

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners: Susan K. Duffy, Chair  
Dwight D. Keen  
Andrew J. French

In the Matter of a General Investigation to )  
Address Issues Concerning the Kansas ) Docket No. 16-GIMT-575-GIT  
Lifeline Service Program. )

**ORDER EXTENDING WAIVER OF PHASE-OUT OF LIFELINE SUPPORT  
FOR VOICE-ONLY SERVICES**

This matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its pleadings and records, the Commission concludes the following:

1. Pursuant to K.S.A. 66-2002(f) and K.S.A. 66-2006(a), the Commission established the Kansas Lifeline Service Program (KLSP) to promote the provision of universal service by local exchange carriers to persons with low income.<sup>1</sup> “Universal service” is defined under K.S.A. 66-1,187 and refers to voice telephony services.<sup>2</sup>

2. On October 18, 2016, the Commission issued an Order Modifying Kansas Lifeline Service Program (KLSP) Requirements; and Soliciting Further Comment, which adopted the FCC’s recertification rules in 47 C.F.R. § 54.410(f) and de-enrollment rules in 47 C.F.R. § 54.405(e).<sup>3</sup>

3. On November 5, 2021, the FCC issued an Order extending the timeline for eliminating support for voice-only services in most areas from December 1, 2021 to December 1,

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<sup>1</sup> K.S.A. 66-2006(a).

<sup>2</sup> K.S.A. 66-1,187(p).

<sup>3</sup> Order Modifying Kansas Lifeline Service Program (KLSP) Requirements; Soliciting Further Comment, Oct. 18, 2016, ¶ 11.

2022, to give the FCC time to evaluate whether longer-term modifications of the Lifeline program are warranted.<sup>4</sup>

4. On November 9, 2021, the Commission issued an Order on KLSP Rules Regarding Customer Enrollment and Recertification adopting Commission Staff's recommended modifications to the KLSP as a result of the FCC's decision to transition the federal Lifeline program away from supporting pure voice telephony service and toward requiring broadband as a component of the service to qualify for the federal subsidy.<sup>5</sup> Because the KLSP supports voice telephony, KLSP customers with voice-only plans would remain eligible for the KLSP, but not the federal Lifeline program, unless they live in an exempted Census Block, including on a Tribal Land.<sup>6</sup> KLSP voice-only customers and their provider would no longer utilize the National Verifier or National Lifeline Accountability Database (NLAD) to verify eligibility, or annually re-certify continued eligibility for the KLSP.<sup>7</sup> The Commission directed Staff to continue: (1) monitoring FCC actions that will impact the KLSP, (2) coordinating with the Kansas Department of Children and Families (DCF) regarding the automatic enrollment process outlined in K.S.A. 66-2006,<sup>8</sup> and to work with the Public Affairs and Consumer Protection (PACP) division to create uniform KLSP Application and Recertification forms and distribute the forms to providers and relevant State agencies, and make the forms available via the Commission's website before December 1, 2022.<sup>9</sup>

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<sup>4</sup> Lifeline and Link Up Reform and Modernization; Telecommunications Carriers Eligible for Universal Service Support; Connect America Fund, DA 21-1389, WC Dockets No. 11-42, 09-197, and 10-90, Nov. 5, 2021, p. 1.

<sup>5</sup> Order on KLSP Rules Regarding Customer Enrollment and Recertification, Nov. 9, 2021, ¶ 12.

<sup>6</sup> *Id.*, ¶ 5. Pursuant to 47 C.F.R. § 54.403(a)(3), voice-only customers living on Tribal Lands will continue to qualify for the additional \$25 per month. However, if such customer lives on a Tribal Land and is not in an exempted Census Block, the customer will not receive the \$5.25 Lifeline subsidy and will not be able to use the National Verifier and National Lifeline Accountability Database.

<sup>7</sup> *Id.*

<sup>8</sup> Order on KLSP Rules Regarding Customer Enrollment and Recertification, Nov. 9, 2021, ¶ 12.

<sup>9</sup> *Id.*, Ordering Clause A.

5. On July 1, 2022, in *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, the FCC issued an Order declaring a one-year extension of the Wireline Competition Bureau's waiver pausing both the phase-out of Lifeline support for voice-only services and the increase in Lifeline minimum service standards for mobile broadband data capacity. Under the waiver, support for voice-only service, currently \$5.25 per month, will be extended until December 1, 2023, and the minimum service standard for mobile broadband data capacity would remain at 4.5 GB until December 1, 2023.

6. On July 7, 2023, in *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, the FCC issued an Order declaring an additional one-year extension of the Wireline Competition Bureau's waiver pausing both the phase-out of Lifeline support for voice-only services and the increase in Lifeline minimum service standards for mobile broadband data capacity. Under the waiver, support for voice-only service, currently \$5.25 per month, will be extended until December 1, 2024, and the minimum service standard for mobile broadband data capacity would remain at 4.5 GB until December 1, 2024.

7. Since the Commission previously determined it would adopt the FCC's enrollment, recertification and de-enrollment regulations and timelines for the KLSP, the Commission declares that pursuant to the FCC's July 7, 2023 Order, no administrative changes to the KLSP will occur effective December 1, 2023; instead, the KLSP eligibility and recertification process will continue via the National Verifier and NLAD for low-income consumers and KLSP providers. Since the FCC paused the phase-out of Lifeline support for voice-only services until December 1, 2024, Staff is directed to continue: (1) monitoring FCC actions that will impact the KLSP; (2) coordinating with the Kansas Department of Children and Families regarding the automatic

enrollment process outlined in K.S.A. 66-2006;<sup>10</sup> and (3) working with the Commission's PACP division to create uniform KLSP Application and Recertification forms, to be distributed to providers and relevant State agencies, and make the forms available via the Commission's website before December 1, 2024, or the date the FCC phases-out the federal Lifeline support for voice-only services.

**THEREFORE, THE COMMISSION ORDERS:**

A. Staff is directed to continue to monitor the FCC's actions with regard to the federal Lifeline program and the phase-out of Lifeline support for voice-only services and advise the Commission of any KLSP changes arising from those actions.

B. Since the National Verifier and NLAD will continue to be available to low-income Kansans to apply for and recertify KLSP eligibility through December 1, 2023, Staff and the PACP should continue to work to create uniform KLSP Application and Recertification forms, however, distribution of such forms to providers and relevant State agencies, or availability on the Commission's website is not warranted before December 1, 2024.

C. Staff is directed to continue to coordinate with DCF regarding the automatic enrollment process.

D. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>11</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 07/20/2023



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Lynn M. Retz, Executive Director

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<sup>10</sup> *Id.*, ¶ 12.

<sup>11</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

16-GIMT-575-GIT

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/20/2023.

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