

**Before the  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503**

Information Collection Being Reviewed by the Federal Communications Commission	) ) ) ) )	OMB Control Number 3060-0819
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**COMMENTS OF THE NATIONAL LIFELINE ASSOCIATION**

The National Lifeline Association (NaLA) submits these brief comments in response to the Federal Communications Commission’s (FCC’s or Commission’s) request for comments on the information collection requirements set forth in the *Fourth Report and Order* of the 2017 *Lifeline Digital Divide Order* that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA).<sup>1</sup> NaLA previously submitted comments to the FCC in response to its 60-day PRA notice, which we incorporate here by reference.<sup>2</sup>

As explained below, the Commission’s submission to OMB (1) fails to address meaningfully NaLA’s concerns with the burdens of the subscriber notice requirement, including NaLA’s concerns about the unavailability of critical information necessary to timely comply with the notice requirement, and (2) even if timely compliance were possible, dramatically

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<sup>1</sup> See Information Collection Being Reviewed by the Federal Communications Commission, Federal Communications Commission, OMB 3060–0819, 83 Fed. Reg. 113, 27328, 27328-29 (June 12, 2018) (Federal Register Notice); see also *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155 (rel. Dec. 1, 2017) (*2017 Lifeline Digital Divide Order*); *id.* ¶¶ 2-31 (*Fourth Report and Order*).

<sup>2</sup> See Comments of the National Lifeline Association, WC Docket Nos. 17-287, 11-42, 09-197, OMB Control No. 3060-0819 (May 29, 2018) (NaLA Comments); Information Collection Being Reviewed by the Federal Communications Commission, Federal Communications Commission, OMB 3060–0819, 83 Fed. Reg. 61, 13484, 13484-85 (Mar. 29, 2018).

underestimates the costs associated with complying with the rule. For these reasons, unless and until the Commission addresses these deficiencies and burdens of the subscriber notice requirement, OMB should not approve it.

## **I. Background**

The enhanced Tribal Lifeline program is a federal universal service program that provides up to a \$25 supplemental monthly benefit—in addition to a baseline \$9.25 monthly Lifeline benefit—to eligible low-income residents of federally recognized Tribal lands to discount the cost of telecommunications and broadband service.<sup>3</sup> The primary goal of the program is to increase subscribership of telecommunications and broadband services by making those services more affordable for low-income consumers.<sup>4</sup> In large part due to the efforts of non-facilities-based wireless reseller eligible telecommunications carriers (ETCs)—which serve 62 percent of wireless Tribal Lifeline subscribers nationwide, and 92 percent of subscribers in largely-Tribal Oklahoma—the enhanced program has been a success, serving approximately 240,000 households through free or near-free service plans.<sup>5</sup>

On December 1, 2017, the Commission adopted the *Fourth Report and Order*, which restructures its Tribal Lifeline program to (1) prevent “urban” residents of Tribal lands from accessing enhanced Tribal monthly subsidies and (2) prohibit the remaining Lifeline-eligible

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<sup>3</sup> See *Federal-State Joint Board on Universal Service; Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas*, CC Docket No. 96-45, Twelfth Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking, 15 FCC Rcd 12208 (2000) (*2000 Tribal Lifeline Order*).

<sup>4</sup> See *id.*

<sup>5</sup> According to the USAC Lifeline Disbursement Tool, available at <http://www.usac.org/li/tools/disbursements/default.aspx> (as of March 2018 disbursement data); Bridging the Digital Divide for Low-Income Consumers et al., WC Docket Nos. 17-287 et al., Comments of the Public Utility Division of the Oklahoma Corporation Commission, 4 (filed Feb. 21, 2018).

households on Tribal lands from applying their enhanced Lifeline benefit to services offered by resellers, who serve the majority of Tribal Lifeline participants.<sup>6</sup>

As relevant to the present information collection, the Commission has ordered non-facilities-based ETCs to notify affected subscribers in writing about the new substantive restrictions in the *Fourth Report and Order* “no more than 30 days after the announcement of PRA approval.”<sup>7</sup> The notice “must inform any impacted customers that they will not receive the enhanced Lifeline discount beginning 90 days after the announcement of PRA approval . . . and that customers residing on rural Tribal lands who are currently receiving service from a non-facilities-based provider have the option of switching their Lifeline benefit to a facilities-based provider to continue receiving enhanced rural Tribal support.”<sup>8</sup> The notice “must also detail the ETC’s offerings for Lifeline subscribers who are not eligible for enhanced support.”<sup>9</sup>

On May 29, 2018, NaLA submitted comments to the Commission on the proposed information collection,<sup>10</sup> which have been submitted to this record, and on June 4, 2018, NaLA met with representatives from the Wireline Competition Bureau Telecommunications Access Policy Division to discuss its submission.<sup>11</sup> We respectfully ask that OMB consider our previous comments alongside the comments below.

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<sup>6</sup> See *Fourth Report and Order* ¶¶ 2-31.

<sup>7</sup> See *id.* ¶ 31.

<sup>8</sup> See *id.*

<sup>9</sup> See *id.*

<sup>10</sup> See generally NaLA Comments.

<sup>11</sup> See Letter from John. J. Heitmann, Counsel to NaLA, to Marlene H. Dortch, FCC, WC Docket Nos. 17-287, 11-42, 09-197 (June 5, 2018).

On June 12, 2018, the Commission submitted its request for approval to OMB together with NaLA's comments.<sup>12</sup> In its statement in support of the submission for approval, the Commission estimates that the notice requirement will cost \$5,320 in total for the industry, or \$40 per ETC, based on one hour of work and one notification.<sup>13</sup> In paragraph 8 of the supporting statement, the Commission rejects NaLA's arguments, contending that the notice requirement is not unduly burdensome because (1) ETCs are already required to maintain regular contact with their subscribers for a number of reasons, including non-usage warnings and other reminders; (2) ETCs already offer different plans in different states based on the state-provided support; and (3) NaLA's argument that the notice requirement will require significant customer service costs are "hypothetical."<sup>14</sup> These comments respond to the Commission's allegations and provide additional details to support NaLA's burden analysis.

## **II. The Commission fails to meaningfully address NaLA's concerns**

The Commission's submission to OMB fails to meaningfully evaluate NaLA's submission or consider its obligation to minimize the burden of the notice requirement on

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<sup>12</sup> See Federal Communications Commission Information Request to OMB, Supporting Statement, 24 (June 12, 2018), *available at* <https://www.reginfo.gov/public/do/DownloadDocument?objectID=83696900>.

<sup>13</sup> See Federal Communications Commission Information Request to OMB, Supporting Statement at 24.

<sup>14</sup> See *id.* at 14.

affected ETCs as required under the PRA.<sup>15</sup> This failure to address NaLA’s concerns or to minimize the burdens on ETCs warrant OMB’s disapproval of the notice requirement.<sup>16</sup>

First, the Commission incorrectly claims that the notice requirement provides ETCs with adequate time to notify subscribers because “USAC has already released a shapefile delineating the new boundaries for enhanced Tribal support, and the new rules governing enhanced Tribal support will not be implemented for several months.”<sup>17</sup> The shapefile falls short of what providers need to make accurate determinations about subscriber eligibility. Specifically, the *Fourth Report and Order* directs USAC “to develop a tool that will allow Lifeline service providers to determine whether a subscriber residing on Tribal lands resides in a rural area” according to the Commission’s new definition.<sup>18</sup> To date, USAC has failed to provide the promised tool to allow ETCs to make the threshold determinations about which notifications to send which subscribers. As such, ETCs still may not confidently delineate whether subscribers remain eligible for an enhanced benefit from another provider based on their “rural” address as newly defined by the Commission.<sup>19</sup> Even if the shapefile were sufficient, the Commission

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<sup>15</sup> See 5 C.F.R. §§ 1320.3(b)(1); 1320.5, 1320.8. The PRA defines “burden” as “the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency,” and includes tasks such as (1) “reviewing instructions”; (2) “developing, acquiring, installing, and utilizing technology and systems for the purpose of” “collecting, validating, and verifying information,” “processing and maintaining information,” or “disclosing and providing information”; (3) adjusting existing compliance processes; (4) training personnel to comply; (5) searching data sources; (6) completing and reviewing the information collection; and (7) “transmitting, or otherwise disclosing the information.” 5 C.F.R. § 1320.3(b)(1).

<sup>16</sup> See 5 C.F.R. 1320.5(d)(1)(i) (agencies have a duty to “ensure that the information collection . . . is the least burdensome necessary.”); 5 C.F.R. ¶ 1320.5(d)(1)(iii) (agencies may not “shift[] disproportionate costs [and] burdens” on the public).

<sup>17</sup> See Supporting Statement at 14.

<sup>18</sup> See *Fourth Report and Order* ¶ 5.

<sup>19</sup> Declaration of David Dorwart ¶ 4 (attached as **Exhibit A**); Declaration of Joe Fernandez Decl. ¶ 4 (attached as **Exhibit B**); Declaration of Kim Lehrman ¶ 4 (attached as **Exhibit C**).

entirely fails to assess or include the burdens associated with developing, installing, and utilizing technology to make the required determinations; searching the data sources; or completing and reviewing the results of the analysis. Based on conversations with our members, absent the promised tool, we estimate those costs to be at a minimum \$610 and 20 hours of work per ETC, but likely will cost much more, as reflected in the attached declarations.<sup>20</sup>

Second, the Commission incorrectly claims that ETCs “have no obligation” to determine “whether there are facilities-based providers available at a subscriber’s given address.”<sup>21</sup> Instead, in the Commission’s view, ETCs must simply notify “customers residing on rural Tribal lands who are currently receiving service from a non-facilities-based provider” that they “have the option of switching their Lifeline benefit to a facilities-based provider to continue receiving enhanced rural Tribal support,” despite the fact that in some circumstances—identified in the record—subscribers receiving the notice will not “have the option” of transitioning to a facilities-based Lifeline provider available at their location because none exists.<sup>22</sup> In effect, the *Fourth Report and Order* forces ETCs to make statements that are either knowingly false or that are not readily verifiable.<sup>23</sup> The risk of making untrue statements to subscribers—and the attendant legal risk and risk to goodwill—unreasonably “shift[s] the burden” to ETCs contrary to the PRA and its implementing rules.<sup>24</sup> The Commission’s failure to minimize the burden of the notice

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<sup>20</sup> Dorwart Decl. ¶ 4; Fernandez Decl. ¶ 4; Lehrman Decl. ¶ 4.

<sup>21</sup> See Supporting Statement at 14.

<sup>22</sup> See *id.*

<sup>23</sup> See, e.g., Joint Petition for Stay, WC Docket Nos. 17-287 et al. (filed June 22, 2018), Exhibit E, Declaration of Phyliss J. Anderson ¶ 4-5 (June 20, 2018); See also Letter from Hon. Heidi Heitkamp, U.S. Senate, to FCC (Nov. 28, 2017) (for more than 1,000 Tribal members in North Dakota, “there are no facility-based providers”); Letter from John J. Heitmann, Counsel for Assist Wireless, LLC et al., to FCC at 5-6, WC Docket 17-287 (Nov. 9, 2017) (nearly 2,500 residents of the Wind River and Colville reservations would have “no options for obtaining voice or broadband service” without wireless resellers).

<sup>24</sup> See 5 C.F.R. ¶ 1320.5(d)(1)(iii).

requirement by modifying the notice language or by providing information about available alternatives violates the PRA and warrants disapproval of the notice requirement altogether.

Third, the Commission fails to meaningfully evaluate or minimize the burdens that ETCs identified in its comments.<sup>25</sup> For example, the Commission wishes away the burden of the notice requirement by stating that ETCs are “already required to maintain regular contact with their subscribers for a number of reasons,”<sup>26</sup> without considering the incremental costs of this particular notice. Moreover, the Commission unreasonably dismisses the costs of preparing detailed, separate notices for states with state-level subsidies without considering the fact that its notice requirement mandates descriptions of those plans *within the notice itself*, adding incremental costs to design separate notices.<sup>27</sup> Most egregiously, the Commission fails to meaningfully consider NaLA’s concerns about the customer service costs of providing the required notice, attempt to minimize them, or even include them in its estimate.<sup>28</sup> For example, the Commission’s supporting statement to OMB does not address technology costs, process and maintenance costs, training costs, or staffing costs—all of which fall within the definition of “burdens” under the PRA.<sup>29</sup> Below we provide additional detail on these costs to demonstrate the woeful inadequacy of the Commission’s estimate.

### **III. The Commission’s burden analysis grossly underestimates the burden of its notice requirement on ETCs**

In its supporting statement, the Commission projects that its notice requirement affects approximately 133 ETCs, and will require a single notice, requiring 1 hour to review and submit, for

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<sup>25</sup> See Supporting Statement at 14.

<sup>26</sup> See *id.*

<sup>27</sup> See *id.*

<sup>28</sup> See *id.*

<sup>29</sup> See *id.*

an industry-wide total of \$5,320, or \$40 per ETC. Based on conversations with a representative sample of NaLA members, as reflected in the attached declarations, we estimate that the correct cost is in fact a minimum of \$8,825 per ETC to comply with the notice requirement.<sup>30</sup> The flippancy with which the Commission evaluated NaLA's comments and the significant burden of the notice requirement warrants disapproval unless and until the Commission addresses the errors described herein.

Preparing the notices will require costly advance preparation to determine which notices to send and to prepare the content of those notices.<sup>31</sup> With respect to technological burden, we estimate that it will cost at a minimum \$610 and 20 hours of work per ETC to integrate the not-yet-created USAC mapping tool, which is a necessary prerequisite to identifying and segmenting customers for notification.<sup>32</sup> ETCs then must prepare at least three different types of notices, one for urban residents of Tribal lands who will no longer be eligible for any enhanced subsidy, a different notice for rural residents of Tribal lands who will no longer be eligible for an enhanced subsidy from a non-facilities-based provider, and different notices still depending on available basic Lifeline plans (e.g., based on state-level subsidy programs).<sup>33</sup> We estimate that it will cost at least \$200 and five hours of work for an ETC to draft compliant notices.<sup>34</sup>

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<sup>30</sup> Dorwart Decl. ¶ 3; Fernandez Decl. ¶ 3; Lehrman Decl. ¶ 3. Collectively, these declarant ETCs serve approximately one-third of the Tribal Lifeline program, and as such constitute a representative sample of the industry.

<sup>31</sup> Dorwart Decl. ¶ 4-5; Fernandez Decl. ¶ 4-5; Lehrman Decl. ¶ 4-5. Moreover, ETCs will be required to contact—and in some cases seek approval from—state regulators and Tribal authorities before sending the notices, adding immense costs. *See* Dorwart Decl. ¶ 5; Lehrman Decl. ¶ 9.

<sup>32</sup> Dorwart Decl. ¶ 4; Fernandez Decl. ¶ 4; Lehrman Decl. ¶ 4.

<sup>33</sup> Dorwart Decl. ¶ 5; Fernandez Decl. ¶ 5; Lehrman Decl. ¶ 5.

<sup>34</sup> Dorwart Decl. ¶ 5; Fernandez Decl. ¶ 5; Lehrman Decl. ¶ 5.



Sending the notices presents additional costs. For instance, ETCs often must pay for each text message notice they send in order to ensure that the messages are free for the end user. Further, because the notice requirement mandates lengthy disclosures to the customer, we estimate that a compliant notice will require multiple messages to consumers.<sup>35</sup> We estimate that the cost of sending these via text message will be at least \$975 per ETC.<sup>36</sup> To the extent that ETCs send follow-up reminder notifications—a consumer-friendly industry best practice—it will multiply the costs of sending the text messages. Moreover, ETCs will need to spend administrative time and resources tracking and reporting progress and process for its notification campaigns, which we estimate will cost a minimum of \$200 in internal resources.<sup>37</sup>

After sending the notifications, ETCs will face a significant and costly customer service burden. Specifically, in order to provide effective customer service, ETCs will be required to (1) develop and implement interactive voice response (IVR) systems; (2) draft and implement customer service scripts and IVR prompts; and (3) develop and implement training sessions for current and incoming customer service staff.<sup>38</sup> These customer service costs are likely to exceed 30 hours and \$1,100 per ETC. Moreover, while difficult to precisely calculate, we expect that ETCs will be required to respond to complaints of customers who “shoot the messenger,” leading to additional legal and administrative costs that, based on ETCs past experience, likely will exceed \$2,900 and dozens of hours of work.<sup>39</sup>

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<sup>35</sup> Dorwart Decl. ¶ 6; Fernandez Decl. ¶ 6; Lehrman Decl. ¶ 7.

<sup>36</sup> Dorwart Decl. ¶ 6; Fernandez Decl. ¶ 6; Lehrman Decl. ¶¶ 6-7. Importantly, these figures are based on providing notice by text message, ETCs’ and consumers’ preferred means of communications (and a necessary alternative for itinerant and homeless subscribers). Were the Commission to require notification by mail, the notice costs would balloon even more. *See id.*

<sup>37</sup> Dorwart Decl. ¶ 7; Fernandez Decl. ¶ 7; Lehrman Decl. ¶ 8.

<sup>38</sup> Dorwart Decl. ¶ 8; Fernandez Decl. ¶ 8; Lehrman Decl. ¶ 10.

<sup>39</sup> Dorwart Decl. ¶ 9; Fernandez Decl. ¶ 9; Lehrman Decl. ¶¶ 11-12.

In sum, the Commission's estimates are significantly off-base and must be revised to take into consideration the significant costs that the notice requirement will impose. For these reasons, OMB should require the Commission to take steps to minimize the burden of the notice requirement and produce a more accurate estimate of the burdens here. Failing that, OMB should disapprove the notice requirement.

## CONCLUSION

The subscriber notice requirement in the *Fourth Report and Order* presents ETCs with extraordinary burdens, including impossible tasks and significant costs. The Commission fails to take seriously its obligation to meaningfully consider and minimize these burdens as required under the PRA, and it wildly underestimates the burden of the notification requirement. OMB should not approve the information collection unless and until the Commission addresses the manifold calculation errors and procedural impossibilities embedded within the notice requirement.

Respectfully submitted,



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*Counsel to the National Lifeline Association*

July 12, 2018

# **EXHIBIT A**

**Before the  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503**

Information Collection Being Reviewed by the  
Federal Communications Commission

OMB Control Number 3060-0819

**DECLARATION OF DAVID DORWART**

I, David Dorwart, declare as follows:

1. I am more than 18 years of age and am the owner and Chairman of Assist Wireless (Assist or the Company). Assist is a wireless reseller that is designated as an eligible telecommunications carrier (ETC) and provides Lifeline service in Arkansas, Maryland, Missouri, and Oklahoma including on federally recognized Tribal lands in Oklahoma. As of June 1, 2018, Assist provides Lifeline service to approximately **[BEGIN CONFIDENTIAL]** **[END CONFIDENTIAL]** subscribers, including **[BEGIN CONFIDENTIAL]** **[END CONFIDENTIAL]** subscribers who receive the enhanced Lifeline benefit.

2. I submit this declaration in support of the Paperwork Reduction Act (PRA) Comments of the National Lifeline Association (NaLA) to respond to assertions made by the Federal Communications Commission (FCC or Commission) in its statement in support of the submission for approval by the Office of Management and Budget (OMB) of the information collection requirements set forth in the *Fourth Report and Order of the 2017 Lifeline Digital Divide Order*. See *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice

of Inquiry, FCC 17-155, ¶¶ 2-31 (rel. Dec. 1, 2017) (Fourth Report and Order). Unless expressly stated, this declaration is based on my personal knowledge.

3. The *Fourth Report and Order* requires Assist, “no more than 30 days after the announcement of PRA approval,” to “notify, in writing, any customers who are currently receiving enhanced support who will no longer be eligible for enhanced support as a result of the changes in [the Fourth Report and Order].” In its statement in support of the submission for approval, the Commission estimates that the notice requirement will cost \$5,320 in total for the industry, or \$40 per ETC, based on one hour of work and one notification. In Assist’s case, this estimate is inaccurate. For the reasons explained below, Assist expects that it will cost approximately [BEGIN CONFIDENTIAL] [REDACTED] [REDACTED] [END CONFIDENTIAL] to carry out the customer notice requirement.

4. First, Assist must identify which of its subscribers reside on “rural” Tribal lands. To date, USAC has not provided the tool to allow Assist to make the threshold determinations about which notifications to send which subscribers. The shapefile released by USAC on May 29, 2018 will not allow Assist to confidently determine whether subscribers remain eligible for an enhanced benefit from another provider based on their “rural” address as newly defined by the Commission. Even if the shapefile were sufficient, Assist would still require at least [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop, install, and utilize technology to make the required determinations; search the data sources, and complete and review the results of the analysis.

5. Second, Assist will prepare the required customer notices. Assist must prepare at least three different types of notices, one for urban residents of Tribal lands who will no longer

be eligible for any enhanced subsidy, a different notice for rural residents of Tribal lands who will no longer be eligible for an enhanced subsidy from a non-facilities-based provider, and different notices still depending on available basic Lifeline plans (e.g., based on state-level subsidy programs). In addition, Assist anticipates that it will need to provide a copies of its proposed customer notices to the Oklahoma Corporation Commission (OCC) for review and approval prior to transmitting the notices to its customers, and may need to make changes to the content based on the OCC's review. Assist estimates that it will require [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours at a cost of [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop the content for these notices.

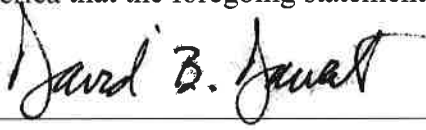
6. Assist anticipates that it will notify affected subscribers of the Tribal Lifeline program rule changes via text message. Based on Assist's experience providing Tribal Lifeline service, text messages are a more effective means of reaching Tribal subscribers, who may live on lands without traditional postal addresses. In order to provide all of the information required by the Fourth Report and Order in the notices (*see* Fourth Report and Order ¶ 31), Assist will send multiple text messages (which are limited to 160 characters) to the affected customers. Additionally, based on Assist's experience in other contexts (e.g., non-usage and recertification reminders), the Company may need to provide multiple reminders of the Tribal Lifeline program changes to the affected subscribers in addition to the initial notice. The Company estimates that the cost to send these notices will be [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL].

7. Assist also will need to spend administrative time and resources tracking and reporting progress and process for its notification campaigns, which will cost approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] in internal resources.

8. Upon notifying the impacted customers of the Tribal Lifeline program changes, Assist expects a high volume of customer inquiries and complaints related to the changes. It is likely that most customers are unaware of the Fourth Report and Order at this time. They will likely call an Assist call center or visit a store to complain about their service changes. Assist's subscribers may also visit the Company's website looking for additional information about the changes. Assist expects to spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to: develop new customer service scripts, an Interactive Voice Response (IVR) recording for customer service calls, and website content; train customer service representatives about how to handle customer inquiries and complaints related to the change; and pay for airtime minutes associated with the IVR.

9. Additionally, in some cases, subscribers may lodge complaints with federal or state regulators or Better Business Bureau about the change in benefits, which would impose additional costs on Assist to respond to data requests. Based on the Company's previous experience, the OCC will likely forward customer complaints directly to Assist and instruct the company to respond to the consumer directly. Assist expects to spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at a cost of [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to respond to complaints and questions from regulators.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States of America that the foregoing statements are true and correct.

A handwritten signature in black ink, reading "David B. Dorwart", is written over a horizontal line.

David Dorwart

July 11, 2018



# **EXHIBIT B**

**Before the  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503**

Information Collection Being Reviewed by the Federal Communications Commission	) ) ) ) )	OMB Control Number 3060-0819
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**DECLARATION OF JOE FERNANDEZ**

I, Joe Fernandez, declare as follows:

1. I am more than 18 years of age and am the owner and President of Easy Telephone Services Company d/b/a Easy Wireless (Easy or the Company). Easy is a wireless reseller that is designated as an eligible telecommunications carrier (ETC) and provides Lifeline service in four states, including on federally recognized Tribal lands in Oklahoma. As of June 1, 2018, Easy provides Lifeline service to an estimated [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] subscribers, including [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] subscribers who receive the enhanced Lifeline benefit.

2. I submit this declaration in support of the Paperwork Reduction Act (PRA) Comments of the National Lifeline Association (NaLA) to respond to assertions made by the Federal Communications Commission (FCC or Commission) in its statement in support of the submission for approval by the Office of Management and Budget (OMB) of the information collection requirements set forth in the *Fourth Report and Order of the 2017 Lifeline Digital Divide Order*. See *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice

of Inquiry, FCC 17-155, ¶¶ 2-31 (rel. Dec. 1, 2017) (Fourth Report and Order). Unless expressly stated, this declaration is based on my personal knowledge.

3. The Fourth Report and Order requires Easy, “no more than 30 days after the announcement of PRA approval,” to “notify, in writing, any customers who are currently receiving enhanced support who will no longer be eligible for enhanced support as a result of the changes in [the Fourth Report and Order].” In its statement in support of the submission for approval, the Commission estimates that the notice requirement will cost \$5,320 in total for the industry, or \$40 per ETC, based on one hour of work and one notification. In Easy’s case, this estimate is inaccurate. For the reasons explained below, Easy expects that it will cost approximately [BEGIN CONFIDENTIAL] [REDACTED] [REDACTED], [END CONFIDENTIAL] to carry out the customer notice requirement.

4. First, Easy must identify which of its subscribers reside on “rural” Tribal lands. To date, USAC has not provided the tool to allow Easy to make the threshold determinations about which notifications to send which subscribers. The shapefile released by USAC on May 29, 2018 will not allow Easy to confidently determine whether subscribers remain eligible for an enhanced benefit from another provider based on their “rural” address as newly defined by the Commission. Even if the shapefile were sufficient, Easy would still require at least [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop, install, and utilize technology to make the required determinations; search the data sources, and complete and review the results of the analysis.

5. Second, Easy will prepare the required customer notices. Easy must prepare at least three different types of notices, one for urban residents of Tribal lands who will no longer

be eligible for any enhanced subsidy, a different notice for rural residents of Tribal lands who will no longer be eligible for an enhanced subsidy from a non-facilities-based provider, and different notices still depending on available basic Lifeline plans (e.g., based on state-level subsidy programs). In addition, Easy anticipates that it will need to provide a copies of its proposed customer notices to the Oklahoma Corporation Commission (OCC) for review and approval prior to transmitting the notices to its customers, and may need to make changes to the content based on the OCC's review. Easy estimates that it will require [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop the content for these notices.

6. Easy anticipates that it will notify affected subscribers of the Tribal Lifeline program rule changes via text message. Based on Easy's experience providing Tribal Lifeline service, text messages are a more effective means of reaching Tribal subscribers, who may live on lands without traditional postal addresses. In order to provide all of the information required by the Fourth Report and Order in the notices (*see* Fourth Report and Order ¶ 31), Easy will send multiple text messages (which are limited to 160 characters) to the affected customers. Additionally, based on Easy's experience in other contexts (e.g., non-usage and recertification reminders), the Company may need to provide multiple reminders of the Tribal Lifeline program changes to the affected subscribers in addition to the initial notice. The Company estimates that the cost to send these notices will be approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL].

7. Easy also will need to spend administrative time and resources tracking and reporting progress and process for its notification campaigns, which will cost approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] in internal resources.



8. Upon notifying the impacted customers of the Tribal Lifeline program changes, Easy expects a high volume of customer inquiries and complaints related to the changes. It is likely that most customers are unaware of the Fourth Report and Order at this time. They will likely call an Easy call center or visit a store to complain about their service changes. Easy's subscribers may also visit the Company's website looking for additional information about the changes. Easy expects to spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop new customer service scripts and website content, and train customer service representatives about how to handle customer inquiries and complaints related to the change.

9. Additionally, in some cases, subscribers may lodge complaints with federal or state regulators about the change in benefits, which would impose additional costs on Easy to respond to data requests. Based on the Company's previous experience, the OCC will likely forward customer complaints directly to Easy and instruct the company to respond to the consumer directly. Easy expects to spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to respond to complaints and questions from regulators.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States of America that the foregoing statements are true and correct.

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Joe Fernandez

July 11, 2018

# **EXHIBIT C**

**Before the  
OFFICE OF MANAGEMENT AND BUDGET  
Washington, D.C. 20503**

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Information Collection Being Reviewed by the  
Federal Communications Commission

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) OMB Control Number 3060-0819  
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**DECLARATION OF KIM LEHRMAN**

I, Kim Lehrman, declare as follows:

1. I am more than 18 years of age and am the President of Boomerang Wireless, LLC (Boomerang or the Company). Boomerang is a wireless reseller that is designated as an eligible telecommunications carrier (ETC), and provides Lifeline service in 32 states, including on federally recognized Tribal lands in 16 states. As of June 1, 2018, Boomerang provides Lifeline service to an estimated **[BEGIN CONFIDENTIAL]** [REDACTED] **[END CONFIDENTIAL]** subscribers, including **[BEGIN CONFIDENTIAL]** [REDACTED] **[END CONFIDENTIAL]** subscribers who receive the enhanced Tribal Lifeline benefit and who reside on more than 20 Tribal lands across the country.

2. I submit this declaration in support of the Paperwork Reduction Act (PRA) Comments of the National Lifeline Association (NaLA) to respond to assertions made by the Federal Communications Commission (FCC or Commission) in its statement in support of the submission for approval by the Office of Management and Budget (OMB) of the information collection requirements set forth in the *Fourth Report and Order* of the 2017 Lifeline Digital Divide Order. See *Bridging the Digital Divide for Low-Income Consumers, Lifeline and Link Up Reform and Modernization, Telecommunications Carriers Eligible for Universal Service Support*, WC Docket Nos. 17-287, 11-42, 09-197, Fourth Report and Order, Order on

Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry, FCC 17-155, ¶¶ 2-31 (rel. Dec. 1, 2017) (Fourth Report and Order). Unless expressly stated, this declaration is based on my personal knowledge.

3. The Fourth Report and Order requires Boomerang, “no more than 30 days after the announcement of PRA approval,” to “notify, in writing, any customers who are currently receiving enhanced support who will no longer be eligible for enhanced support as a result of the changes in [the Fourth Report and Order].” In its statement in support of the submission for approval, the Commission estimates that the notice requirement will cost \$5,320 in total for the industry, or \$40 per ETC, based on one hour of work and one notification. In Boomerang’s case, this estimate is inaccurate. For the reasons explained below, Boomerang expects that it will cost approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to carry out the customer notice requirement.

4. First, Boomerang must identify which of its subscribers reside on “rural” Tribal lands. To date, USAC has not provided the tool to allow Boomerang to make the threshold determinations about which notifications to send which subscribers. The shapefile released by USAC on May 29, 2018 will not allow Boomerang to confidently determine whether subscribers remain eligible for an enhanced benefit from another provider based on their “rural” address as newly defined by the Commission. Even if the shapefile were sufficient, Boomerang would still require at least [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop, install, and utilize technology to make the required determinations; search the data sources, and complete and review the results of the analysis.



5. Second, Boomerang will prepare the required customer notices. Boomerang must prepare at least three different types of notices, one for urban residents of Tribal lands who will no longer be eligible for any enhanced subsidy, a different notice for rural residents of Tribal lands who will no longer be eligible for an enhanced subsidy from a non-facilities-based provider, and different notices still depending on available basic Lifeline plans (e.g., based on state-level subsidy programs). Some notices may require customization based on additional requirements imposed by a state or Tribal regulatory authority. Boomerang estimates that it will require [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop the content for these notices.

6. Boomerang anticipates that it will first use a third party vendor to notify affected subscribers of the Tribal Lifeline program rule changes via U.S. Mail. The Company estimates that the cost to send these notices (e.g., third-party vendor, materials and postage) will be approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL].

7. Based on Boomerang's experience in other contexts (e.g., non-usage and recertification reminders), the Company anticipates that it will need to provide multiple reminders of the Tribal Lifeline program changes to the affected subscribers in addition to the initial notice. Boomerang likely will provide at least one follow up reminder to its affected customers via U.S. Mail, at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL], as well as numerous SMS message reminders that will include a link to the Company's website with additional information. Boomerang estimates that it will require [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours at a cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to develop the content for these

follow up messages and the corresponding landing page and approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to transmit them to affected subscribers.

8. Boomerang also will need to spend administrative time and resources tracking and reporting progress and process for its notification campaigns, which will cost approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] in internal resources.

9. In addition to identifying the affected subscribers, developing the content for the notices, and transmitting the notices to customers, Boomerang will also be required to undertake a number of other time- and resource-intensive tasks that the FCC failed to consider at all when it issued the Fourth Report and Order. For example, based on its prior experience implementing FCC changes to the Lifeline program (e.g., revoking Lifeline Broadband Provider designations and enacting minimum service standards), Boomerang anticipates that it will be required to devote significant time and resources to contacting state regulators and Tribal authorities to help them understand the upcoming Tribal program changes, and how the changes will affect Boomerang's subscribers within their jurisdiction. Many states and Tribes require formal notice of the change to the Company's operations at least 30 days prior to customer notification (including tariff updates in some cases). Some states and Tribes even require ETCs to obtain approval from the state or Tribal regulator prior to implementing any change. With respect to the Tribal program changes in the Fourth Report and Order, Boomerang anticipates that it will spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at an estimated cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to notify and coordinate with state and Tribal regulators.

10. Boomerang also will take steps to prepare internally for customer calls, complaints, and inquiries regarding the Tribal Lifeline changes. Specifically, the Company

expects that it will need to train staff for its customer service center, pay overtime, prepare new customer service scripts, and update various pages on its website. Boomerang anticipates that it will spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at an estimated cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to prepare for and meet these customer service demands.

11. Additionally, upon notifying the impacted customers of the Tribal Lifeline program changes, Boomerang expects a high volume of customer inquiries and complaints related to the changes. It is likely that most customers are unaware of the Fourth Report and Order at this time. Based on Boomerang's experience with previous FCC Lifeline program changes, we expect a high volume of calls from customers to Boomerang call centers complaining about their service changes. Boomerang anticipates that it will spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at an estimated cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to prepare for and meet these customer service demands.

12. In some cases, I expect that subscribers will lodge complaints with federal, state or Tribal regulators about the change in benefits, which would impose additional costs on Boomerang to respond to data requests. Boomerang anticipates that it will spend approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] hours, at an estimated cost of approximately [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL] to respond to complaints and questions from regulators.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury of the laws of the United States of America that the foregoing statements are true and correct.



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Kim Lehrman

July <sup>12<sup>th</sup></sup>, 2018