

2801 APPLICABILITY

- 2801.1 This chapter establishes the Public Service Commission (Commission) of the District of Columbia Rules and Regulations Governing the Provisioning of the District's Universal Services, in conformance with the District of Columbia Telecommunications Competition Act of 1996. This chapter shall be cited as the District of Columbia Universal Service Rules.
- 2801.2 This chapter shall be applicable to all local exchange carriers (LEC) and Voice over Internet Protocol (VoIP) service providers. However, providers of mobile service are exempt from regulation under this chapter pursuant to D.C. Official Code § 34-2006(b).

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585 (October 7, 2011); as amended by Notice of Final Rulemaking published at 65 DCR 13767 (December 21, 2018).

2802 DISTRICT OF COLUMBIA UNIVERSAL SERVICES

2802.1 District of Columbia Universal Services shall consist of the following services:

- (a) Voice telephony services:
 - (1) Voice grade access to the public switched network or its functional equivalent, with the ability to place and receive calls;
 - (2) Minutes of use for local service provided at no additional cost to end users;
 - (3) Access to emergency services, including, access to 911 and enhanced 911 (E911) services; and
 - (4) Toll limitation services for qualifying low-income consumers at no charge to the customer.
- (b) Telecommunications Relay Service (TRS).

SOURCE: Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Final Rulemaking published at 58 DCR 8585, 8586 (October 7, 2011); as amended by Final Rulemaking published at 59 DCR 12141 (October 19, 2012); as amended by Final Rulemaking published at 63 DCR 14856 (December 2, 2016).

**2803 DISTRICT OF COLUMBIA UNIVERSAL SERVICE
 TRUST FUND**

2803.1 Funds from the DC USTF will be used to support the enumerated services listed in § 2802.1. The funds shall be used to reimburse eligible telecommunications carriers (ETCs) for the reasonable investments and expenses not recovered from the federal universal service low-income fund.

2803.2 The amount to be reimbursed shall be calculated for each ETC to be the remainder of the ETC's retail tariffed rate less funding from the Federal Universal Service Low Income Fund less the tariffed lifeline rate for each eligible customer subscribing to the ETC's lifeline service, not to exceed six dollars and fifty cents (\$6.50) for each eligible customer. For ETCs that have a universal service program for low-income seniors, the amount to be reimbursed shall be similarly calculated, not to exceed eight dollars and fifty cents (\$8.50).

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Final Rulemaking published at 56 DCR 7644 (September 25, 2009); as amended by Notice of Final Rulemaking published at 58 DCR 10343 (December 9, 2011); as amended by Final Rulemaking published at 59 DCR 12141 (October 19, 2012).

**2804 FUNDING OF THE DISTRICT OF COLUMBIA
UNIVERSAL SERVICE TRUST FUND**

- 2804.1 The DC USTF shall be funded through monthly contributions paid by each LEC and each VoIP service provider in an amount proportionate to each LEC and each VoIP service provider's share of revenue from local telecommunications or telecommunications services derived from end users in the District of Columbia determined annually by the DC USTF Administrator as described in this chapter.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8586 (October 7, 2011); as amended by Notice of Final Rulemaking published at 58 DCR 10343, 10344 (December 9, 2011).

**2805 SIZING THE DISTRICT OF COLUMBIA UNIVERSAL
SERVICE TRUST FUND**

- 2805.1 The size of the DC USTF shall be the sum of the total local lifeline subsidy, the cost of lifeline eligibility verification, the cost of providing TRS, and reasonable administration costs for the Fund. The lifeline subsidy shall be determined by taking the difference between subsidized lifeline rates and the comparable tariffed residential rates, less the federal USF support, times the number of customers who subscribe to lifeline service.
- 2805.2 The Fund Administrator shall submit to the Commission:
- (a) An income statement of the Fund's activity based on the proceeding calendar year by April 15; and
 - (b) A proposed budget for the Fund for the upcoming calendar year by September 30.
- 2805.3 On or before November 30 of each year, the Commission shall establish a budget for the upcoming year after seeking comments on the Fund Administrator's proposed budget.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Emergency Rulemaking published at 51 DCR 9466 (October 8, 2004) [EXPIRED]; as amended by Final Rulemaking published at 51 DCR 10940 (November 26, 2004); as amended by Final Rulemaking published at 56 DCR 7644 (September 25, 2009); as amended by Final Rulemaking published at 56 DCR 9450 (December 18, 2009); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8586 (October 7, 2011).

2806 ELIGIBILITY TO RECEIVE UNIVERSAL SERVICE FUNDING

2806.1 Upon request by a local exchange carrier, and after notice and comment, the Commission shall consider designation of the requesting carrier as an ETC to receive funding from the DC USTF under the District of Columbia Telecommunications Competition Act of 1996, 47 U.S.C. § 214(e) and the FCC rules implementing 47 U.S.C. § 214(e). Interested parties may file comments within thirty (30) days after publication in the *D.C. Register* of the Commission's Public Notice and reply comments within forty-five (45) days of publication.

2806.2 The Commission shall designate a requesting local exchange carrier as an ETC, provided:

- (a) The LEC is certificated by the Commission to provide local exchange service, and offers all universal services to all residential customers in the District in a nondiscriminatory manner;
- (b) The LEC has a compliant tariffed lifeline service in the District and advertises the availability and charges for lifeline service(s) it provides through multiple media of general distribution reasonably expected to reach eligible residents;
- (c) The LEC has been designated as an ETC for purposes of Federal Universal Service support, or such designation is granted concurrent with designation of eligibility for District funding;
- (d) The LEC can demonstrate that it is technically and financially capable of providing lifeline service; and
- (e) The Commission determines that the designation is in the public interest and that the LEC complies with the appropriate Commission and FCC regulations.

2806.3 In order to be designated as an ETC for purposes of Federal Universal Service support, the local exchange carrier shall meet the requirements of 47 U.S.C. § 214(e) and the FCC's rules implementing 47 U.S.C. § 214(e).

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8587 (October 7, 2011); as amended by Final Rulemaking published at 59 DCR 12141 (October 19, 2012); as amended by Notice of Final Rulemaking published at 65 DCR 13767 (December 21, 2018).

2807 RELINQUISHMENT OF DC USTF SUPPORT ELIGIBILITY

- 2807.1 A local exchange carrier may seek to relinquish its ETC designation.
- 2807.2 If the District of Columbia is served by more than one (1) ETC, the Commission may permit a carrier to relinquish its designation as an ETC upon:
- (a) Written notification not less than ninety (90) days prior to the proposed effective date that the carrier seeks to relinquish its designation as an ETC;
 - (b) Determination by the Commission that the remaining eligible telecommunications carrier or carriers can offer federally and District of Columbia supported services to the relinquishing ETC's customers; and
 - (c) Determination by the Commission that sufficient notice of relinquishment has been provided to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier or carriers necessary to serve the supported customers of the relinquishing ETC prior to the effective date.
- 2807.3 If the District is served by only one (1) local exchange carrier that is the only ETC, the Commission may permit it to relinquish its ETC designation upon:
- (a) Written notification not less than ninety (90) days prior to the proposed effective date that the LEC seeks to relinquish its designation as an ETC; and
 - (b) Commission approval and designation of another ETC.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8588 (October 7, 2011).

2808 SELECTION AND DUTIES OF THE DC USTF ADMINISTRATOR

2808.1 The DC USTF Administrator will be selected through a competitive bidding process as provided for in 15 DCMR §§ 2200, *et seq.*

2808.2 The Administrator shall:

- (a) Manage the daily operations and affairs of the DC USTF in an efficient, fair, and competitively neutral manner;
- (b) Calculate and collect the proper assessment amount from every local exchange carrier and VoIP service provider operating in the District of Columbia;
- (c) Disburse the proper support amounts to ETCs, ensuring that only ETCs receive funds;
- (d) Notify the Commission of any local exchange carriers or VoIP service providers that are in violation of any of requirements of these rules;
- (e) Compute the anticipated funding required and costs of the DC USTF programs as specified in this chapter;
- (f) Establish a reserve for such contingencies as late payments and uncollectibles, in an amount to be approved by the Commission;
- (g) Provide information necessary to support external audits of the DC USTF;
- (h) Resolve informal assessment disputes with local exchange carriers and VoIP service providers;
- (i) Maintain thorough records of costs directly and reasonably associated with implementation of the DC USTF;
- (j) Establish an appropriate true-up methodology for the DC USTF assessment;
- (k) Protect the proprietary nature of information reported to the DC USTF administrator in conjunction with the Commission while recognizing that the DC USTF Administrator is subject to the Freedom of Information Act (FOIA), D.C. Official Code §§ 2-531 to 2-539;
- (l) Monitor the TRS provider's compliance with the Commission's and the FCC's requirements for the provision of TRS and report suspected non-compliance to the Commission. At the direction of the Commission, conduct audits of the TRS provider to ensure compliance with the Commission and the FCC's requirements for the provision of TRS;

- (m) Maintain insurance to indemnify the Commission and the Fund against the Administrator's and TRS provider's improper use of the funds;
- (n) Disburse the proper support amounts to the TRS vendor(s);
- (o) Ensure that funds are received from each local exchange carrier and VoIP service provider and that the funds are deposited in the DC USTF;
- (p) Disperse funds to the entity responsible for certifying Lifeline customers to reimburse for the costs of managing the certification program and the entity responsible for promoting services funded by the DC USTF; and
- (q) Perform any other duties as required by law or this chapter or ordered by the Commission.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8588 (October 7, 2011) as amended by Notice of Final Rulemaking published at 65 DCR 13767 (December 21, 2018).

2809 UNIVERSAL SERVICE FUND AUDIT

- 2809.1 The Administrator or the Commission shall have the authority to audit contributors, local exchange carriers, and VoIP service providers reporting data to the Administrator.
- 2809.2 On July 15 every year after the establishment of the DC USTF, an audit and recommendation report of the DC USTF provided by an independent accountant that is selected by the Commission shall be submitted to the Commission.
- 2809.3 The costs of the DC USTF audits shall be paid by the DC USTF.
- 2809.4 Those portions of the report that are not confidential in nature will be made available to the public for review.
- 2809.5 If the result of the audit reveals evidence of fraud or mismanagement, such results will be forwarded to the Office of the Inspector General and the District of Columbia Office of the Attorney General for further review.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Final Rulemaking published at 56 DCR 7644 (September 25, 2009); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8590 (October 7, 2011).

2810 RESOLUTION OF DISPUTES REGARDING CONTRIBUTIONS

- 2810.1 Any local exchange carrier or VoIP service provider may dispute the amount of contribution it is required to pay into the DC USTF.
- 2810.2 The local exchange carrier or VoIP service provider shall make a written request to the Fund Administrator of the DC USTF, on or before the payment due date, setting forth its dispute, and the Administrator shall attempt to resolve the dispute within thirty (30) days. This time may be extended upon a showing of good cause.
- 2810.3 If the dispute is not resolved by the Fund Administrator, the local exchange carrier or VoIP service provider may file an application with the Commission requesting that the Commission resolve the dispute.
- 2810.4 During the consideration of the dispute, the disputing local exchange carrier or VoIP service provider shall pay both the disputed and undisputed amounts to the DC USTF.
- 2810.5 If a disputing contributor prevails in its protest of the required contribution, the contributor will be entitled to a refund of any excess amount paid plus interest.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 10343, 10344 (December 9, 2011).

2811 RESOLUTION OF OTHER DISPUTES

- 2811.1 Any adversely impacted party may dispute the actions of a local exchange carrier or VoIP service provider related to the provisioning of Universal Services. The adversely affected party may contact the Fund Administrator for resolution of the dispute.
- 2811.2 If resolution is not achieved, the local exchange carrier, VoIP service provider, other adversely affected party, or Fund Administrator may file an application requesting the Commission to resolve the dispute.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 10343, 10344 (December 9, 2011).

**2812 REPORTING REQUIREMENTS FOR LOCAL EXCHANGE CARRIERS
AND VOIP SERVICE PROVIDERS**

2812.1 By July 31 of each year, each LEC and VoIP service provider shall submit to the Fund Administrator a report containing the total revenue for each local telecommunications service or telecommunications service derived from end users in the District of Columbia provided in the twelve (12)-month period beginning January 1 of the preceding year and ending on December 31 of the preceding year (for example, January 2XXX – December 2XXX).

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Emergency Rulemaking published at 51 DCR 9466 (October 8, 2004) [EXPIRED]; as amended by Final Rulemaking published at 51 DCR 10940 (November 26, 2004); as amended by Final Rulemaking published at 56 DCR 9450 (December 18, 2009); as amended by Notice of Final Rulemaking published at 58 DCR 10343, 10345 (December 9, 2011).

**2813 REPORTING REQUIREMENTS FOR THE DC USTF
ADMINISTRATOR**

2813.1 On a quarterly basis, the Fund Administrator shall submit to the Commission a report including:

- (a) A statement of collections and distributions from the universal service fund for each local exchange carrier and VoIP service provider;
- (b) A statement detailing the purpose for which the universal service funds were used (to support an enumerated service listed in § 2802.1 or for verification of lifeline eligibility); and
- (c) A record of total cost of universal service fund administration.

2813.2 On September 30 every year after the establishment of the DC USTF, the Fund Administrator shall submit to the Commission a report that includes a proposed budget for the upcoming year.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Emergency Rulemaking published at 51 DCR 9466 (October 8, 2004) [EXPIRED]; as amended by Final Rulemaking published at 51 DCR 10940 (November 26, 2004); as amended by Final Rulemaking published at 56 DCR 7644 (September 25, 2009); as amended by Notice of Final Rulemaking published at 58 DCR 10343, 10345 (December 9, 2011).

2814 CONTRIBUTIONS TO THE DC USTF

- 2814.1 The amount of contribution required from each local exchange carrier and VoIP service provider shall be based on the total revenues of the local exchange carrier and VoIP service provider for local telecommunications service or telecommunications service derived from end users in the District of Columbia as a percentage of all the local exchange carrier's or VoIP service provider's total retail revenues for local telecommunications or telecommunications services derived from end users in the District of Columbia for the previous twelve (12)-month period ending December 31.
- 2814.2 For VoIP providers, local telecommunications services revenue shall be based on actual local telecommunications services revenue based on a customer's primary place of use, a traffic study used to allocate revenues by jurisdiction, or the inverse of the FCC's Federal Universal Service Fund's safe harbor mechanism used to determine interstate and intrastate revenue. For nomadic VoIP providers, a customer's registered E911 location may serve as a proxy for the customer's primary place of use. Each VoIP provider shall identify whether its reported revenue is based on actual local telecommunications services revenue, a traffic study, or the FCC safe harbor mechanism.
- 2814.3 The Fund Administrator shall, based on the amount to be contributed to the DC USTF, calculate the contribution required to be made to the Fund by each contributor, based on the fund level established by the Commission and the information provided pursuant to 15 DCMR § 2804.1. If any annual contribution is less than or equals twelve dollars (\$12), then the Administrator may waive the payment of this contribution.
- 2814.4 Each local exchange carrier and VoIP service provider shall pay its contribution directly to the Fund Administrator on a monthly basis. The check or other negotiable instrument shall be payable to the "DC USTF." The invoice or other request for DC USTF contributions shall be past due thirty (30) calendar days after the date on the invoice or other request for DC USTF contributions, unless otherwise ordered by the Commission.
- 2814.5 Upon request by a local exchange carrier or VoIP service provider, the Fund Administrator may approve an alternative payment arrangement.
- 2814.6 Interest shall be charged on any payment not received by the past due date at the rate of one and half percent (1.5 %) monthly.
- 2814.7 All contributions and interest payments made to the DC USTF shall be deposited into the DC USTF account by the Fund Administrator.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Final Rulemaking published at 56 DCR 9450, 9451 (December 18, 2009); as amended by Notice of Final Rulemaking published at 58 DCR 10343, 10345 (December 9, 2011); as amended by Notice of Final Rulemaking published at 59 DCR 3152 (April 20, 2012).

2815 RECOVERY OF CONTRIBUTIONS

- 2815.1 A local exchange carrier may recover no more than the amount of its contributions to the DC USTF from its non-Lifeline retail customers.
- 2815.2 Prior to recovering its DC USTF contributions from its customers, a local exchange carrier shall have a tariff specifying the charge to be assessed, in accordance with the rules and Orders of the Commission.
- 2815.3 The local exchange carrier shall ensure that any recovery from its retail customers shall be in a fair, equitable, and nondiscriminatory manner.
- 2815.4 The local exchange carrier shall also ensure that no over-recovery of contributions occurs. Any over-recovery of Fund contributions for the preceding year shall be carried forward to the ensuing year and shall be included as a reduction in the calculation of the retail end-user recovery amount for the ensuing twelve (12)-month period of the local exchange carrier's contributions. Any under-recovery of contributions for the preceding year, may, at the option of the local exchange carrier, be recovered from the end-users within the following twelve (12) months.
- 2815.5 In the event a local exchange carrier elects to recover its DC USTF contributions from its customers, the amount of the recovery shall be explicitly stated as a line item on its customers' bills.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8590 (October 7, 2011).

2816 REQUEST FOR DC USTF FUNDING

- 2816.1 Any ETC may request funding from the DC USTF for the provision of Lifeline service to an eligible customer.
- 2816.2 An ETC requesting funds from the DC USTF for the provision of Lifeline service to eligible customers shall submit a Request for DC USTF Funding Application (Application) with supporting documentation to the DC USTF Administrator and the Commission Secretary's Office.
- 2816.3 Concurrent with the filing of the Application, the ETC requesting funding shall serve each District ETC and OPC with a copy of the Application
- 2816.4 Any entity responsible for certifying Lifeline customers may request funding from the DC USTF for reimbursement of costs incurred as the manager of the certification and recertification processes.
- 2816.5 Any TRS provider may request funding from the DC USTF consistent with its contract with the Commission to provide TRS services.
- 2816.6 Any entity responsible for promoting universal service may request funding from the DC USTF consistent with Commission orders approving these expenses.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8591 (October 7, 2011); as amended by Notice of Final Rulemaking published at 65 DCR 13767 (December 21, 2018).

2817 REVIEW AND DECISION ON APPLICATION FOR FUNDING

- 2817.1 The Fund Administrator may request additional information from the Applicant. The Applicant must provide the requested information in writing to the Fund Administrator within fifteen (15) calendar days of the receipt of the request.
- 2817.2 If there is a deficiency with the Application, the Fund Administrator will notify the Applicant of the deficiency(ies) in writing within thirty (30) days of the receipt of the Application. Upon notification, the Applicant will have fifteen (15) calendar days to amend the Application or resubmit another Application to the Commission. If the Applicant does not correct or complete the Application within the fifteen (15)-day deadline, the Application will be denied.
- 2817.3 Each funding request shall be reviewed by the Fund Administrator on a case-by-case basis. Within thirty (30) days of receipt of an Application, the Fund Administrator shall review the submission and advise the Commission and the Applicant of eligibility in writing.
- 2817.4 After receiving a recommendation from the Fund Administrator, the Commission shall issue an Order denying or approving the Application within forty-five (45) days of receipt of the Administrator's recommendation.
- 2817.5 Upon approval of the Application, the Applicant may elect to use any funding to offset future contributions, request that the funds be mailed, or request that the funds be deposited in a designated account. The Administrator shall provide the approved funding to the ETC within fifteen (15) calendar days of approval of the request.
- 2817.6 Unless good cause is shown, any request for DC USTF funding should be made within twelve (12) months from the date the carrier provided the Lifeline service for which funding is requested.
- 2817.7 If an ETC receives funding from alternative sources for an investment or expense already reimbursed by the DC USTF, the ETC shall reduce the amount of any prospective funding request from the DC USTF by the equivalent amount. Under no circumstances will double recovery be allowed.
- 2817.8 If the Commission does not issue an Order within the time frames set forth in § 2817.4, the request shall be deemed approved, on an interim basis, subject to refund, with interest at a rate determined by the Commission. Any refund shall include interest at a rate of not more than the interest rate established by the Commission on customer deposits and shall accrue for a period not to exceed ninety (90) days from the date the funds were received by the requesting provider.
- 2817.9 Any party adversely affected by the Commission's decision shall have thirty (30) days to file a request for reconsideration. Upon filing a request for reconsideration, the Commission shall render a decision in accordance with chapter 1 of this title.

District of Columbia Municipal Regulations:
CHAPTER 28: UNIVERSAL SERVICE

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8591 (October 7, 2011).

2818 PRIORITY OF DISTRIBUTION IN THE EVENT OF A SHORTFALL

2818.1 If the DC USTF experiences a shortfall, the available funds will be distributed in the following order:

- (a) To support the services designated as universal services; and
- (b) Any residual funds will be used to cover the costs associated with administering the fund.

2818.2 The remaining costs associated with administering the fund will be paid as additional funds become available.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8592 (October 7, 2011).

2819 TELECOMMUNICATIONS RELAY SERVICE

- 2819.1 Provision of TRS in the District shall be administered by the Fund Administrator.
- (a) The Fund Administrator shall monitor service levels to ensure that minimum service requirements specified in this chapter are satisfied.
 - (b) The Fund Administrator shall attempt to resolve any complaints regarding TRS in a reasonable timeframe. If unable to do so, the Fund Administrator shall refer the complaint to the Commission.
 - (c) The Commission or the TRS provider shall draft the Application for Recertification to be submitted to the FCC every five (5) years, submitting the draft for review by the Commission no later than six (6) months prior to expiration of the current certification.
- 2819.2 The Commission shall select the TRS provider through a competitive bidding process.
- 2819.3 A TRS Advisory Board, established by the Commission and comprised of community, industry and governmental representatives, shall monitor the provision of TRS in the District.
- 2819.4 The Board shall meet as necessary and provide input to the Fund Administrator and to the TRS provider regarding operation of TRS in the District.
- 2819.5 The Commission representative shall:
- (a) Serve as facilitator to the Advisory Board;
 - (b) Schedule meetings and provide notice of the meetings to members;
 - (c) Take minutes and circulate the minutes to members; and
 - (d) Report urgent matters to the Fund Administrator when necessary.
- 2819.6 The TRS provider shall meet the requirements of 47 C.F.R. §§ 64.601, *et seq.* and any other requirements specified in FCC rules and regulations.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8593 (October 7, 2011); as amended by Notice of Final Rulemaking published at 65 DCR 13767 (December 21, 2018).

2820 DISTRICT OF COLUMBIA LIFELINE SERVICE PROGRAM

- 2820.1 The District of Columbia Lifeline Service Program is a program designed to operate in conjunction with the Federal Lifeline Program, to provide a low monthly recurring rate to qualifying residential subscribers for basic local exchange service.
- 2820.2 In order to qualify for the Lifeline service, customers must show that they either:
- (a) Fall below one hundred thirty-five percent (135%) of the Federal Poverty income guidelines for a household of that size; or
 - (b) Participate in one of the following federal assistance programs: Medicaid; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance (Section 8); or Veterans or Survivors Pension Benefit.
- 2820.3 Each ETC shall file tariffs implementing a Lifeline service that is consistent with both FCC and Commission regulations.
- 2820.4 Lifeline subsidies shall not be available to customers on a retroactive basis.
- 2820.5 When the entity responsible for certifying Lifeline customers notifies an ETC that a customer no longer qualifies for Lifeline service, the Lifeline rate will revert to the serving ETC's standard tariffed retail rate.
- 2820.6 Lifeline service is only available at the qualifying customer's principal residence. An applicant for Lifeline service may report only one (1) address in the District of Columbia as the principal place of residence. Post office boxes are not acceptable designations of residence. Where applicable, an apartment number must be provided.
- 2820.7 Each household receiving lifeline service is limited to one (1) lifeline service. The lifeline service is non-transferable to any other person or household.
- 2820.8 Participants in the District's Lifeline Program are eligible to receive Toll Restriction Service at no charge.
- 2820.9 District of Columbia residents who meet all eligibility requirements shall not be denied Lifeline service because of unpaid toll charges.

SOURCE: Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Final Rulemaking published at 56 DCR 7644 (September 25, 2009); as amended by

District of Columbia Municipal Regulations:
CHAPTER 28: UNIVERSAL SERVICE

Final Rulemaking published at 58 DCR 8585, 8594 (October 7, 2011); as amended by Final Rulemaking published at 59 DCR 12141 (October 19, 2012); as amended by Final Rulemaking published at 63 DCR 14856 (December 2, 2016).

2821 WAIVER

2821.1 Whenever compliance with any requirement of this chapter would result in unreasonable hardship upon or excessive expense to a party or parties subject to the rules of this chapter, the Commission may, upon application or *sua sponte*, and for good cause shown, waive or modify the requirements of this chapter.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8595 (October 7, 2011).

2822 VIOLATIONS

2822.1 Failure to pay an assessed contribution to the DC USTF shall be deemed a violation of this chapter.

2822.2 If the Commission determines after notice and hearing that an ETC has acted in violation of this chapter, the Commission may file an action on behalf of the DC USTF to recover any unpaid fees and charges the Commission has determined are due and payable, including interest, administrative and adjudicative costs, and attorney fees. Upon collection of the above charges and costs, the Fund Administrator shall pay the costs of the actions and deposit the remaining funds in the DC USTF as appropriate.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8595 (October 7, 2011).

2899 DEFINITIONS

2899.1 When used in this chapter, the following terms and phrases shall have the following meanings:

Administrator or Fund Administrator – the person(s) or entity(ies) responsible for administering the District of Columbia Universal Service Trust Fund.

Applicant – a local exchange carrier that has submitted a request for funding from District of Columbia Universal Service Trust Fund.

Application – the Request for DC USTF Funding Application.

Commission – the Public Service Commission of the District of Columbia.

Competitive local exchange carrier (CLEC) – a provider of telecommunications service that was not an incumbent local exchange carrier on January 31, 1996 but that is now certified to provide local exchange telecommunications service within the District.

Customer or Subscriber – any person, firm, partnership, cooperative corporation, corporation or lawful entity that receives telecommunications services.

District of Columbia Universal Service Trust Fund or DC USTF or Fund – the fund established and required to be implemented by the Commission pursuant to D.C. Official Code § 34-2003 (2018 Supp.)

Eligible telecommunications carrier or ETC – any LEC that is designated as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) and 15 DCMR 2806, *et seq.*

Facilities – any physical components of the telecommunications network that are used in the transmission or routing of the services designated for support under 47 U.S.C. § 214(e)(1).

FCC – the Federal Communications Commission.

Household – any individual or group of individuals who are living together at the same address as one economic unit. An economic unit consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen (18) years or older. If an adult has no or minimal income, and lives with someone who provides financial support for that adult, both people shall be considered part of the same household. Children under the age of eighteen (18) living with their parents or guardians are considered to be part of the same household as their parents or guardians.

Incumbent local exchange carrier or ILEC – the local exchange carrier that provided local exchange telecommunications service in the District on the date of

enactment of the federal Telecommunications Act of 1996, 47 U.S.C. §§ 151, *et seq.*

Lifeline Service – the service or benefits established by federal and District programs designed to keep low-income subscribers on the telecommunications network.

Local exchange telecommunications service – a switched telecommunications service capable of originating and terminating calls within the Washington Metropolitan local calling area.

Local exchange carrier or LEC – any person or entity that is engaged in the provision of local exchange telecommunications service or exchange access. The term “local exchange carrier” does not include a person or entity engaged in the provision of a commercial mobile service.

Low-income senior – a person aged sixty-five (65) or older that qualifies for Lifeline service.

Network – a telecommunications service provider’s or telecommunication carrier’s facilities used to originate and terminate traffic.

Nomadic VoIP – a VoIP service that may be used at multiple locations.

Person – any individual, partnership, corporation, association, joint-stock company, or any other entity.

Telecommunications – the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

Telecommunications Act of 1996 – the Federal legislation cited as 47 U.S.C. §§ 151, *et seq.*

Telecommunications Relay Service or TRS – telephone transmission services that provide the ability for an individual who has a hearing or speech disability to engage in communication by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of an individual who does not have a hearing or speech disability to communicate using voice communications services by wire or radio. Such term includes services that enable two-way communication between an individual who uses a text telephone or other non-voice terminal device and an individual who does not use such a device, speech-to-speech services, video relay services, and non-English relay services.

Telecommunications service – the offering of telecommunications for a fee directly to the public or to such classes of users as to be effectively available to the public, regardless of the facilities used.

U.S.C. – United States Code.

Universal Service – an evolving set of telecommunications services determined to be essential for residential customers’ health and welfare, and as such, must be available throughout the District of Columbia.

Voice over Internet Protocol or VoIP – any service that enables real time two way voice communications that originate or terminate from the user’s location using Internet protocol or a successor protocol and uses a broadband connection from the user’s location. This term includes any service that permits users to receive calls that originate on the public switched telephone network and to terminate calls on the public switched telephone network.

VoIP service provider – any provider of Voice over Internet Protocol service.

SOURCE: Notice of Final Rulemaking published at 50 DCR 8198 (October 3, 2003); as amended by Final Rulemaking published at 56 DCR 7644 (September 25, 2009); as amended by Notice of Final Rulemaking published at 58 DCR 8585, 8595 (October 7, 2011); as amended by Notice of Final Rulemaking published at 58 DCR 10343, 10346 (December 9, 2011); as amended by Final Rulemaking published at 59 DCR 12141 (October 19, 2012); as amended by Notice of Final Rulemaking published at 65 DCR 13767 (December 21, 2018).