

Chapter PSC 160

UNIVERSAL SERVICE SUPPORT FUNDING AND PROGRAMS

PSC 160.01	Scope and purpose.	PSC 160.08	Telecommunications customer assistance program.
PSC 160.02	Definitions.	PSC 160.09	High rate assistance credits.
PSC 160.03	Essential telecommunications services.	PSC 160.092	Alternative universal service protection plans.
PSC 160.04	Call limitation.	PSC 160.115	Medical telecommunications equipment program.
PSC 160.05	Universal service fund programs.	PSC 160.125	Funding to promote access to telecommunications services.
PSC 160.06	Eligibility for low-income programs.	PSC 160.13	Designation of eligible telecommunications carriers.
PSC 160.061	Link-up program.	PSC 160.16	Fund administrator.
PSC 160.062	Lifeline program.	PSC 160.17	Fund budget and assessment rates.
PSC 160.063	Outreach for low-income assistance programs.	PSC 160.18	Collection of universal service fund monies.
PSC 160.071	Service and equipment pricing for individuals with special telecommunications needs.	PSC 160.181	Use audit.
PSC 160.075	Responsibility for pay telephone usability.	PSC 160.19	Universal service fund council.

PSC 160.01 Scope and purpose. (1) **PURPOSE.** Chapter PSC 160 is designed to effectuate and implement s. 196.218, Stats., 47 USC 254, 47 CFR 54 and parts of other sections of the Wisconsin and federal statutes, authorizing the commission to establish and operate a universal service fund and programs to further the goal of providing a basic set of essential telecommunications services to all customers in the state.

(2) **SCOPE AND EXCEPTION.** (a) The requirements of ch. PSC 160 shall be observed by the telecommunications providers subject to the jurisdiction of the commission as indicated in this chapter, except insofar as any exemption may be made by the commission. Except as otherwise expressly provided by law, s. 196.218, Stats., and the requirements of this chapter apply to telecommunications providers certified under s. 196.203 (2), Stats.

(b) Nothing in this chapter shall preclude the commission from giving special and individual consideration to exceptional or unusual situations and, upon due investigation of the facts and circumstances involved, from adopting requirements as to individual providers or programs that may be lesser, greater, other or different than those provided in this chapter.

(3) **DISPUTES.** Disputes not resolved between the affected parties regarding assessment or support amounts or the eligibility to receive or the liability to pay under this chapter shall be referred to the commission for resolution.

(4) **ENFORCEMENT.** The manner of enforcing ch. PSC 160 is prescribed in ss. 196.218, 196.499 (17) and 196.66, Stats., and includes any other means provided in statutory sections administered by the commission.

(5) **ORDERS.** The commission may issue orders it considers necessary to assist in the implementation or interpretation of this chapter. The commission shall issue orders only after notice and an opportunity for comment by interested parties including the universal service fund council, except in the following circumstances:

(a) The commission issues a determination not subject to judicial review under ss. 227.52 and 227.53, Stats.

(b) The commission receives a request for a declaratory ruling under s. 227.41, Stats., which requires the opportunity for a hearing.

(c) As otherwise provided in this chapter.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. (2) (a) and (5), Register, April, 2000, No. 532, eff. 5-1-00; **CR 13-068: am. (1), (2) (b), (4), renum. (5) to (5) (intro.) and am., cr. (5) (a) to (c) Register January 2016 No. 721, eff. 2-1-16.**

PSC 160.02 Definitions. The definitions in s. 196.01, Stats., apply in this chapter. In addition, in this chapter:

(1) “Calculated charge” means the charge calculated by converting a per call charge into a per minute charge. The conversion to a per minute charge shall be accomplished by dividing the per call charge by the telecommunications provider’s average resi-

dential call duration. If there are multiple per call charges within one local calling area, the weighted average shall be used as the per call charge.

(2) “Call blocking” means a service that lets customers elect not to allow the completion of any of the calls specified under s. PSC 160.04 (1) on the customer’s account.

(3) “Call control” means a service that lets a customer specify a certain amount of the calls specified under s. PSC 160.04 (1) that may be completed per month on the customer’s account.

(4) “Call limitation” means either call blocking or call control for providers that are incapable of providing both services and, for providers that are capable of providing both services, it means both call blocking and call control.

(6) “Commission” means the public service commission.

(7) “Contributory provider” means a telecommunications provider that pays monies to the universal service fund.

(8) “Disability” means a physical or sensory impairment that limits or curtails an individual’s ability to use telecommunications services or equipment, or both.

(9) “Eligible telecommunications carrier” or “ETC” means a telecommunications provider that the commission has so designated and includes federal-only ETCs, full ETCs, and low-income ETCs.

(10) “Emergency service numbers” mean 9-1-1 where available and fire, emergency medical services, law enforcement, and poison center emergency numbers where 9-1-1 is not available.

(11) “Extended community calling” means a telecommunications service by which a customer in one exchange may call a customer in another exchange or combination of exchanges under an expanded local calling plan based on usage.

(12) “Federal-only eligible telecommunications carrier” or “federal-only ETC” means a telecommunications provider that the commission has so designated under s. 196.218 (4) (b), Stats., or so designated before June 9, 2011.

(13) “Federal subscriber line charge” means a monthly per line federal charge that is assessed directly on a local exchange telephone service customer as allowed by the federal communications commission.

Note: This is also known federally as the end-user common line charge. See 47 CFR 69.104.

(14) “Full eligible telecommunications carrier” or “full ETC” means a telecommunications provider that the commission has so designated under s. PSC 160.13 for participation in all universal service programs.

(15) “Household” has the meaning given in 47 CFR 54.400 (h).

Note: As of April 2015, 47 CFR 54.400 (h) read as follows: A “household” is any individual or group of individuals who are living together at the same address as one economic unit. A household may include related and unrelated persons. 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 18 years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of 18 living with their parents or guardians are considered to be part of the same household as their parents or guardians.

(16) “Incumbent local exchange carrier” means a telecommunications provider, and its successors and assigns, authorized under law or by the commission before September 1, 1994, to place facilities and provide basic local service in a particular geographic area.

(17) “Lifeline” means the program that provides reduced monthly service rates for low-income customers.

(18) “Line” means an access line or service to an activated wireless handset.

(19) “Link-up” means a program that waives some or all service connection charges for low-income customers.

(20) “Local exchange service provider” means any wireless provider that has been designated as an eligible telecommunications carrier under s. PSC 160.13, or a telecommunications utility or any other provider of basic local exchange service or standard business lines and usage.

(21) “Low-income” means a household that meets one of the following criteria:

(a) Receives benefits from one or more of the following programs:

1. Wisconsin works under ss. 49.141 to 49.162, Stats.

Note: This includes all programs, including financial and employment assistance, child care subsidy, etc.

2. Medical assistance under 42 USC 1396 *et seq.*
3. Supplemental security income under 42 USC 1381 to 1383.
4. Food stamps under 7 USC 2011 to 2029.

Note: As of April 2015, the generic term “food stamps” refers to programs currently known as Supplemental Nutrition Assistance Program (SNAP) and Food Share.

5. The low income household energy assistance program under s. 16.27, Stats.

6. Unless the provider is a federal-only ETC, Wisconsin homestead tax credit under ss. 71.51 to 71.55, Stats.

7. BadgerCare Plus programs under s. 49.471, Stats., consistent with the income limits in par. (h).

8. SeniorCare 1 and 2a under s. 49.688, Stats.

9. The national school lunch program’s free lunch program.

10. Temporary assistance for needy families, other than Wisconsin works under ss. 49.141 to 49.161, Stats.

11. As approved by the commission, other state or federally administered programs for households with income levels less than or equal to 200% of the poverty line as defined in 42 USC 9902 (2).

Note: See sub. 160.06 (1) (c) concerning other households that may be considered low-income.

(b) The customer’s income, as defined in 47 CFR 54.400 (f), is at or below 135% of the federal poverty guidelines.

(c) Eligible under any other federal low-income eligibility criteria.

(22) “Low-income eligible telecommunications carrier” or “low-income ETC” means a telecommunications provider that the commission has so designated under s. PSC 160.13 for participation only in the lifeline or link-up program, or both.

(23) “Non-profit group” means an organization described in s. 501 (c) (3) of the internal revenue code that is exempt from federal income tax under s. 501 (a) of the internal revenue code.

(24) “Nonrecurring charge” means the charge for those activities and materials necessary to connect network services to the customer’s premises, up to and including the network interface device but not including customer premises wiring or customer premises equipment, and not including construction charges.

(25) “Pay-per-call service” has the meaning given in s. 196.208 (1) (a), Stats.

(26) “Provider” or “telecommunications provider” has the meaning given in s. 196.01 (8p), Stats.

(27) “Rural telephone company” has the meaning given in 47 USC 153 (37).

(28) “Two line hearing carryover” means the technique of using 3-way calling and 2 telephone lines, one for hearing and one for text, to connect a hearing caller who is speech impaired with another caller via the telecommunications relay service.

(29) “Two line voice carryover” means the technique of using 3-way calling and 2 telephone lines, one for voice and one for text, to connect a caller who is deaf or hard of hearing but can speak, with another caller via the telecommunications relay service.

(30) “Universal service” means a statewide rapid, efficient, communications network with adequate, economically placed facilities to ensure that a basic set of essential telecommunications services is available to all persons in this state within a reasonable time and at affordable prices.

(31) “Wireless provider” means a commercial mobile radio service provider as defined in s. 196.01 (2g).

History: Cr. Register, April, 1996, No. 484, eff. 5–1–96; renum. (1) and (4) to be (1m) and (4m) and am. (4m) (a), renum. (9) to be (13), cr. (1g), (4g), (8) (g), (h), (9) to (12), am. (7), (8) (a), (e), Register, April, 2000, No. 532, eff. 5–1–00; correction in (8) (e) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; **CR 13-068: renum. (1g), (1m), (2) to (1), (7), (8) and am. (8), cr. (2), renum. (3) to (10), cr. (3), (4), r. (4g), (4m), renum. (5), (6) to (17), (19) and am. (19), cr. (6), renum. (7) to (20) and am., r. (8), renum. (9) to (23), cr. (9), renum. (10), (11) to (24), (27), cr. (11), renum. (12) to (29) and am., cr. (12), renum. (13) to (30) and am., cr. (13) to (16), (18), (21), (22), (25), (26), (28), (31) Register January 2016 No. 721, eff. 2–1–16.**

PSC 160.03 Essential telecommunications services. (1) For purposes of this subsection:

(a) “911” means a service that permits a telecommunications user to use the three-digit code ‘911,’ to access emergency services through a public safety answering point operated by a local government.

(b) “Directory assistance” means a service that includes making available to customers, upon request, information contained in directory listings, such as customer address and telephone number.

(c) “Dual tone multi-frequency” means a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time.

Note: This is commonly known as touch tone.

(d) “Emergency services” includes services, such as 911 and enhanced 911, provided by local governments or other public safety organizations.

(e) “Enhanced 911” means 911 service that includes the ability to provide automatic numbering information, which enables the public safety answering point to call back if the call is disconnected, and automatic location information, which permits emergency service providers to identify the geographic location of the calling party.

(f) “Interexchange service” means the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless provider, necessary to access an interexchange provider’s network.

(g) “Local usage” means an amount of exchange service, prescribed by the commission, provided free of charge to end users.

(h) “Operator services” means any automatic or live assistance to a customer to arrange for billing or completion, or both, of a telephone call.

(i) “Single-party service” means telecommunications service that permits users to have exclusive use of a landline subscriber loop or access line for each call placed, or, in the case of wireless providers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user’s particular transmission.

(j) "Voice grade access" means a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call.

Note: The definitions in sub. (1) do not have any application. The Public Service Commission will remove sub. (1) in future rule-making.

(1m) Each eligible telecommunications carrier shall make all essential telecommunications services available to all of its customers.

(2) "Essential telecommunications services" means the service or functionalities listed in 47 CFR 54.101.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. (2) (a) 7. to 10., and 14., r., (2) (c), renum. (2) (d) to be (2) (c), Register, April, 2000, No. 532, eff. 5-1-00; except (2) (a) 14. eff. 11-1-00; **CR 13-068: renum. (1) to (1m) and am., cr. (1), r. and recr. (2) Register January 2016 No. 721, eff. 2-1-16.**

PSC 160.04 Call limitation. (1) CALL LIMITATION OBLIGATIONS. (a) Except as provided in pars. (b) and (c), every local exchange service provider in the state shall offer call limitation capability for each of the following:

1. Long distance toll calls.
2. Pay-per-call service.
3. Collect toll calls.
4. Toll calls charged to a telephone credit card associated with the telephone number for which call limitation has been requested.
5. Toll calls charged to a third telephone number for which call limitation has been requested.

(b) Federal-only eligible telecommunications carriers are not required to offer any call limitation capabilities to customers who are not low income and need only offer blocking of outgoing toll calls to customers who are low income.

(c) A local exchange service provider is not required to offer the blocking under par. (a) 1., 3., 4., or 5., to a customer that has service that does not include a fee for such calls that is in addition to the per month or per billing cycle price of service.

(2) CHARGES. A local exchange service provider may not impose a charge for the cost of blocking pay-per-call services the first time a customer requests such blocking.

(3) EMERGENCY SERVICE. A local exchange service provider may not impose a call limitation that prevents a customer from reaching the emergency service numbers appropriate for the customer's location.

(4) PUBLIC NOTIFICATION AND EDUCATION. An eligible telecommunications carrier shall make reasonable efforts to inform its customers of the availability of and, where charge-free, eligibility requirements for, call limitation services. An eligible telecommunications carrier shall also make reasonable efforts to instruct customers requesting the service in the use of the service.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. (1), Register, April, 2000, No. 532, eff. 5-1-00; **CR 13-068: r. and recr. (title), renum. (1) to (1) (a) (intro.) and am., cr. (1) (a) 1. to 5., (b), (c), r. and recr. (2) to (4), r. (5), (6) Register January 2016 No. 721, eff. 2-1-16; correction in (1) (c) made under s. 35.17, Stats., Register January 2016 No. 721, eff. 2-1-16.**

PSC 160.05 Universal service fund programs. Universal service fund monies may be used for fund administration; for informing the public of the existence, purpose, intent, and uses of the universal service fund; and for the following purposes:

(1) For the following programs as adopted by the commission under the appropriation in s. 20.155 (1) (q) and (3), Stats.:

- (a) Link-up assistance, as specified in s. PSC 160.061.
- (b) Lifeline assistance, as specified in s. PSC 160.062.
- (c) Telephone access service for the homeless, as specified in s. PSC 160.125 (1).

(d) Telecommunications equipment purchase program (TEPP) vouchers, as specified in s. PSC 160.071 (1m).

(e) Telecommunications customer assistance program, as specified in s. PSC 160.08.

(f) High rate assistance credits, as specified in s. PSC 160.09.

(g) Alternative universal service protection plans, as specified in s. PSC 160.092.

(k) Funding for programs or projects approved under s. PSC 160.125 (2).

(m) Outreach for low-income assistance programs, as specified in s. PSC 160.063.

(n) Eligible telecommunications carriers designated by a process under s. PSC 160.13 (8) (c).

(p) Second line for 2 line voice or hearing carryover, as specified in s. PSC 160.071 (6m).

(q) Medical telecommunications equipment program, as specified in s. 196.218 (4u), Stats.

(s) Directory assistance, operator assistance and custom calling service payments under s. PSC 160.071 (4) to (6).

(t) Broadband expansion grants under s. 196.504, Stats.

(u) Other programs consistent with the purposes identified in s. 196.218 (5) (a) 1., Stats., as they are approved by the commission on an interim basis.

Note: The text of s. 196.218 (5) (a) 1., Stats., appears in a note after s. PSC 160.125 (2) (a).

(2) For payments by the department of administration for telecommunications access support, as specified in s. 196.218 (5) (a) 5., Stats., under the appropriation in s. 20.505 (4) (s), (t), (tm), (tu), and (tw), Stats., and for payments under the appropriation in s. 20.865 (4) (u), Stats.

(3) For payments for telecommunications services provided to the campuses of the university of Wisconsin system, as specified in s. 196.218 (5) (a) 6., Stats.

(5) For payments by the department of public instruction to contract for periodical and reference information databases as specified in s. 115.28 (26), Stats., under the appropriation in s. 20.255 (3) (q), Stats.

(6) For payments by the department of public instruction for newswire for the blind, under the appropriation in s. 20.255 (3) (q), Stats.

(7) For payments by the department of public instruction for supplemental aid to public library systems as specified in s. 43.24, Stats., under the appropriation in s. 20.255 (3) (qm), Stats.

(8) For payments by the department of public instruction for library service contracts as specified in s. 43.03 (6) and (7), Stats., under the appropriation in s. 20.255 (3) (r), Stats.

(9) For grants from the department of administration for training teachers to use educational technology under s. 16.996, Stats.

(10) For payments by the department of public instruction to provide funding for online courses made available under s. 115.28 (53), Stats.

(11) For payments by the department of public instruction to provide funding for the delivery of digital content and collaborative instruction under s. 115.28 (54), Stats.

(12) For other payments authorized by statute.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; emerg. am. (intro.), renum. (1) to (10) to be (1) (a) to (j), cr. (2) to (4), eff. 2-27-98; am. (intro.), renum. (1) to (10) to be (1) (a) to (j), cr. (2) to (4), Register, October, 1998, No. 514, eff. 11-1-98; am. (intro.), (1) (c), (d), (i) and (2), cr. (1) (k) to (s) and (5), Register, April, 2000, No. 532, eff. 5-1-00; corrections in (2) and (4) made under s. 13.93 (2m) (b) 7., Stats., Register April 2007 No. 616; correction in (1) (s) made under s. 13.92 (4) (b) 7., Stats., Register February 2013 No. 686; **CR 13-068: am. (intro.), (1) (intro.), (a), (c), (d), r. (1) (h) to (j), (L), am. (1) (n), r. (1) (o), am. (1) (p), r. (1) (r), renum. (1) (s) to (u), cr. (1) (s), (t), am. (2), (3), r. (4), cr. (6) to (12) Register January 2016 No. 721, eff. 2-1-16; correction in (1) (intro.) made under s. 35.17, Stats., Register January 2016 No. 721, eff. 2-1-16.**

PSC 160.06 Eligibility for low-income programs.

(1) LOW-INCOME ASSISTANCE ELIGIBILITY. (a) All ETCs shall verify an applicant's eligibility for low-income assistance programs by making timely queries of the applicable databases of the Wisconsin department of health services, the Wisconsin department

of revenue, or other government agencies designated by the commission. An ETC shall verify an applicant's eligibility by finding the applicant to be any of the following:

1. An active client of at least one of the programs listed in s. PSC 160.02 (21) (a).

2. A member of the active client's household whose low income qualifies the client for benefits under at least one of the programs listed in s. PSC 160.02 (21) (a).

3. At an income level that meets the conditions in s. PSC 160.02 (21) (b).

4. At an income level that meets the conditions of any other federal low-income eligibility criteria.

(b) Notwithstanding par. (a), an eligible telecommunications carrier shall verify an applicant as eligible for low-income assistance programs if the applicant qualifies for federal universal service fund support for eligible residents of tribal lands under 47 CFR 54.400 *et seq.*

(c) If an eligible telecommunications carrier cannot verify an applicant's eligibility under par. (a) or (b), in addition to the households considered low-income under the definition in s. PSC 160.02 (21), the ETC shall consider a household that receives benefits from federal public housing assistance (section 8) to be low-income.

(2) ELIGIBILITY REVERIFICATION. An eligible telecommunications carrier shall reverify eligibility on at least an annual basis for all customers receiving lifeline assistance. The eligible telecommunications carrier shall first attempt to reverify eligibility by making timely queries of the applicable databases of the Wisconsin department of health services, the Wisconsin department of revenue, or other government agencies designated by the commission.

(3) ELIGIBILITY INQUIRY. Eligible telecommunications carriers other than federal-only ETCs shall inquire of each customer regarding eligibility of that customer for low-income programs on each order for initial or moved residential service and, orally or in writing, in the first contact with the customer during a year concerning disconnection or payment arrangements.

(4) QUERY AUTHORIZATION. (a) Customers shall complete and remit any reasonably required query authorization forms or forfeit eligibility.

(b) Eligible telecommunications carriers shall obtain whatever customer authorization is required by the Wisconsin department of health services, the Wisconsin department of revenue, or other government agencies for the database queries necessary for eligibility verification. The commission may revoke the eligible telecommunications carrier designation and order the forfeiture of reimbursements if it accesses a customer's database information without that customer's authorization. The commission may also refer the eligible telecommunications carrier to the Wisconsin department of justice or other state agency for appropriate action.

(5) APPLICANT REQUIREMENTS. Notwithstanding any other provision of this section, an applicant is only eligible for low-income assistance programs under this chapter if the applicant provides all of the information required under state and federal law.

History: Cr. Register, April, 1996, No. 484, eff. 5–1–96; renum. (1) to be (1) (intro.) and am. (1) (intro.), renum. (5) (a) to be (5), cr. (1) (a) to (c), am. (3) and (4), r. (5) (b), Register, April, 2000, No. 532, eff. 5–1–00; **CR 13–068; renum. (1) to (1) (a) and am. (a) (intro.), 1., 2., r. (1) (a) 3., cr. (1) (a) 3., 4., (b), (c), am. (2), (3), renum. (4) to (4) (b) and am., cr. (4) (a), r. and recr. (5) Register January 2016 No. 721, eff. 2–1–16.**

PSC 160.061 Link-up program. The commission may fund programs to identify and provide monetary assistance to low-income persons who are unlikely to be able to obtain telecommunications service without such assistance. Such programs may include customers who qualify for federal universal service

fund support for eligible residents of tribal lands under 47 CFR 54.400 *et seq.*

History: Cr. Register, April, 1996, No. 484, eff. 5–1–96; am. (1) and (6), Register, April, 2000, No. 532, eff. 5–1–00; **CR 13–068; r. and recr. Register January 2016 No. 721, eff. 2–1–16.**

PSC 160.062 Lifeline program. (1) DEFINITIONS. (a) For purposes of subs. (2) to (7), "eligible telecommunications carrier" or "ETC" means only full and low-income ETCs, and does not include federal-only ETCs.

(b) For purposes of this section, "line" means an access line, service to an activated wireless handset, or service to an internet connection used as a substitute for a traditional telecommunications connection.

(c) For purposes of this section, "lifeline monthly rate" means the lifeline base rate under sub. (2) minus the lifeline adjustment under sub. (2g) or (2r).

(1g) APPLICABILITY. An eligible telecommunications carrier may apply the lifeline adjustment under sub. (2g) to any residential service that includes voice service, including bundles of voice and data services, and bundles that include optional calling features such as caller identification, call waiting, voice mail and three-way calling.

(1r) ELIGIBILITY. (a) All eligible telecommunications carriers shall offer to all qualified low-income customers a lifeline adjustment to the customer's rate for either of the following:

1. Essential telecommunications service, whether stand-alone or as part of a service package.

2. Internet access, if the customer demonstrates that, because of his or her disability other than cognitive impairment, certified under s. PSC 160.071 (1), the customer requires internet access that is adequate to support service that is substitutable for and comparable to essential telecommunications service.

Note: An example under subd. 2. is a video relay service.

Note: Subd. 2. does not require a provider to offer internet access service. If provider offers a service needed under subd. 2., or bills for such a service provided by an affiliate, the provider applies the lifeline adjustment to the price of that service and collects some of the payment from the customer and some from the USF.

(b) An ETC taking an application for the lifeline program shall do the following:

1. Unless the ETC uses a state or federal duplication prevention database, ask the applicant if he or she is currently receiving a lifeline adjustment on any other line.

2. Require the applicant to certify that he or she is not currently receiving a lifeline adjustment on any other line or from any other provider.

3. Only offer and apply the lifeline adjustment on one line.

4. Ensure that any federal requirements about lifeline are met.

Note: For example, see 47 CFR 54.410 regarding use of state databases for eligibility verification.

(c) A customer may not request a lifeline adjustment on more than one line. An ETC shall not apply the lifeline adjustment unless the customer has certified under par. (b) that the customer is not receiving a lifeline adjustment on another line or from any other provider.

(d) If an ETC becomes aware that a customer is receiving a lifeline adjustment on more than one line or from more than one provider, the ETC shall provide notice and take action under sub. (4m) to ensure that the customer receives a lifeline adjustment on only one line.

(2) LIFELINE BASE RATE. The lifeline base rate is one of the following:

(a) For an eligible telecommunications carrier offering local service on a stand-alone basis, the sum of:

1. The in-state charges and fees for stand-alone single-party residential service with touch-tone, including, as applicable, all of the following:

a. Police and fire protection fee.

- b. State universal service fund assessment.
- c. Remainder assessment.
- d. Telecommunications utility trade practices assessment.
- 2. Any 911 charges billed on the telephone bill.
- 3. The federal subscriber line charge.
- 4. The access recovery charge.
- 5. The charge for 120 local calls, excluding extended community calling calls.
- 6. Other charges as approved by the commission.

(b) \$25, if the eligible telecommunications carrier does not offer local service on a stand-alone basis, and only offers it as part of a service package.

(c) The commission may authorize a different lifeline base rate based on the particular facts and circumstances concerning an eligible telecommunications carrier's local service or internet access charges.

(2g) LIFELINE ADJUSTMENT. (a) Except as provided in par. (b) and sub. (2r):

- 1. If the lifeline base rate is \$25 or less, the lifeline adjustment shall be \$10.
- 2. If the lifeline base rate is greater than \$25, the lifeline adjustment shall be the lesser of the following:
 - a. The amount necessary to reduce the lifeline monthly rate to \$15.
 - b. The maximum reimbursement available under 47 CFR 54.403, plus \$9.25.

Note: Subsection (2g) (a) 2. b. caps the adjustment at, essentially, double the maximum amount available from the federal USF at the time the rules went into effect. In the future, the amount available from the federal USF may increase, but the state portion is frozen at \$9.25 so that if, for example, the federal subscriber line charge is raised and paid for through the federal USF, the state does not automatically increase its reimbursement portion. This step was taken to protect the state fund by blocking any automatic increase in state reimbursement due to federal action.

(b) If the ETC offers prepaid wireless service, the lifeline adjustment for that service shall be the greater of the following:

- 1. The number of minutes that, when calculated using the lowest per minute rate the ETC offers to its prepaid wireless customers, equals or exceeds the value of the adjustment under par. (a) that would otherwise apply.
- 2. The number of minutes recognized by the federal communications commission as an acceptable compliance plan provision for that provider.

(c) The adjustment under par. (a) 1. shall be increased automatically if both of the following occur:

- 1. A federal communications commission order or a change in federal law causes an increase in a customer's lifeline base rate.
- 2. The state reimbursement amount after the increased lifeline adjustment is not greater than it was before the federal communications commission order or change in federal law.

Note: A provider may petition the commission under s. PSC 160.01(2)(b) for an increased lifeline adjustment if the increased adjustment would increase the state reimbursement amount.

(d) Notwithstanding subs. (2g) and (2r), the lifeline adjustment for partial months of service shall follow the policy set by the federal universal service administration corporation or its successors.

(2r) ADJUSTMENTS FOR RESIDENTS OF TRIBAL LANDS. (a) When a customer qualifies for federal universal service fund support for eligible residents of tribal lands under 47 CFR 54.400 *et seq.*:

- 1. If the lifeline base rate under sub. (2) is \$25 or less, the lifeline adjustment shall be \$10, plus whatever federal universal service fund support the customer qualifies for as an eligible resident of tribal lands.
- 2. If the lifeline base rate under sub. (2) is greater than \$25, the lifeline adjustment shall be the amount necessary to reduce the lifeline monthly rate to the level at which the adjustment results in a state reimbursement amount that is equal to what it would be under sub. (2g) (a) 2., plus whatever federal universal service fund

support the customer qualifies for as an eligible resident of tribal lands.

(b) The adjustment under par. (a) 1. shall be increased automatically if both of the following occur:

- 1. A federal communications commission order or a change in federal law causes an increase in a customer's lifeline base rate.
- 2. The state reimbursement amount after the increased adjustment is not greater than it was before the federal communications commission order or change in federal law.

Note: A provider may petition the commission under s. PSC 160.01(2) (b) for an increased lifeline adjustment if the increased adjustment would increase the state reimbursement amount.

(3) SHOWING THE ADJUSTMENT. (a) Except as provided in par. (b), the eligible telecommunications carrier shall show the lifeline adjustment either as an adjustment to the full tariffed or standard rate on a customer's bill or as a special rate designation. Whenever possible, the eligible telecommunications carrier shall begin showing the lifeline adjustment or rate on an eligible customer's bill on the next bill date following the date of application for lifeline assistance. If the ETC does not apply the lifeline adjustment or rate on the next bill date, when the ETC does apply the credit it shall be applied back to the date of application.

(b) If an eligible telecommunications carrier offers prepaid service and does not render a bill for that service, if it maintains a statement of account or account balance for a prepaid service customer the provisions of par. (a) apply to the statement of account or account balance. If the ETC does not maintain a statement of account or account balance, the ETC shall include information about adjustments and applicability dates in its terms of service.

(4) TERMINATION AND NOTICE OF IMPENDING TERMINATION. Providers shall follow the provisions of 47 CFR 54.405 (e) to terminate lifeline enrollment. The provider shall query the state database used to verify the customer's eligibility in order to obtain information about whether the customer is still eligible according to that database. If that database indicates that the customer is no longer eligible, the ETC shall follow the de-enrollment procedures in 47 CFR 54.405 (e). The ETC shall send the notice separately from the customer's regular monthly bill, if one is provided. The notice shall state the termination date and shall provide information about how to demonstrate continued eligibility.

(5) PROVIDER REIMBURSEMENT. (a) Only low-income and full eligible telecommunications carriers may receive reimbursement from the state universal service fund.

(b) An ETC may only receive reimbursement if it complies with all federal lifeline requirements, including the requirement to stop requesting federal universal service fund reimbursement for a prepaid wireless telephone that has not been used in 60 days and the requirement to use the appropriate state database where possible to verify lifeline eligibility.

(c) The commission may withhold or suspend reimbursement while investigating compliance with state or federal lifeline requirements.

(d) If an ETC is eligible to receive lifeline reimbursement under the federal lifeline program, it may receive reimbursement from the state universal service fund for the difference between what it is eligible to receive in federal reimbursement and what its reimbursement would otherwise be under sub. (2g).

(e) Notwithstanding par. (c), the provider reimbursement for partial months of service shall follow the policy set by the federal universal service administration corporation or its successors.

(5m) DEADLINE FOR FILING. An eligible telecommunications carrier shall file its reimbursement request with the fund administrator before April 1 of the year following the year during which the customer was charged the lifeline monthly rate for which reimbursement is sought. A provider may obtain an extension from

commission staff for good cause, if the extension request is received before the April 1 deadline.

(6) LIMITATIONS ON CHARGES. (a) An eligible telecommunications carrier may not do any of the following to a lifeline customer:

1. Charge a deposit for service if the customer voluntarily accepts call limitation.
2. Request that the customer pay in advance for more than one month's local service bill.
3. Disconnect the customer from local service for nonpayment of toll charges.

(b) An ETC may counsel a customer that otherwise would be subject to disconnection to accept call limitation.

(7) CALL LIMITATION UNDER SPECIAL PROGRAMS. An eligible telecommunications carrier acting under the limited conditions specified in its commission approved telecommunications customer assistance program under s. PSC 160.08 may impose call limitation on lifeline customers.

(8) FEDERAL-ONLY ETCs. Federal-only eligible telecommunications carriers shall comply with all federal lifeline requirements, including the requirement to stop requesting federal universal service fund reimbursement for a prepaid wireless telephone that has not been used in 60 days and the requirement to use the appropriate state database where possible to verify lifeline eligibility.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. (1), renum. (2) (a) to be (2) (b) and am., renum. (4) to be (3) and am., renum. (6) to be (5) and am., renum. (5) to be (4), cr. (2) (a), (c), (6) and (7), r. (2) (b) and (3), Register, April, 2000, No. 532, eff. 5-1-00; **CR 13-068:** r. (1), (2), cr. (1), (1g), (1r), (2), (2g), (2r), (3) (title), renum. (3) to (3) (a) and am., cr. (3) (b), r. and recr. (4), r. (5), (6), cr. (5), (5m), (6), (7) (title), am. (7), cr. (8) Register January 2016 No. 721, eff. 2-1-16; correction in numbering in (4) made under s. 13.92 (4) (b) 1., Stats., Register January 2016 No. 721.

PSC 160.063 Outreach for low-income assistance programs. (1) Funding may be available to fund projects to increase participation of the eligible populations in the universal service fund low-income support programs.

(2) Funding from the universal service fund for projects under sub. (1) may not exceed \$250,000 in one year. Funding shall be limited to not more than 6 projects with at least one project focused statewide and one project focused on the Milwaukee area, if feasible.

(3) The commission may periodically review applications and grant funding, when funding is available, based on complete responses to a request for applications. An application may involve disbursement of support during multiple state fiscal years. All applications become public documents upon filing.

(3m) An application for funding under sub. (1) shall include all of the following:

- (a) A description of the proposed project.
- (b) The name and a description of any project partners and the role of each partner.
- (c) A description of the proposed activities and an explanation of how those activities may increase participation of eligible populations in the universal service fund low-income support programs.
- (d) A budget showing a breakdown of costs and how a grant under this section would be used.
- (e) Any other information that the commission considers necessary.

(4) The commission may authorize funding to conduct or contract for an evaluation of the effectiveness of this program in promoting enrollment in low-income programs and subscribership to telecommunications service. This evaluation shall be completed within 2 years of the date on which the commission grants the project funding. The cost of this evaluation shall not exceed \$25,000. This \$25,000 shall be included as part of the \$250,000

maximum total funding available under this section during the year in which the evaluation occurs.

History: Cr. Register, April, 2000, No. 532, eff. 5-1-00; **CR 13-068:** am. (1) to (3), cr. (3m), am. (4) Register January 2016 No. 721, eff. 2-1-16.

PSC 160.071 Service and equipment pricing for individuals with special telecommunications needs.

(1) SPECIAL TELECOMMUNICATIONS NEEDS CERTIFICATION. (a) A person with a disability may determine whether that disability presents a barrier to use of telecommunications services, or equipment, or both. That person shall determine what accommodations are needed to ensure effective telecommunications access.

(b) When a provider, the fund administrator, a vendor, or the commission has sound reason to question the self-certification of a customer under par. (a), additional verification of disability, such as an appropriate medical professional's written diagnosis and description of physical limitations and special needs resulting from that diagnosis, may be required for certification of special telecommunications needs. An appropriate medical professional is one who is qualified to make such a diagnosis and provide such a description.

(1m) TELECOMMUNICATIONS EQUIPMENT PURCHASE PROGRAM.

(a) **Definitions.** In this subsection:

1. "Cognitive impairment" means a condition that limits every day practical skills and involves significant difficulty with memory, information processing, executive functions, or some combination thereof.

2. "Disability" means a physical, cognitive, or sensory impairment that limits or curtails an individual's ability to use telecommunications services or equipment, or both.

(am) The universal service fund administrator shall make vouchers available to assist customers with a disability who have special telecommunications needs certification under s. PSC 160.071 (1) in the purchase of equipment needed to personally access and use essential services of the telecommunications network. A customer may not use a voucher to purchase equipment which will be used exclusively for commercial purposes.

(b) Vouchers shall be limited to the following amounts by category of disability:

1. \$100 for hard of hearing.
2. \$800 for deaf and severely hard of hearing.
3. \$1,600 for speech impaired.
4. \$1,600 for mobility or motion impaired.
5. \$2,500 for severely hard of hearing – low vision or deaf – low vision.
6. \$7,200 for severely hard of hearing – blind or deaf – blind.

(c) A voucher recipient under par. (b) 1. is not required to make a co-payment. All other voucher recipients are required to make a co-payment of \$100 when the equipment is purchased. Under par. (f), for certain low income customers the co-payment may be supplied by funding through the telecommunications assistance program administered by the Wisconsin department of health services under s. 46.297, Stats., and ch. DHS 78. For certain low-income customers in the categories under par. (b) 3. and 4. the co-payment may be supplied by the universal service fund if the customer provides a medical professional's statement confirming the need for telecommunications equipment available under this section and if the customer certifies that he or she would meet the income requirements of the telecommunications assistance program.

(e) An applicant shall submit a completed, commission-approved voucher application form to the universal service fund administrator.

Note: Customers with disabilities may obtain commission-approved voucher application forms from the fund administrator, the commission, or other sources, including the commission's website: psc.wi.gov.

(f) Applicants for vouchers under this section shall be Wisconsin residents. An applicant may not receive a voucher for equip-

ment for the same disability more than once every 3 years. An applicant may receive a voucher for equipment even if another person in the same household has also received a voucher. The fund administrator shall refer applications filed by low-income individuals in the categories under par. (b) 2., 5., and 6., to the Wisconsin department of health services for telecommunications assistance program funding to provide any customer co-payment required under par. (c). If the applicant is found eligible, the fund administrator may issue an alternative voucher to include that program's funding. If found ineligible, the fund administrator shall process a voucher application in priority according to its original date of receipt.

(g) The fund administrator shall grant applications on a first-come, first-served basis except no single disability classification described in par. (b) may be issued vouchers totaling more than 75% of the total annual budget within the first 3 quarters of the budget year.

(h) The fund administrator shall establish a waiting list for applications held pending available funding or under par. (g).

(i) The commission may establish new disability categories and voucher maximums if it identifies a need.

(j) Vendors may redeem vouchers, submitted with an invoice, from the universal service fund administrator. A vendor may not receive reimbursement that exceeds the total purchase price of the equipment with tax less, where applicable, a customer co-payment of \$100. The commission may, for good cause, suspend a vendor's eligibility to redeem vouchers under this program. Suspended vendors may not receive reimbursement for vouchers submitted for purchases or customer orders made after the date of suspension.

(k) Commission staff may impose reasonable limits on the types and quantities of devices that may be purchased with one voucher.

(L) 1. The fund administrator shall maintain and make accessible, a list of the types and quantities of equipment eligible for purchase with a single voucher in each category under par. (b). Revisions to the list shall be done periodically by the fund administrator in consultation with the commission staff and representatives selected by the universal service fund council. The fund administrator and commission may solicit input regarding revisions from vendors, representatives of interested groups serving the disabled and others, as appropriate.

Note: The equipment list will be posted on the commission's website (psc.wi.gov). A vendor may submit an e-mail address to the commission and request e-mail notification of whenever a revised list is posted.

2. The commission staff and fund administrator may include equipment that can be used to access the internet for telecommunications service on the list of equipment available to individuals in the categories under par. (b) 3. to 6. Internet access equipment includes a personal computing device and necessary software, but does not include customer premises wiring, telephone or cable access lines, or telecommunications services.

3. Individuals requesting equipment under subd. 2. shall provide a medical professional's statement to the fund administrator stating that the equipment is necessary to meet the telecommunications needs of that individual.

(m) Equipment purchases involving individual exceptions to the eligible equipment lists under par. (L) may be granted by the fund administrator only following consultation with commission staff. Commission staff, the fund administrator, or both, may solicit input regarding such exceptions from vendors, representatives of interested groups serving the disabled and others, as appropriate.

(n) Objections to items included on or excluded from the eligible equipment lists and determinations regarding individual exceptions shall be submitted to the commission in writing. The commission staff shall review the objection and issue a letter

addressing it. Commission staff decisions may be appealed to the commission.

(4) DIRECTORY ASSISTANCE CHARGES. (a) An eligible telecommunications carrier other than a federal-only ETC shall waive the charge for a reasonable number of directory assistance calls in a month for a customer with a disability that meets all of the following:

1. Is certified under s. PSC 160.071 (1).
2. Prevents the customer from using the telephone directory.

(b) The ETC shall receive reasonable reimbursement from the universal service fund for these calls.

(5) OPERATOR ASSISTANCE CHARGES. (a) An eligible telecommunications carrier other than a federal-only ETC shall waive the charge for operator assistance to place calls for a customer with a disability that meets all of the following:

1. Is certified under s. PSC 160.071 (1)
2. In the customer's opinion, requires the custom calling service in order for the customer to receive service that is comparable to the essential service provided to other customers.

(b) The ETC shall receive reasonable reimbursement from the universal service fund for these calls.

(6) CUSTOM CALLING SERVICE CHARGES. (a) An eligible telecommunications carrier other than a federal-only ETC shall waive the charge for a custom calling service for a customer with a disability that meets all of the following:

1. Is certified under s. PSC 160.071 (1).
2. In the customer's opinion, requires the custom calling service in order for the customer to receive service that is comparable to the essential service provided to other customers.

(b) The ETC shall receive reasonable reimbursement from the universal service fund for these services.

(6m) SECOND LINE CHARGES. (a) An eligible telecommunications carrier other than a federal-only ETC shall waive any intrastate nonrecurring charge or monthly rate for a second line for all of the following:

1. A hearing impaired customer who is able and chooses to use 2 line voice carryover.
2. A speech impaired customer who is able and chooses to use 2 line hearing carryover.

(b) If a customer requests a service that is equivalent to those listed in par. (a), the ETC shall waive the same amount it would waive under par. (a).

(c) The ETC shall receive reasonable reimbursement from the universal service fund for the amount waived.

(7) FILING DEADLINE. A provider may not receive reimbursement under subs. (4) to (6m) unless it files its reimbursement request with the fund administrator no later than April 1 of the year following the year during which the provider would have billed the charge to a customer. The provider may obtain an extension from commission staff for good cause.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; cr. (1) (k) to (n) and (6) (b), renum. (6) to be (6) (a), am. (1) (a), to (c), (f), (j) and (3), Register, April, 2000, No. 532, eff. 5-1-00; correction in (1) (f) made under s. 13.92 (4) (b) 6., Stats., Register February 2011 No. 662; **CR 13-068: am. (title), renum. (1) (title), (a) to (1m) (title), (am) and am., (1) (title), (a), (b) renum. from 160.07 (1), (2) and am., renum. (1) (b), (c) to (1m) (b), (c) and am. (b) 1., 4. to 6., (c), r. (1) (d), renum. (1) (e) to (k) to (1m) (e) to (k) and am., renum. (1) (L) to (1m) (L) 1. and am., renum. (1) (m), (n) to (1m) (m), (n) and am. (n), cr. (1m) (a), (L) 2., 3., r. (2), (3), renum. (4) (a) to (a) (intro.) and am., cr. (4) (a) 1., 2., (b), renum. (5) (a) to (a) (intro.) and am., cr. (5) (a) 1., 2., (b), renum. (6) (a) to (6) (a) (intro.) and am., cr. (6) (a) 1., 2., renum. (6) (b) to (6m) (a) (intro.) and am., cr. (6) (b), (6m) (a) 1., 2., (b), (c), (7) Register January 2016 No. 721, eff. 2-1-16; correction in numbering in (6m) (a) made under s. 13.92 (4) (b) 1., Stats., and corrections in (1) (c), (L) 2., (7) made under s. 35.17, Stats., Register January 2016 No. 721, eff. 2-1-16.**

PSC 160.075 Responsibility for pay telephone usability. (1) In this section, "pay telephone usability" means the ability to use pay telephone equipment once it has been accessed by an individual.

(2) Pay telephone usability standards include signage, volume control, monitoring height, cord length, and text telephones.

(3) All pay telephone service providers are responsible for compliance with all federal and state standards regarding usability of their pay telephones by individuals with disabilities.

(4) This section does not create any new obligations for pay telephone usability beyond those imposed under federal, state laws or negate any obligation for pay telephone usability of other parties under the law.

(5) Information on how to report non-compliance or any other complaint under sub. (3) to the commission shall be posted at or on each pay telephone unit or bank of units.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. (3), cr. (5), Register, April, 2000, No. 532, eff. 5-1-00.

PSC 160.08 Telecommunications customer assistance program. The commission may authorize individual telecommunications providers to establish telecommunications customer assistance programs that meet authorized goals and objectives for increasing or stabilizing subscription levels for non-optional, essential telecommunications service within its service territory or to address avoidance of disconnection or limitation of service to low-income households with payment problems. The customer assistance programs may allow a provider to not make available certain essential services, as defined in s. PSC 160.03 (2), in order to keep at least minimal telecommunications service to certain low-income households with payment problems. The commission shall determine on a case-by-case basis whether or not a telecommunications customer assistance program may receive universal service fund monies.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. Register, April, 2000, No. 532, eff. 5-1-00; **CR 13-068: am. Register January 2016 No. 721, eff. 2-1-16.**

PSC 160.09 High rate assistance credits. (1) In this section, "median household income" means the estimated median household income per county published annually by the U.S. census bureau's small area income and poverty estimate program.

Note: This may be found on the commission's website at psc.wi.gov.

(1g) A full ETC shall provide high rate assistance credits to residential customers when the price of service exceeds levels set in this section.

(1r) A full ETC shall recalculate credits under this section whenever the fixed monthly charge for essential telecommunications service, as defined in s. PSC 160.03 (2), is changed, or when ordered to do so by the commission. If the recalculation results in a de minimis change, the ETC may request that the administrator of the division of business and communications services stay the requirement to increase or decrease the credit.

(2) Full eligible telecommunications carriers shall calculate credits as specified in sub. (4) utilizing the price of service determined under sub. (3).

(3) For purposes of calculating credits under sub. (4):

(a) If a full ETC offers essential services on a stand-alone basis, the price of service calculated under this paragraph for its stand-alone essential services shall be considered the price of service when calculating credits for all of the ETC's offerings, whether provided on a stand-alone basis or as part of a bundle. The price of service for stand-alone essential services that is used to calculate credits under sub. (4) shall include all of the following charges and fees:

1. The in-state charges and fees for residential stand-alone essential services, including, as applicable, all of the following:
 - a. Police and fire protection fee.
 - b. State universal service fund assessment.
 - c. Remainder assessment.
 - d. Telecommunications utility trade practices assessment.
 - e. Federal universal service fund assessment.

2. Any 9-1-1 charges billed on the telephone bill.

3. The federal subscriber line charge.

4. The access recovery charge.

5. The charge, if any, for 120 local calls, excluding extended community calling calls.

6. The federal communications commission authorized charge for implementation of local number portability.

7. Other charges as approved by the commission.

(b) The price of service for residential stand-alone essential services does not include charges for items and services such as:

1. Data service.

2. Handsets, modems, or other customer premises equipment.

3. Caller identification.

4. Call waiting.

5. Texting.

6. Voicemail.

(c) If a full ETC only offers essential services bundled with other services, and not on a stand-alone basis, the price of service used to calculate credits under sub. (4) shall be the charges and fees for the service, minus the charge for optional items or services such as the following:

1. Handsets, modems, or other customer premises equipment.

2. Caller identification.

3. Call waiting.

4. Texting.

5. Voicemail.

(d) If a full ETC's charge for bundled service includes a charge for data service, it is rebuttably presumed that that the ETC's customers are not eligible for high rate assistance for that bundled service. The ETC may rebut this presumption by showing that the charge for the bundled service minus the cost of providing data service totals an amount high enough to qualify the customer for high rate assistance. The commission may, upon complaint or if it has a reasonable basis to believe that a credit should be applied when it is not, require the ETC to provide the relevant cost information.

(4) Full eligible telecommunications carriers shall issue high rate assistance credits according to the following criteria:

(a) For the portion of the price of service below 1.2% of median household income, per month, for the area in which the rate applies, no credits apply.

(b) For the portion of the price of service equal to or above 1.2% but below 1.7% of median household income, per month, for the area in which the rate applies, a credit equal to 50% of that amount.

(c) For the portion of the price of service equal to or above 1.7% but below 2.2% of median household income, per month, for the area in which the rate applies, a credit equal to 75% of that amount.

(d) For the portion of the price of service equal to or above 2.2% but below 2.7% of median household income, per month, for the area in which the rate applies, a credit equal to 85% of that amount.

(e) For the portion of the price of service equal to or above 2.7% of median household income, per month, for the area in which the rate applies, a credit equal to 95% of that amount.

(f) When a rate applies in only one county, the median household income used to calculate the credit shall be that of that county in which the rate applies. When a rate applies in more than one county, the median household income used to compute the credit shall be the average of the median household incomes in each county in which the rate applies, weighted by the number of customers paying that rate in each county.

(g) If the amount of money required to reimburse full ETCs for credits under this section exceeds the amount budgeted for this

program under s. PSC 160.17, the commission may modify the formula for high rate assistance credits.

(5) Except as provided in sub. (9), each full ETC may be reimbursed by the universal service fund for the value of the credits it issues if it files its reimbursement claims with the fund administrator by April 1 of the year following the year during which it issued the credit. The full ETC may obtain an extension of the filing deadline from commission staff for good cause.

(6) When a full ETC charges a pro-rated portion of the normal monthly charge for service because the customer has had service for only a portion of the month, the rate assistance credit for that customer shall be pro-rated by the same percentage.

(7) A full ETC shall show and identify the high rate assistance credits on bills issued to customers.

(9) Full ETCs may not be reimbursed by the universal service fund for the value of credits issued to customers receiving essential telecommunications service under a contract if the contract has a duration of greater than one year. The commission may grant waivers of this subsection by order. This subsection does not apply to rural line extension contracts entered into before January 1, 1996.

History: Cr. Register, April, 1996, No. 484, eff. 5–1–96; am. (1), (8) and (9), r. (2) (a), (b), (3) (f), (h) and (6), renum. (2) (c) to be (2) and am. (2), renum. (3) (a) to (e) to be (4) (a) to (e) and am. (4) (a) to (e), renum. (3) (g) to (4) (f) and am. (4) (f), renum. (3) (i) and (5) to be (4) (g) and (6), renum. (4) to be (5) and am. (5), renum. (8) to be (9) and am. (9), cr. (3), Register, April, 2000, No. 532, eff. 5–1–00; **CR 13–068: renum. (1) to (1g) and am., cr. (1), (1r), am. (2), r. and recr. (3), am. (4) to (7), r. (8), am. (9) Register January 2016 No. 721, eff. 2–1–16.**

PSC 160.092 Alternative universal service protection plans. (1) After notice and opportunity for hearing the commission may, by order, implement one or more of the following plans:

(a) An alternative to the high rate assistance credit mechanism in s. PSC 160.09.

(b) A measure to ensure provision of intralata and interlata essential services.

(c) A measure approved by the commission as necessary to protect universal service and ensure provision of services.

(2) Alternative plans under this section shall be implemented on an experimental basis. These plans shall be reviewed within 3 years of inception and shall terminate within 5 years of inception, unless made permanent by commission order after notice and an opportunity for hearing.

(3) Alternative plans under this section may make use of cost studies, bidding, auctions, defined service territories or other mechanisms to protect universal service. The commission may, by order, authorize payment of universal service fund monies as part of an alternative plan.

History: Cr. Register, April, 1996, No. 484, eff. 5–1–96; **CR 13–068: renum. (1) to (1) (a) and am., cr. (1) (intro.), (b), (c), am. (2), (3), r. (4) Register January 2016 No. 721, eff. 2–1–16; corrections in (2) made under ss. 13.92 (4) (b) 7. and 35.17, Stats., Register January 2016 No. 721.**

PSC 160.115 Medical telecommunications equipment program. (1) For purposes of this section:

(a) “Initial application” means the first application for universal service fund support under this section that an applicant files in a state fiscal year.

(b) “Non-profit medical clinic” includes any clinic or hospital that meets all of the following:

1. Is a non-profit organization governed by a board of directors.

2. Serves federally designated health professional shortage areas as defined in 42 USC 254e (a) (1), medically underserved areas, or medically underserved populations.

3. Does one or both of the following:

a. Provides services to all patients regardless of insurance status.

b. Uses a sliding fee scale for uninsured patients based on income status.

(c) “Public health agency” includes the department of health services, any local health department as defined in s. 250.01 (4), Stats., and any health care facility or program operated by a tribe or tribal organization under the Indian Self-Determination Act (25 USC 450f et seq.)

(2) The commission may grant funding to non-profit medical clinics and public health agencies for the purchase of telecommunications equipment for any of the following purposes:

(a) To promote technologically advanced medical services.

(b) To directly or indirectly enhance access to medical care in rural or underserved areas of the state, or both.

(c) To directly or indirectly enhance access to medical care by underserved populations or persons with disabilities in the state, or both.

(3) The commission may grant a maximum of \$500,000 in universal service fund support granted under this section per state fiscal year, or \$1,000,000 per state biennium.

(4) (a) An applicant for universal service fund support under this section may not, in its application, request disbursement of support for a time period longer than that specified in the solicitation for grant applications.

(b) All applications shall become public documents upon filing.

(5) An applicant for funding shall include all of the following in its application:

(a) A description of the telecommunications equipment for which universal service fund support is requested.

(b) An explanation of how the applicant’s purchase of the telecommunications equipment will support the purposes identified in sub. (2).

(c) Identification of the vendor that may supply the telecommunications equipment.

(d) A description of how the portion of the purchase price not covered by universal service fund support, if any, will be paid for.

(e) A description of the steps taken to secure the telecommunications equipment at reasonable prices.

(f) A statement certifying that the universal service fund support will be used for the purpose granted.

(g) Any other information that the commission considers necessary.

(6) (a) The commission shall evaluate all applications submitted under this section. The commission may approve all or part of an application if it includes the information required under sub. (5) and if the commission determines the following:

1. The applicant is a non-profit medical clinic or public health agency located in Wisconsin.

2. The applicant’s purchase of telecommunications equipment will support the purposes identified in sub. (2).

3. The applicant will be able to pay for the portion of the cost of the equipment not funded under this section.

4. The applicant has taken steps to secure the equipment at reasonable prices.

(b) Public health agencies and non-profit organizations that operate more than one location may receive universal service fund support for telecommunications equipment at more than one location, but before approving an application involving an additional location, the commission shall consider how much total universal service fund support has been received by the agency or organization during the time period specified in the solicitation for grant applications and the total amount remaining available to be granted under this section during that time period.

(c) The commission may give preference to initial applications filed by a public health agency or non-profit medical clinic.

(d) The commission may convene a panel of experts to assist in the evaluation of applications submitted under this section.

History: Cr. Register, April, 2000, No. 532, eff. 5-1-00; correction in (1) (c) made under s. 13.92 (4) (b) 6., Stats., Register February 2011 No. 662; **CR 13-068: am. (1) (a), (b) (intro.), 1., 2., (2) (intro.), (b), (c), (3), (4) (a), (5) (intro.), (b), (c), (g), (6) (a) (intro.), 4., (b), renum. (6) (c) to (d), cr. (6) (c) Register January 2016 No. 721, eff. 2-1-16.**

PSC 160.125 Funding to promote access to telecommunications services. (1) TELEPHONE ACCESS SERVICE FOR THE HOMELESS. (a) The commission may compensate any voice mail provider for providing, on request, to a social services agency, a job service agency or a homeless shelter authority, voice-mail service without charge to be used by that agency or authority for the benefit of its homeless clients or residents.

(b) A voice-mail provider that is providing voice-mail boxes to a qualifying agency or authority at no charge may request and receive reimbursement only for its incremental usage and administrative costs of providing this service using available capacity. As an alternative, a provider may request and receive reimbursement from the fund at a standard rate set by the commission to cover expected incremental costs of providing this service using available capacity.

(c) A qualifying agency or authority administering or providing voice-mail service to homeless clients may request reimbursement for its costs directly attributable to administering and providing the voice-mail boxes for the benefit of its homeless clients.

(d) To evaluate the effectiveness of this program, the commission may monitor and obtain information on the offering of this service from the participating voice mail providers, social services agencies, job service agencies and homeless shelter authorities.

(e) A social services agency, job service agency, or homeless shelter authority participating in this program shall maintain a list of all individuals receiving voice mail under this section.

(2) ACCESS PROGRAMS OR PROJECTS BY NON-PROFIT GROUPS. (a) The commission may grant partial funding to non-profit groups for the facilitation of affordable access to telecommunications services through programs or projects, or both, not supported elsewhere in this chapter, but that are consistent with the purposes identified in s. 196.218 (5) (a) 1., Stats.

Note: As of April 2015, s. 196.218 (5) (a) 1., Stats., reads in pertinent part:

(5) USES OF THE FUND. (a) The commission shall require that moneys in the universal service fund be used only for any of the following purposes:

1. To assist customers located in areas of this state that have relatively high costs of telecommunications services, low-income customers and disabled customers in obtaining affordable access to a basic set of essential telecommunications services.

(b) Any non-profit group may apply for universal service funding to fund any portion of a program or project or both. Funding shall be granted on a state fiscal year basis, but funding for more than one fiscal year may be approved at one time. The commission shall issue a list of approved programs or projects, or both, when grants are awarded. All applications become public documents upon filing.

(c) Applications shall include:

1. A statement that the applicant is a non-profit group, as defined in s. PSC 160.02 (23).

1m. A description of a public need which is not being met at present.

2. A description of how the program or project is consistent with the purpose identified in s. 196.218 (5) (a) 1., Stats.

3. A description of the program or project proposed, including a description of how the public need described in subd. 1m. may be met through affordable access to telecommunications.

4. A showing that the proposed program or project meets the described public need in a least cost manner. This requirement can be met by showing that the applicant carried out an appropriate request for proposals.

5. Identification of the providers of each portion of the telecommunications services or equipment and a specific description of the components of the program or project including all of the following:

a. The costs of telecommunications services and telecommunications equipment used by the program or project.

b. The cost of training for those who are served by the program or project so that they can use the services.

c. The administrative costs directly attributable to the program or project.

d. The cost of technical expertise required to complete the program or project.

e. Revenue from services or training described in subd. 5. b.

(d) The commission shall evaluate all complete and timely applications submitted. In evaluating the applications the commission shall consider information including all of the following:

1. The basis of the public need to be met.

2. The extent to which other programs or projects, either funded under this section or otherwise under this chapter, meet that need.

3. The overall cost of the proposed program or project.

(e) The universal service fund shall reimburse applicants for up to 75% of the cost of reimbursable portions of the program or project, or both. The reimbursable costs include those listed in par. (c) 5. a. to d. The applicant may include in-kind goods or services, or both, as resources to be used for the remainder of the costs of the program or project, or both.

(f) The commission shall determine the programs or projects, or both, to be funded and the amount of reimbursement for each program or project. The commission may grant a maximum of \$500,000 in funding under this subsection per state fiscal year, or \$1,000,000 per state biennium.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; renum. from 160.063 (title), (1), (2), (3) and (4) to be 160.125 (1) (title), renum. (1) to (4) to be (1) (a), (b), (d) and (e), cr. (1) (c) and (2), Register, April, 2000, No. 532, eff. 5-1-00; corrections in (2) (a), (c) 2. made under s. 13.92 (4) (b) 7., Stats., Register February 2013 No. 686; **CR 13-068: am. (1) (title), (a), (b), (e), (2) (a), (b), renum. (2) (c) 1. to (2) (c) 1m. and am., cr. (2) (c) 1., am. (2) (c) 2., 3., 5. (intro.), a. to d., (d) (intro.), 1., 2., (e), (f) Register January 2016 No. 721, eff. 2-1-16; correction under s. 35.17, Stats., in (2) (c) 1. Register January 2016 No. 721.**

PSC 160.13 Designation of eligible telecommunications carriers. (1) GENERAL. (a) The commission may designate a telecommunications provider as an eligible telecommunications carrier. This designation is not transferable.

(b) The commission may suspend or revoke an ETC designation if the designee violates the requirements in this section.

(2) REQUIREMENTS FOR ETC DESIGNATION. (a) A full or low-income ETC, but not a federal-only ETC, is eligible to receive universal service funding for an area, under both applicable federal and state universal service programs, if it meets all of the following requirements:

1. Holds itself ready to offer all elements of essential telecommunications service, as defined in s. PSC 160.03 (2), to all customers in the area for which it is requesting ETC status.

2. Regularly advertises its service in the area for which it is requesting ETC status, with the advertisements meeting all of the following requirements:

a. Are disseminated in media of general distribution in the area, at least 2 times per year.

b. Describe the services offered.

3. Offers lifeline service, as defined in s. PSC 160.062, whenever service is offered in the area for which it is requesting ETC status, and publicizes the availability of those offerings in a manner reasonably designed to reach those likely to qualify for them.

4. Meets all of the applicable federal eligibility requirements in 47 CFR 54.201 and 54.202 (a).

(b) An applicant for federal-only ETC designation under s. 196.218 (4) (b), Stats., is required to meet all of the applicable fed-

eral eligibility requirements in 47 CFR 54.201 and 54.202, and any state requirements or processes that federal law requires ETCs to follow.

Note: For example, federal ETC regulations require all providers to follow some provisions of state law, such as use of state lifeline eligibility verification databases.

(3) APPLICATION FOR NEW OR EXPANDED ETC STATUS. Application for new or expanded ETC status. An applicant for new or expanded eligible telecommunications carrier status shall demonstrate its ability to meet the requirements under sub. (2) by including all of the following information in its application:

(a) Certification that it will meet the requirements in sub. (2) (a) or (b).

(b) A demonstration of how the applicant meets the requirement of 47 USC 214 (e) (1) (A). This shall be demonstrated in one of the following ways:

1. An explanation of how the applicant will use its own facilities, or a combination of its own facilities and resale, to provide voice telecommunications service to a Wisconsin customer.

2. An electronic link to or copy of the federal communications commission order approving the applicant's compliance plan, and an electronic link to the approved compliance plan.

Note: A provider may apply for ETC designation before its compliance plan is approved by the Federal Communications Commission, but the commission will not act on the application until the plan is approved.

(c) One of the following:

1. A copy of the applicant's 5 year plan, and associated documentation, as required by 47 CFR 54.202 (a) (1) ii., including certification that it will use any federal high cost support monies for the purposes allowed under 47 USC 254 (e) and 47 CFR 54.313 (a) and 54.314 (a).

2. A certified statement that the applicant will not seek high cost assistance funding from the federal universal service fund or high rate assistance funding from the state universal service fund.

(d) A copy of any certifications, information and demonstrations required under 47 CFR 54.201 and 54.202.

(e) A list of all of the exchanges or wire centers, or both, for which ETC status is sought and identification of any wire center for which status is sought for only a portion of the wire center.

(f) The applicant's name, any other name under which the applicant does business, the applicant's commission utility identification number and proof of registration with the department of financial institutions.

(g) The applicant's contact information for each of the following:

1. Commission inquiries about financial or assessment issues.
2. Commission inquiries about customer issues.
3. Customers to use to contact the applicant directly about customer issues.
4. Potential customers to use to obtain service from the applicant.

(h) A statement that the applicant will timely update the information in pars. (f) and (g).

(i) Any other information the commission considers necessary.

(4) ETC REPORTING. All eligible telecommunications carriers shall submit to the commission, within 14 days of the associated federal filing date, all of the following:

(a) For full ETCs that are eligible for high cost assistance, all of the following:

1. All of the information required under 47 CFR 54.313.
2. Any information necessary for the commission to certify that the ETC has this year, and will next year, use its high cost assistance monies for the purposes allowed under 47 USC 254 (e) and 47 CFR 54.313 (a) and 54.314 (a).

3. Any other information that federal regulations require such ETCs to provide to state commissions.

(b) For all full and low-income ETCs, all of the following:

1. The information required under 47 CFR 54.422.
2. Any other information that federal regulations require such ETCs to provide to state commissions.

(c) For all ETCs, all of the following within 14 days of the occurrence:

1. Updates to all of the information in sub. (3) (g) and (h).
2. Any other information that federal regulations require ETCs to provide to state commissions.

Note: Some of the information required under this section can be provided to the commission by submitting copies of filings with the FCC.

(5) AREA COVERED BY ETC DESIGNATION. (a) The area in which a provider shall be designated as an eligible telecommunications carrier shall be one of the following:

1. If requesting ETC designation for an area that is served by an incumbent local exchange provider that is not a rural telephone company, one of the following:

a. For a full ETC applicant, one or more of the incumbent local exchange service provider's wire centers.
b. For a low-income ETC applicant, the area designated by the applicant and approved by the commission.

2. If requesting ETC designation for an area that is served by an incumbent local exchange service provider that is a rural telephone company, one of the following:

a. Except as provided in subd. 2. b., the incumbent local exchange service provider's entire service territory.

b. If the federal communications commission has granted a provider forbearance from the requirement that its designated area match the boundaries of a rural incumbent local exchange carrier's service territory, the area designated by the applicant and approved by the commission.

(b) Notwithstanding any other provision in this subsection, unless approved by the commission and, if necessary, the federal communications commission, no ETC designation area may include only a portion of a wire center.

(6) DESIGNATION OF MULTIPLE ETCs IN AN AREA. (a) The commission may only designate an additional eligible telecommunications carrier in an area where one has already been designated after finding that doing so is in the public interest. For an area served by an incumbent local exchange service provider that is not a rural telephone company, the commission may perform a less detailed public interest analysis than if the area is served by an incumbent local exchange service provider that is a rural telephone company.

(b) In its public interest analysis under par. (a), the commission shall include consideration of all of the following:

1. The factors in s. 196.03 (6), Stats.
2. The potential for cream-skimming.

(7) LIST OF ETCs. The commission shall maintain a list of the eligible telecommunications carriers for all areas of the state.

(8) RELINQUISHING ETC DESIGNATION. (a) An eligible telecommunications carrier may relinquish that designation for an area by notifying the commission and the administrators of both the state and federal universal service funds, in writing, of its intention.

(b) If at least one other ETC is designated for that area, the relinquishing ETC shall be relieved of ETC status for that area, without commission action, on the later of 14 days after commission receipt of the notification or the effective date proposed by the provider.

(c) If no other ETC is designated for that area, the relinquishing ETC shall remain as the ETC for that area until the commission designates an alternative ETC. In that case, the commission shall notify the relinquishing ETC and the administrators of the state and federal funds, that ETC status is still in effect. The commission may use an auction or other reasonable process to designate

a new ETC for an area for which the only existing ETC is seeking to relinquish that status. The commission may authorize compensation from the universal service fund as part of this process.

(d) A provider may continue to furnish services in an area for which it has relinquished ETC status. If a provider seeks to abandon facilities or discontinue any service, it shall notify affected customers and follow any abandonment or discontinuance procedures required by the commission, Wisconsin department of agriculture, trade and consumer protection or the federal communications commission.

(e) A federal-only eligible telecommunications carrier that is no longer eligible for that designation because it is no longer a wireless provider or because it wants to access state USF support may apply for a new ETC designation. The ETC's federal-only ETC status remains in effect while the commission investigates and acts on the ETC's new application.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; r. and recr. Register, April, 2000, No. 532, eff. 5-1-00; CR 13-068: r. and recr. Register January 2016 No. 721, eff. 2-1-16; correction in (3) (c) 1., (4) (a) 2., (c) 1., (5) (a) 2. a. made under s. 35.17, Stats. Register January 2016 No. 721, eff. 2-1-16.

PSC 160.16 Fund administrator. (1) The commission shall designate the fund administrator and provide for an annual independent audit of the fund. The commission shall establish guidelines for administration and assignment of liabilities.

(2) The fund administrator may propose a change or modification to the mechanisms of administration of the fund. The commission may approve the request without hearing.

(3) The universal service fund shall compensate the administrator for the administrator's costs of administering the fund as approved by the commission.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; reprinted to restore dropped copy, Register, May, 1996, No. 485; r. (3) to (5), renum. (6) to be (3), Register, April, 2000, No. 532, eff. 5-1-00; CR 13-068: am. (1), (2) Register January 2016 No. 721, eff. 2-1-16.

PSC 160.17 Fund budget and assessment rates.

(1) At least annually, the commission shall set the budget for fund administration and the programs specified in s. PSC 160.05 (1). The commission may make adjustments to the budget as needed to address unforeseen circumstances. Adjustments may include:

- (a) Reallocating the budget among programs.
- (b) Modifying the support formulas or benefits within a program.
- (c) Deferring support payment decisions to a later period.

(2) At least annually, the commission, in consultation with the appropriate agencies, shall determine the amounts necessary for funding the payments specified in s. PSC 160.05 (2), (3), and (5) to (8).

(3) Based on the need for funds under subs. (1) and (2) and s. 196.218 (5) (a) 6., Stats., and subject to the appropriation amounts in ch. 20, Stats., the commission shall determine the assessment rates to apply to providers. The commission may modify the assessment rates at any time based on changes in funding needs or provider revenues subject to assessment.

(4) The commission shall provide notice of the proposed budget under sub. (1) to the universal service fund council and other interested persons with an opportunity for comment prior to commission action.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; emerg. am. eff. 2-27-98; r. and recr. (1), r. (2), renum. (3) to be (4) and am., cr. (2) and (3), Register, October, 1998, No. 514, eff. 11-1-98; CR 13-068: am. (1) (c), (2), (4) Register January 2016 No. 721, eff. 2-1-16.

PSC 160.18 Collection of universal service fund monies. (1) Each assessed provider shall pay the amount of its assessment to the universal service fund. Assessed providers include all telecommunications providers operating within Wisconsin, except those with intrastate gross telecommunications revenues of less than \$200,000 during the preceding calendar year.

(2) The commission may require a person other than a telecommunications provider to contribute to the universal service fund, if after notice and opportunity for hearing the commission determines that the person is offering nontraditional broadcast services in competition with a telecommunications service for which a contribution is required under this chapter.

(3) Telecommunications providers shall be assessed on the basis of their gross intrastate operating revenues from telecommunications services.

(4) Each telecommunications provider shall submit information, on a schedule and in a format set by the commission, on the telecommunications provider's gross intrastate telecommunications revenues during the preceding calendar year.

(5) The percentage liability for a given telecommunications provider is the ratio of that provider's intrastate gross telecommunications revenues to the sum of the intrastate gross telecommunications revenues for all contributory providers.

(6) A given telecommunications provider shall be assessed the percentage liability of that provider under sub. (5) multiplied by the total annual amount to be collected. For monthly billings, the annual assessment amount shall be divided into 12 equal parts. For quarterly billings the annual amount shall be divided into four equal parts.

(7) Telecommunications providers who provided telecommunications service in Wisconsin for only part of the preceding calendar year shall be assessed based on actual revenues for the year, without adjustments to annualize that revenue.

(8) Failure to receive a bill is not grounds for relief from a telecommunications provider's liability for assessment.

(9) (a) The commission may bill telecommunications providers for the assessments as calculated in sub. (6) on a monthly, quarterly or annual basis. A telecommunications provider shall pay its monthly, quarterly or annually billed portion of its calculated assessment within 30 days after the bill is mailed. A telecommunications provider that has not paid within 30 days after the bill is mailed shall be considered to have not paid under s. 196.218 (8), Stats., and the commission may collect the bill using the process described in s. 196.85 (3), Stats.

(b) 1. A telecommunications provider that disagrees with a new assessment amount as calculated under sub. (6) shall object within 30 days after the bill using the new assessment amount is mailed. The commission shall consider an objection to an assessment amount made more than 30 days after the first bill using the new assessment amount is mailed as an objection to the assessment amount beginning with the most recent assessment bill.

Note: For example, if a new assessment amount is billed on October 1 and an objection is filed on October 15, the objection will be to the amount on all bills from October 1 on. If an objection is filed on November 15, the objection will be to the amount on all bills from November 1 on.

2. The making of an objection and commission action regarding that objection shall follow the process described in s. 196.85 (4), Stats.

3. Notwithstanding subd. 1., if the objection is due to a mistake in calculating or reporting data, and the mistake results in a provider overpaying, then the commission shall reimburse the provider the amount overpaid even if the objection is made more than 30 days after the first bill using a new assessment amount.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; renum. (1) (intro.) and (9) to be (1) and (9) (a), r. (1) (a) and (b), cr. (9) (b) and (10), Register, April, 2000, No. 532, eff. 5-1-00; CR 13-068: am. (4), (6), (9) (a), renum. (9) (b) to (9) (b) 1. and am., cr. (9) (b) 2., 3., r. (10) Register January 2016 No. 721, eff. 2-1-16; correction in (9) (b) 3. made under s. 35.17, Stats., Register January 2016 No. 721, eff. 2-1-16.

PSC 160.181 Use audit. Recipients of universal service fund monies may be audited by the commission to ensure that the funding was requested and used appropriately.

History: Cr. Register, April, 2000, No. 532, eff. 5-1-00; CR 13-068: r. and recr. Register January 2016 No. 721, eff. 2-1-16.

PSC 160.19 Universal service fund council. (1) The commission shall appoint a universal service fund council to advise the commission concerning the administration of s. 196.218, Stats., the content of administrative rules adopted under s. 196.218, Stats., and any other matters assigned to the universal service fund council by the commission.

(2) The universal service fund council shall consist of telecommunications providers and of consumers of telecommunications services. The commission shall appoint a diverse membership to the universal service council including representatives of the incumbent and competitive local exchange telecommunications industry; the cable industry; the wireless industry; and consumers of telecommunications services including residential, business, governmental, and public special interest group users of telecommunications services.

(3) A majority of the members of the universal service fund council shall be representatives of consumers of telecommunications services.

(4) (a) Universal service fund council members shall be appointed to staggered three-year terms.

(b) The commission may appoint a replacement member to serve the remaining term of a member withdrawing from the universal service fund council.

(5) The universal service fund council shall elect a chairperson and a vice-chairperson from its membership, not including the commission staff liaison. The term of office for these positions shall be one year. Elections may be held at the first meeting of each calendar year or may be conducted by mail prior to the first meeting of each calendar year.

(6) The universal service fund council shall meet at least twice annually. Other meetings may be called, upon adequate notice to

all members, to address matters of the fund as they arise. Meetings of the universal service fund council shall be open to the public.

(7) Members of the universal service fund council shall serve without compensation. Members, other than those members representing the telecommunications industry and any members representing state agencies, may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as part of the universal service fund council, subject to budget guidelines adopted by the commission.

(8) (a) The universal service fund council may adopt bylaws appropriate for its operation.

(b) The universal service fund council may form subcommittees of its membership as necessary to review issues and make recommendations for consideration of the full council.

(9) The commission shall assign staff members as needed to facilitate the work of the universal service fund council. The commission shall appoint a member of the commission staff to serve as staff liaison for the universal service fund council. The liaison shall be a non-voting member and shall do all of the following:

(a) Assist the universal service fund council in obtaining subject matter expertise in the area of universal telecommunications service.

(b) Maintain the official record of the universal service fund council, including membership, minutes of meetings, agendas and reports.

(c) Assist the chairperson of the universal service fund council in planning the agendas, times and places of meetings.

(d) Provide other administrative assistance as required.

History: Cr. Register, April, 1996, No. 484, eff. 5-1-96; am. (4) (a) and (5), Register, April, 2000, No. 532, eff. 5-1-00; **CR 13-068: am. (1), (2), (4) (b) Register January 2016 No. 721, eff. 2-1-16.**