at affordable co-payment rates.<sup>16</sup> In conjunction with this, the Staff Proposal recommends that the Commission create a Set Price SSA based on data from the wireless retail market and Lifeline offerings in other states.<sup>17</sup> As part of the Set Price methodology:

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<sup>10</sup> Staff Proposal at p. 3.

<sup>11</sup> Staff Proposal at p. 3.

<sup>12</sup> Staff Proposal at p. 8.

<sup>13</sup> Staff Proposal at p. 8

<sup>14</sup> Staff Proposal at p. 8.

<sup>15</sup> Staff Proposal at p. 15.

<sup>16</sup> Staff Proposal at p. 15.

<sup>17</sup> Staff Proposal at p. 14.

Staff will conduct an annual market analysis to assess affordability and market changes, ensuring that the SSA and MSS are adjusted as needed. Additionally, staff recommend directing wireline carriers to comply with Public Utilities Code Section 874, which prohibits carriers from charging LifeLine customers more than 50 percent of their basic residential rate. The annual price cap figure will continue to be reported and posted on the Commission website.”<sup>18</sup>

CforAT supports the proposed changes to the MSS and SSA methodology. As CforAT has previously noted, the current SSA methodology relying on AT&T’s prices for basic service have resulted in an SSA that is untethered from the actual cost of providers’ services.<sup>19</sup> Additionally, providers have consistently failed to explain how their costs of providing service compare to the MSS and SSA:

[P]roviders have not shared financial data with the Commission to verify providers’ claims, and that “[i]t remains challenging for the CPUC to determine the appropriate subsidy amount for services, given that financial data from Service Providers is not forthcoming nor mandatorily provided.” Joint Consumers support the Program Assessment’s assertion that “if Service Providers want decisionmakers to consider adjusting subsidy amounts to support claimed increased costs, this decision needs to be based on the actual cost of providing LifeLine service.”<sup>20</sup>

The Staff Proposal’s data analysis of current service plans, subsidies and minimum standards in other states, as well as use of the affordability ratio metric<sup>21</sup> is comprehensive and well-reasoned, and an excellent model for the proposed annual market analysis to assess affordability and market changes.<sup>22</sup> Rather than basing the SSA on a market outlier (AT&T), it reviews the entire

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<sup>18</sup> Staff Proposal at p. 15.

<sup>19</sup> 2202 LifeLine Proceeding, CforAT Comments on ALJ Ruling Requesting Comments on Freezing the Specific Service Amount (“As noted by the Staff Proposal and CforAT’s Comments, California LifeLine’s SSA is an outlier among other states and untethered from providers’ services.”); *See also*, D.21-08-037 at p. 32 (Aug. 23, 2021).

<sup>20</sup> 2020 LifeLine Proceeding, Joint Commenters Opening Comments on Program Assessment at p. 11 (Jun 17, 2020), citing Program Assessment at pp. 10, 17

<sup>21</sup> Staff Proposal at pp. 8-14.

<sup>22</sup> Staff Proposal at p. 15.

market ecosystem to determine not only consumers' LifeLine needs, but also a reasonable SSA reflecting the offerings of all market participants.

## **2. The Commission Should Adopt the Staff Report's Wireless Tiered Payment Plans with Additional Consumer Protections.**

The Staff Proposal recommends that the Commission adjust the MSS to create five tiers of service offerings. Three of those offerings ("Basic", "Standard", and "Family Plan (Line 1)") offer modest amounts of data (6 GB for Basic and 15 GB for Standard and Family Plan) and do not require that the subscriber make any copayment.<sup>23</sup> The other two tiers ("Tier 4" and "Tier 5") offer more data (25 GB for Tier 4 and 40 GB for Tier 5) but require a copayment from the subscriber.<sup>24</sup> CforAT agrees with the Staff Proposal's analysis that such tiered offerings will require a minimum standard of service to be provided to all program participants, while also allowing program participants who need more data to purchase that additional data. However, we offer some suggestions for better meeting consumer needs and protecting the integrity of the LifeLine fund.

First, the Commission should clarify that a provider offering 25 GB or more of data may collect a copayment from the subscriber but is not *required* to. A framework that requires that the provider collect a copayment when providing higher levels of data could stifle competition by preventing providers from competing using service offerings that offer higher amounts of data at no cost to the customer. Rules that might prohibit this competition would distort the market and delay consumers' access to larger data offerings.

Additionally, the Commission should modify the Staff Proposal's recommended costs for additional data for consumers that exceed their monthly cap. The Staff Proposal recommends

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<sup>23</sup> Staff Proposal at p. 16.

<sup>24</sup> Staff Proposal at p. 16.

that customers whose service offerings provide less data pay a higher rate per GB when they exceed that data cap. For example, subscribers to the Basic Tier who exceed their 6GB monthly limit would pay \$3.19 per additional GB, while Tier 5 customers who exceed their 40 GB monthly limit would pay only an additional \$0.56 per additional GB.<sup>25</sup> This inequitable pricing would result in charging the highest incremental prices to LifeLine customers who can least afford to pay for additional data. Perhaps more importantly, the recommended prices for additional data in the Staff Proposal bear no relation to providers' costs. There is no basis whatsoever to set pricing on a model that appears to be a volume discount. A 2024 study found that customers in the United States pay about \$4.50 per gigabyte of wireless data, while overseas customers pay about \$0.08 per gigabyte of wireless data.<sup>26</sup> As noted above, providers have steadfastly refused to provide information about their costs of providing broadband. Given the lack of record evidence of providers' costs, and the substantial evidence that the costs of providing additional wireless data are negligible, the Commission should create a flat rate for additional GB of data of \$0.56.

Finally, there is ample evidence that providers routinely seek to upsell services and speeds that exceed customer needs and can be unaffordable.<sup>27</sup> CforAT supports the Staff

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<sup>25</sup> Staff Proposal at p. 16.

<sup>26</sup> Bruce Kushnick, IRREGULATORS TO FCC: Data Caps on Wireless Broadband Harms Low Volume, Low Income and Rural Families (Nov. 25, 2024), *available at* <https://kushnickbruce.medium.com/irregulators-to-fcc-data-caps-on-wireless-broadband-harms-low-volume-low-income-and-rural-f6a50dab9350> (last accessed Jan. 9, 2026).

<sup>27</sup> 2020 LifeLine Proceeding, CforAT Comments on Assigned Commissioner's Ruling Requesting Comments on Strategies to Address the Home Broadband Adoption Gap at pp. 9-10, citing Ryan Collins, The End of the Affordable Connectivity Program: How Communities are Coping and What Comes Next (Nov. 19, 2024), available at [https://www.digitalinclusion.org/blog/the-end-of-theaffordable-connectivity-program-how-communities-are-coping-and-what-comes-next/](https://www.digitalinclusion.org/blog/the-end-of-the-affordable-connectivity-program-how-communities-are-coping-and-what-comes-next/) (last accessed May 16, 2025); Energy and Commerce Committee, Pallone Demands Answers from Internet Providers on Reports of Anti-Consumer Practices in Broadband Affordability Programs (Oct. 26, 2022), available at <https://democrats-energycommerce.house.gov/newsroom/press-releases/pallone-demands-answers-from-internet-providers-on-reports-of-anti-consumer> (last accessed May 16, 2025).

Proposal's recommendation that if a participant does not make a copayment, the provider must transition that customer to the Standard plan rather than terminating that customer's service, and that providers cannot charge a fee for switching tiers.<sup>28</sup> The Commission may also wish to consider a requirement that if, over a three-month period, a customer on a higher tier plan uses less than the data allowance on a lower-tier plan, the provider must notify the customer of that fact and inform the customer about their option to switch to a lower-tier plan. These provisions ensure that LifeLine subscribers do not lose service because they have been sold a level of service they cannot afford (or do not need) and ensures that providers bear the financial risk of upselling LifeLine eligible customers to more expensive offerings.

**a) Non-Usage Rule**

CforAT supports the expansion of the Non-Usage Rule to include copayment plans.

**b) Proposed Update Activation and Connection Charge**

The Staff Proposal recommends reducing the Activation and Connection charge for wireless LifeLine (currently \$39.00) to \$15.00, citing providers' prevailing practice of waiving installation fees for non-LifeLine customers and the exceedingly high 155% churn rate of wireless LifeLine customers.<sup>29</sup> CforAT supports this proposal. As noted above, providers have refused to turn over data about their actual costs of activating and connecting a line. Additionally, it appears that providers have historically adjusted their activation fees to meet the maximum reimbursement amount, indicating that there is no nexus between the reimbursement amount and the actual costs of activating and connecting a line. The Commission should modify the rules to allow only a \$15 activation or connection fee per year per provider.

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<sup>28</sup> Staff Proposal at p. 20.

<sup>29</sup> Staff Proposal at p. 18.

CforAT expects that providers will attempt to take advantage of the Commission's discussion of modifications to the activation and connection charge as yet another opportunity to repeat their past arguments for extending the duration of the benefit portability freeze.<sup>30</sup> The benefit portability freeze helps prevent confusion caused by eligible participants applying for LifeLine service with a number of different providers in a short amount of time.<sup>31</sup> Providers have repeatedly sought a port freeze of months, arguing that it is necessary to ensure that subscribers cover the cost of the typically free phone provided to the customer.<sup>32</sup> However, the Staff Proposal does not address the benefit portability freeze. Accordingly, the Commission should reject any discussion of the freeze when considering the Staff Proposal.

### **3. Proposed Update Wireline MSS and Set Price SSA for CA LifeLine**

CforAT supports the Staff Proposal's recommendation that the Commission create a tiered SSA for voice-only and voice and broadband service offerings.<sup>33</sup> However, the Commission should clarify that Commission staff should review the service offerings purchased by LifeLine participants to ensure customers are enrolling in plans that meet their needs but do not include excessive amounts of data or have expensive add-ons. Additionally, given that some wireline providers have tried to prevent the Commission from collecting data about the actual costs of broadband service, the Commission should monitor providers that offer both voice and broadband LifeLine offerings to ensure that providers are not cross-subsidizing those offerings.<sup>34</sup>

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<sup>30</sup> General Order 153 at p. 19, § 5.11.

<sup>31</sup> Providers often argue that benefit portability freezes are necessary because consumers will sign up with multiple LifeLine providers in order to obtain multiple free phones. CforAT believes those claims wildly overstate a problem (to the extent that it exists at all) and notes that the narrative seems grounded in the same discriminatory beliefs underlying complaints about so-called "welfare queens" and "people using food stamps to buy steak and lobster" that were heard frequently in the 1980's.

<sup>32</sup> See, e.g., 2020 LifeLine Proceeding, NaLA Comments on ALJ Ruling Seeking Comment on the California LifeLine Program Assessment and Evaluation by California State University, Sacramento (Jun. 17, 2022).

<sup>33</sup> Staff Proposal at pp. 19-20.

<sup>34</sup> *Calaveras Tel. Co. v. Pub. Util. Comm.*, No. F083339, 2022 Cal. App. LEXIS 1086 (unpublished)

#### **4. Proposed Update Reporting Claims**

CforAT supports the Staff Proposal's recommended reporting requirements.

### **III. CONCLUSION**

CforAT supports the Staff Proposal subject to the recommendations above, and appreciates the Commission's continued commitment to ensuring that everyone in California has access to the communications technologies that are critical for participation in today's economy.

Respectfully submitted,  
January 9, 2026

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