

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF DELAWARE

IN THE MATTER OF THE TARIFF FILING)
BY VERIZON DELAWARE LLC TO RESTRICT)
LINK UP AMERICA FINANCIAL SUPPORT TO) PSC DOCKET NO. 12-003T
NATIVE INDIANS AND RESIDENTS OF)
TRIBAL LANDS, A BASIC SERVICE)
(Filed May 15, 2012))

ORDER NO. 8155

AND NOW, this 5th day of June, 2012;

WHEREAS, Link Up America ("Link Up") is a program designed to promote connection to the telephone network by providing a discount on service connection charges for qualified low-income customers; and

WHEREAS, in its February 6, 2012 *Lifeline Reform Order*,¹ finding that "dollars currently spent for Link Up can be more effectively spent to improve and modernize the Lifeline program,"² the Federal Communications Commission ("FCC") eliminated Link Up support to non-tribal areas, originally scheduled to be effective April 2, 2012; and

WHEREAS, the matter of the effective date of this change was subject to some uncertainty after the United States Telecom Association and other telephone trade associations on March 9, 2012, petitioned the FCC to extend the effective dates of certain portions of the FCC's rules in its *Lifeline Reform Order*, including the

¹*Lifeline and Link Up Reform and Modernization et al*, WC Docket No.11-42 et al., Report and Order and Further Notice of Proposed Rulemaking, FCC 12-11, (rel. Feb. 6, 2012) ("*Lifeline Reform Order*").

² Id., at para. 45.

elimination of Link Up support to non-tribal areas, to October 1, 2012; and

WHEREAS, on March 29, 2012 the FCC issued a Public Notice that had the effect of delaying a portion of the requirements of the Lifeline Reform Order, but did not rule on the request to delay the elimination of Link Up support to non-tribal areas prior to April 2, 2012, resulting in the elimination of Link Up in non-tribal areas taking effect as of that date; and

WHEREAS, on May 15, 2012, Verizon Delaware LLC filed with the Public Service Commission ("Commission") a proposed tariff revision to reflect the limitation of Link Up support to Native American Tribal Lands; and

WHEREAS, Verizon Delaware LLC requests an effective date for the tariff revision of June 16, 2012, which is 32 days after it filed its request, in order to allow Verizon Delaware LLC to comply with the *Lifeline Reform Order*; and

WHEREAS, Verizon Delaware LLC requests a waiver of the statutory requirement of 60-days' notice for tariff changes,³ citing the uncertainty over the effective date of this portion of the FCC's *Lifeline Reform Order* and the need to comply with this change in the FCC's Link Up rules expeditiously as reasons for its failure to provide the required 60 days' notice; and

³ 26 Del. C. §304(a); see also 26 Del. Admin. C. §§4003-3.5.1.7 and 3.5.1.8.

WHEREAS, Commission Staff, in its memorandum dated June 4, 2012, recommends that the Commission approve the waiver request and the tariff change; and

WHEREAS, for the reasons provided by Verizon Delaware LLC, the Commission finds "good cause" to waive the 60-day notice requirement, as required by 26 *Del. C.* §304(a) and 26 *Del. Admin. C.* §§4003-3.5.1.7 and 3.5.1.8, and will grant the requested tariff change, effective June 16, 2012;

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE VOTE OF NOT FEWER THAN THREE COMMISSIONERS:

1. That for Verizon Delaware LLC's May 15, 2012 tariff filing regarding its Link Up America program, the Commission hereby grants a waiver of the 60-day notice requirement for tariff changes.

2. That the Commission hereby grants Verizon Delaware LLC's May 15, 2012 request for a tariff change to reflect the FCC's February 6, 2012 *Lifeline Reform Order*, in which the FCC restricted support from the Link Up America program to tribal areas, effective June 16, 2012.

3. That the Commission reserves jurisdiction and authority to enter such further Orders in this docket as may be deemed necessary or proper.

BY ORDER OF THE COMMISSION:

Chair

/s/ Joann T. Conaway
Commissioner

/s/ Jaymes B. Lester
Commissioner

/s/ Dallas Winslow
Commissioner

/s/ Jeffrey J. Clark
Commissioner

ATTEST:

/s/ Alisa Carrow Bentley
Secretary