



ADMINISTRATIVE RULES OF MONTANA

38.5.3230 ELIGIBLE TELECOMMUNICATIONS CARRIERS -- CERTIFICATION AND VERIFICATION OF SUBSCRIBER ELIGIBILITY FOR FEDERAL LIFELINE/LINK-UP ON TRIBAL LANDS

- (1) Each eligible telecommunications carrier providing federal lifeline/link-up service to a qualifying low-income subscriber who is an eligible resident of tribal lands, as defined at 47 CFR 54.400, must obtain that subscriber's signature on a document certifying under penalty of perjury that:
 - (a) the subscriber receives benefits from one of the qualifying low-income programs designated by the federal communications commission at 47 CFR 54.409 and related provisions, and identifying the program or programs from which that subscriber receives benefits; or
 - (b) the subscriber's household income is at or below 135% of the federal poverty guidelines and that the subscriber's presented documentation of income accurately represents the subscriber's household income; and
 - (c) the subscriber will notify the carrier if the subscriber ceases to participate in the qualifying low-income program or programs or if the subscriber's income exceeds 135% of the federal poverty guideline.
- (2) If a subscriber is qualifying for the federal lifeline/link-up program under the criterion of household income below 135% of the federal poverty guidelines, an eligible telecommunications carrier must require the subscriber to present documentation of the subscriber's income prior to the subscriber's enrollment in the program that is in accordance with the requirements adopted by the federal communications commission at 47 CFR 54.410 and related provisions.
- (3) In order to verify subscribers' continued eligibility for the federal lifeline program on tribal lands, each eligible telecommunications carrier must annually survey a statistically valid sample of subscribers who have qualified either as recipients of one of the qualifying low-income programs designated by the federal communications commission or under the criterion of household income under 135% of federal poverty guidelines. A subscriber contacted in the eligible telecommunications carrier's survey must either certify, under penalty of perjury, that the consumer continues to participate in the qualifying program (program based eligibility) , or prove continued eligibility and self-certify continued eligibility in accordance with the requirements adopted by the federal communications commission, at 47 CFR 54.410 and related provisions (income-based eligibility) . A subscriber's failure to respond to a survey will be deemed a negative response for purposes of continued eligibility and, upon proper notice, the subscriber will be removed from the federal lifeline program.
- (4) In lieu of the above statistically valid sample, an eligible telecommunications carrier may do annual notice to all subscribers requiring each subscriber to establish continued eligibility for support.

Authorizing statute(s): 69-3-822, MCA

Implementing statute(s): 69-3-840, MCA

History: NEW, 2005 MAR p. 820, Eff. 5/27/05.