TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

**DIGEST**

**Adds 170 IAC 7-8 to establish the Indiana lifeline assistance program. Effective 30 days after filing with the Publisher.**

**170 IAC 7-8**

SECTION 1. 170 IAC 7-8 IS ADDED TO READ AS FOLLOWS:

**Rule 8. Rules Regarding Certain Practices and Procedures for Wireless Lifeline-Only Eligible Telecommunications Carriers or ETCs.**

**170 IAC 7-8-1 Purpose and scope**

 **Authority: IC 8-1-1-3; IC 8-1-2.6-13(d)(5); IC 8-1-2.6-13**

 **Affected: IC 8-1-2.6-13(c)(5)**

Sec. 1. (a) The purpose of this rule is to:

 (1) establish standards for marketing and distribution of lifeline wireless phones to limit waste, fraud, and abuse by both wireless Lifeline-only ETCs and participants;

 (2) add additional safeguards to ensure wireless ETCs are performing due diligence in lifeline eligibility determinations and disclosures when marketing the lifeline program from temporary structures or locations; and

 (3) ensure ETCs and their representatives are identifying themselves and their products to prospective customers, and safeguarding customer information appropriately.

 (b) This rule applies only to wireless lifeline-only ETCs doing business at temporary structures or locations, as defined herein.

**170 IAC 7-8-2 Definitions**

 **Authority: IC 8-1-1-3; IC 8-1-2.6-13**

 **Affected: IC 8-1-2.6-13(c)(5)**

Sec. 2. The following definitions apply throughout this rule:

(a) “Eligible telecommunications carrier” or “ETC” means a communications service provider that is designated as an eligible telecommunications carrier by the commission under 47 CFR 54.201 and IC 8-1-2.6-13(c)(5).

(b) “Commission” means the Indiana utility regulatory commission.

(c) “Communication service provider” has the same definition as in I.C. 8-1-32.5-3.(4) “FCC” means the Federal Communications Commission.

(d) “Federal lifeline program” means the local retail service wireless offering of an ETC that is subsidized by the federal universal service fund, as described in 47 CFR 54.401(a).

(e) “Lifeline eligibility determination” means the ETC’s process of obtaining and reviewing certifications from prospective customers:

(1) demonstrating qualification for the lifeline program; and

(2) ensuring that the customer understands the nature and requirements of the program pursuant to the federal lifeline rules.

(f) “Participant” means a customer who applies for and is eligible for the federal lifeline program.

(g) “Prospective participant” means an individual inquiring or applying for the federal lifeline program.

(h) “Temporary structures or locations” means tents, buses, vans, booths or other non-permanent structures located outdoors and intended to be at a location for a limited time period of less than one year, that can be removed or transported and used in another location.

(i) “Wireless lifeline-only ETC” means a wireless communication service provider that has been designated by the commission as an ETC for the sole purpose of offering services under the federal lifeline program, regardless of any other service provided by the communication service provider.

**170 IAC 7-8-3 Lifeline Agents**

 **Authority: IC 8-1-1-3; IC 8-1-2.6-13**

 **Affected: IC 8-1-2.6-13(c)(5)**

Sec. 3. A wireless lifeline-only ETC shall require and maintain evidence for a period of two years that each of its employees or independent agents meets the following criteria prior to the employee or independent agent interacting, on the wireless lifeline-only ETC’s behalf, with participants or prospective participants at a temporary location:

 (a) The individual is at least eighteen (18) years of age.

(b)The individual has a high school diploma or the equivalent of a high school diploma.

 (c) The individual has completed training on federal and state lifeline rules, enrollment procedures, and proper handling of sensitive personal information.

 (d) The wireless lifeline-only ETC has proof of the following, through a criminal background check, for each jurisdiction in the United States in which the individual has lived or worked:

 (1) The individual has not been convicted of a felony within the immediately preceding seven (7) years.

 (2) Within the immediately preceding seven (7) years, the individual has not been released from incarceration after serving time for a felony conviction

 (3) The individual has not been convicted of the following within the immediately preceding five (5) years:

* + 1. A misdemeanor involving fraud, deceit, or dishonesty;
		2. Battery as a misdemeanor; or
		3. Two (2) or more misdemeanors involving the illegal use of alcohol or the illegal sale, use, or possession of a controlled substance

**170 IAC 7-8-4 Temporary Structures and/or Locations**

 **Authority: IC 8-1-1-3; IC 8-1-2.6-13**

 **Affected: IC 8-1-2.6-13**

Sec. 4. Enrollment of prospective participants in the federal lifeline program by a wireless lifeline-only ETC from a temporary structure or location is prohibited unless the following conditions are met:

(a) The name of the wireless lifeline-only ETC is visible from the exterior of the temporary structure and is written in print that is at least 12 inches in height.

(b) All employees or agents of the wireless lifeline-only ETC must display the name of the wireless lifeline-only ETC in a prominent position on the outermost layer of clothing in a conspicuous manner.

(c) The terms, conditions and rates for the federal lifeline program product(s) must be prominently posted at the location where the marketing is taking place.

(d) The wireless lifeline-only ETC must have proof of permission, available on-site, from either the owner of the property where the marketing is taking place or from the individual or entity responsible for the property.

(e) The wireless lifeline-only ETC must have all required city and county licenses necessary for selling a service at that location.

(f) All marketing conducted or services provided by the wireless lifeline-only ETC must be provided in a manner that does not create a traffic hazard.

(g) The wireless lifeline-only ETC must provide the commission a list of locations, sent to designated commission staff by email, identifying where marketing from temporary structures and or locations has taken place in the previous month. The email shall include the date, time and location, and be submitted by the 10th day of the following month.

(h) When the wireless lifeline-only ETC provides any wireless handset in conjunction with the federal lifeline program, it must also provide a document containing, at the least, the date, time, and location the customer received the phone, the name of the wireless lifeline-only ETC, an operational customer service telephone number, and the agent’s identifier. The wireless lifeline-only ETC must retain a copy of the document for a period of two years.

 (i) Lifeline eligibility determinations must be conducted before the customer is enrolled in the federal lifeline program and provided with a lifeline phone.

**170 IAC 7-8-5 Process for checking accurate subscriber address**

 **Authority: IC 8-1-1-3; IC 8-1-2.6-13**

 **Affected: IC 8-1-2.6-13(c)(5)**

Sec. 5. In addition to adherence to federal lifeline program rules, when using an online public records database to verify the address of the prospective participant and the online public records database returns an error code, or signal that the address is vacant, non-existent or otherwise non-conforming, the wireless lifeline-only ETC must obtain a document verifying the address. Appropriate documentation may include a utility bill, a driver’s license, or other government identification. The wireless lifeline-only ETC must retain the documentation for a period of two years.

**170 IAC 7-8-6 Enforcement**

 **Authority: IC 8-1-1-3; IC 8-1-2.6-13**

 **Affected: IC 8-1-2.6-13(c)(5)**

Sec. 6. The Commission may initiate an investigation of possible violations of this chapter. Upon finding a violation under this chapter, the Commission may revoke the violator’s ETC designation.