



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1269

Release Date: August 7, 2012

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON TRACFONE'S REQUEST TO
INCLUDE THE CHILDREN'S HEALTH ASSISTANCE PROGRAM AS A QUALIFYING
LIFELINE PROGRAM**

WC Docket Nos. 11-42, 03-109
CC Docket No. 96-45

Comment Date: September 6, 2012
Reply Comment Date: September 21, 2012

The Wireline Competition Bureau seeks comment on a request filed on July 13, 2012 by TracFone Wireless, Inc. (TracFone) to include the Children's Health Insurance Program (CHIP) in the list of programs which qualify households for Lifeline under the Commission's uniform eligibility criteria.¹ TracFone notes that in states where CHIP is administered as part of the Medicaid program, CHIP beneficiaries in those states qualify for Lifeline, but in other states where CHIP is administered as a program separate from Medicaid, CHIP beneficiaries do not qualify for Lifeline.² TracFone argues that granting its request will advance the goal of ensuring universal availability of telecommunications services to low-income consumers and equalize the treatment of CHIP as a qualifying program across states.³

¹ See *Lifeline and Link Up Reform and Modernization et al.*, Request of TracFone, Inc. To Include The Children's Health Insurance Program In The List Of Qualifying Assistance Programs, WC Dkt. Nos. 11-42 *et al.*, CC Dkt. No. 96-45 (filed July 13, 2012) (*Request*); 47 C.F.R. § 54.409(a)(2) (listing qualifying programs under the uniform eligibility criteria).

² See *Request* at 4 (TracFone explains that, "states can elect to obtain health benefits for their qualifying low-income residents either through (1) a separate child health program; (2) Medicaid expansion program; or (3) a combination program...As of September 2011, 17 states have separate child health programs, 7 states and the District of Columbia have an expanded Medicaid programs, and 26 states have combination programs...Under this structure, a child who receives CHIP benefits in a state that provides such benefits as part of an expanded Medicaid plan will enable his or her household to qualify for Lifeline benefits based on the child's participation in Medicaid. In contrast, a child who receives CHIP benefits in a state that has a separate child health program will not enable his or her household to qualify for Lifeline benefits because the child is not a Medicaid participant.").

³ See *id.* at 1, 5-6.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before the date indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS).⁴

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.
- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁵ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be

⁴ See 47 CFR §§ 1.415, 1.419; *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

⁵ 47 C.F.R. §§ 1.1200 *et seq.*

found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

For further information, please contact Jonathan Lechter, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

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