

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Lifeline and Link Up Reform and Modernization) WC Docket No. 11-42
)

ORDER

Adopted: October 10, 2024

Released: October 11, 2024

By the Commission:

I. INTRODUCTION

1. In this Order, the Federal Communications Commission (FCC or Commission) takes quick action to assist those affected by Hurricane Milton and future hurricanes, typhoons, tropical storms, and tropical cyclones (together, “tropical weather systems”) by temporarily waiving certain Lifeline program eligibility rules to ensure that consumers receiving federal disaster assistance can easily apply for and enroll in the Lifeline program. Hurricane Milton caused significant power and infrastructure disruptions, in addition to property damage in homes, schools, libraries, businesses, and health care facilities in impacted areas. Because of the exigent circumstances that arose from Hurricane Milton, we find that there is good cause for further action to expeditiously ensure that households receive critical assistance for their communications needs in the aftermath of hurricanes and other tropical weather systems in the near term. As such, on our own motion, and consistent with the guidance detailed below, we temporarily waive the Lifeline eligibility requirements to permit households not already enrolled in the Lifeline program to enter the program if they are receiving individual assistance from the Federal Emergency Management Agency’s (FEMA) Individuals and Households Program (IHP) as a result of the impacts of Hurricane Milton or other hurricanes or other tropical weather systems that result in a Presidential declaration of emergency or major disaster that occur during the next six months.¹ Such waiver will run for at least six months from the date of the declaration.

II. BACKGROUND

2. *Hurricane Milton and the 2024 Hurricane Season.* In advance of landfall, evacuations were ordered for areas in Hurricane Milton’s path² and the governor of Florida warned that Hurricane Milton could displace “a lot more” people than Hurricane Helene did.³ The President also approved an emergency declaration for the State of Florida in advance of Hurricane Milton’s anticipated landfall.⁴

¹ See 42 U.S.C. § 5121 *et seq.* (Robert T. Stafford Disaster Relief and Emergency Assistance Act).

² See Mike Schneider and Haven Daley, Associated Press, *Hurricane Milton is a Category 5. Florida orders evacuations and scrambles to clear Helene’s debris* (Oct. 7, 2024), <https://apnews.com/article/hurricane-milton-helene-florida-557c5c512135e0a8661b298e45e17c92>.

³ See Isabelle Taft, The New York Times, *Milton Live Updates* (Oct. 7, 2024), <https://www.nytimes.com/live/2024/10/07/weather/milton-hurricane-florida>.

⁴ See The White House, *President Joseph R. Biden, Jr. Approves Florida Emergency Declaration* (Oct. 7, 2024), <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/10/07/president-joseph-r-biden-jr-approves-florida-emergency-declaration-9/>.

Hurricane Milton made landfall on Florida's Gulf Coast on Wednesday, October 9.⁵ It spawned numerous tornadoes, resulted in loss of life, and caused substantial damage to homes, businesses, schools, and infrastructure, including in areas that were heavily damaged by Hurricane Helene only two weeks ago.⁶ As of October 10, more than 3.2 million homes and businesses were without power.⁷ Meteorological experts have noted the unprecedented nature of this year's hurricane season.⁸

3. *The Lifeline Program.* The Lifeline program offers qualifying low-income consumers discounts on fixed or mobile voice or broadband Internet access service, as well as on bundled service.⁹ Qualifying low-income consumers can receive a \$9.25 monthly discount on Lifeline-supported broadband Internet access service or a \$5.25 monthly discount on Lifeline-supported voice service.¹⁰ Lifeline consumers residing on qualifying Tribal lands¹¹ can receive up to a \$34.25 monthly discount on Lifeline-supported service.¹² Consumers can confirm their eligibility for Lifeline through the National Lifeline Eligibility Verifier (National Verifier). Applicants may qualify for the Lifeline program by participating in a qualifying federal assistance program (Medicaid, Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income, Federal Public Housing Assistance, or Veterans and Survivors Pension Benefit) or by having an income at or below 135% of the Federal Poverty Guidelines.¹³ Consumers living on qualifying Tribal lands can also qualify for the Lifeline program by meeting the above criteria or by participating in a qualifying Tribal-specific federal assistance program.¹⁴ If an applicant does not participate in one of the qualifying programs, they may submit documentation that establishes that they meet the Lifeline program's income-based eligibility criteria.¹⁵

⁵ See NBC News, *Hurricane Milton live updates: Now a monster Category 5 storm as Florida orders evacuations* (Oct. 7, 2024), <https://www.nbcnews.com/news/weather/live-blog/hurricane-milton-live-updates-rcna174253>.

⁶ See Brad Brooks and Leonara LaPeter Anton, Reuters, *Hurricane Milton spawns tornadoes, leaves millions without power in Florida* (Oct. 10, 2024), <https://www.reuters.com/world/us/hurricane-milton-weakens-it-marches-across-central-florida-homes-destroyed-2024-10-10/>; David Brennan, ABC News, *Hurricane Milton damage begins to emerge as storm passes into Atlantic Ocean* (Oct. 10, 2024), <https://abcnews.go.com/US/hurricane-milton-damage-begins-emerge-storm-passes-atlantic/story?id=114672672>; Stephen Smith, CBS News, *Hurricane Milton rips roof off Tropicana Field — Tampa Bay Rays stadium that was used as staging site for responders* (Oct. 10, 2024), <https://www.cbsnews.com/news/hurricane-milton-tropicana-field-roof-destroyed-tampa-bay-rays-stadium/>; Lexi Lonas Cochran, The Hill, *Milton and Helene leave students, schools reeling* (Oct. 10, 2024), <https://thehill.com/homenews/education/4924440-hurricane-milton-helene-florida-schools-evacuations/>.

⁷ Terry Spencer and Kate Payne, WHYY, *More than 3 million without power after Hurricane Milton slams Florida, causes deaths and flooding* (Oct. 10, 2024), <https://whyy.org/articles/hurricane-milton-slams-florida-deaths-flooding-power-lost/>.

⁸ See Seth Borenstein, Associated Press, *An unusual hurricane season goes from ultra quiet to record busy and spawns Helene and Milton* (Oct. 8, 2024), <https://apnews.com/article/hurricane-milton-helene-weird-climate-change-disaster-db98e8cfbcc29a191c216a8bc9157f1d>.

⁹ 47 CFR § 54.401.

¹⁰ See 47 CFR § 54.403(a)(1)-(2).

¹¹ See 47 CFR § 54.400(e).

¹² See 47 CFR § 54.403(a)(3).

¹³ See 47 CFR § 54.409.

¹⁴ See 47 CFR § 54.409(b) (listing the following qualifying Tribal-specific federal assistance programs: Bureau of Indian Affairs general assistance, Tribally-administered Temporary Assistance for Needy Families, Head Start (only those households meeting its income qualifying standard), and the Food Distribution Program on Indian Reservations).

¹⁵ See 47 CFR § 54.410(b)(i)(B).

4. If the National Verifier cannot automatically confirm a Lifeline applicant's eligibility, documentation provided by the applicant to demonstrate that they qualify under the program-based eligibility requirements is manually reviewed by the Universal Service Administrative Company (USAC).¹⁶ Acceptable documentation of program eligibility includes the current or prior year's statement of benefits from a qualifying assistance program, a notice or letter of participation in a qualifying Federal assistance program, program participation documents, or another official document demonstrating that the applicant, one or more of the applicant's dependents, or the applicant's household receives benefits from a qualifying assistance program.¹⁷ If an applicant is trying to apply for Lifeline on the basis of their income, they can substantiate their eligibility by providing their prior year's state, federal, or Tribal tax return; a current income statement from an employer or paycheck stub; a Social Security statement of benefits; a Veterans Administration statement of benefits; a retirement/pension statement of benefits; an Unemployment/Workers' Compensation statement of benefit; a federal or Tribal notice letter of participation in General Assistance; or a divorce decree, child support award, or other official document containing income information.¹⁸ If the applicant presents documentation of income that does not cover a full year, such as current pay stubs, the applicant must present the same type of documentation covering three consecutive months within the previous twelve months.¹⁹

III. DISCUSSION

5. On our own motion, and consistent with the guidance detailed below, we temporarily waive the Lifeline eligibility requirements to permit households to enter the Lifeline program if they are receiving individual assistance from FEMA's IHP as a result of the impacts of Hurricane Milton. Further, we extend this waiver to all households receiving individual assistance from FEMA's IHP as a result of any hurricane or other tropical weather system that results in a Presidential declaration of emergency or major disaster declaration within six months of the adoption of this Order.²⁰ Such individuals can benefit from this relief and enter the Lifeline program for a period of up to six months after the date of the relevant declaration allowing the use of FEMA IHP in a disaster area.

6. Generally, the Commission's rules may be waived for good cause shown.²¹ The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.²² In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.²³ We find that good cause exists to waive, for a period of six months from the date of release of this order, the Lifeline eligibility requirements in section 54.409(a)-(b) of the Commission's rules for households that are receiving individual assistance from FEMA's IHP as a result of any hurricane or other tropical

¹⁶ See 47 CFR § 54.410.

¹⁷ See, e.g., USAC, *Resolve Application Errors*, <https://www.usac.org/lifeline/national-verifier/how-to-use-nv/resolve-application-errors/> (last visited Oct. 9, 2024).

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ Applicability of this waiver to future hurricanes and other tropical weather systems is contingent upon either receiving a waiver of or complying with the requirements of the Paperwork Reduction Act, Public Law No. 104-13, applicable to the information collections associated with applying the waiver relief to each disaster. See para. 10, *infra*.

²¹ 47 CFR § 1.3.

²² *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990); *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969).

²³ *Northeast Cellular*, 897 F.2d at 1166.

weather system that is declared during the next six months.²⁴ In light of the unprecedented frequency, severity, and cumulative effects of recent hurricanes, a waiver allowing expeditious Lifeline enrollment for recovery from storms that may be similarly destructive in the near future is appropriate. We note that FEMA IHP support is offered only in response to natural disasters after an assessment of several key factors such as impact to community infrastructure, casualties, disaster-related unemployment, and the existence of local resources.²⁵ Any future declared disasters tied to hurricanes and tropical weather events will therefore be of similar magnitude to the hurricanes that prompted our recent waivers, and offering similar support going forward presents greater clarity to consumers and providers that would be impacted by such events.

7. Impacted individuals will have the opportunity to enroll in the Lifeline program using their participation in FEMA IHP as the result of a hurricane or other tropical weather system as the qualifying program for up to six months after a declaration is issued during the six-month waiver period. As noted, recent storms have impacted millions.²⁶ To the extent necessary for this waiver to have its intended effect, we also waive definitional portions of our rules that reference these requirements at 54.409(a)-(b) and the de-enrollment requirements tied to the existing Lifeline eligibility standards for those households seeking to enter the program under this waiver.²⁷ FEMA's IHP²⁸ offers individual assistance and provides financial and direct services to eligible individuals and households affected by a disaster.²⁹ Specifically, FEMA IHP support provides "assistance to eligible individuals and households who, as a direct result of a major disaster or emergency, have uninsured or under-insured, necessary expenses and serious needs and are unable to meet such expenses or needs through other means."³⁰ We therefore find it appropriate to extend Lifeline support to such people. Households must apply for IHP support from FEMA, which verifies that a household's needs are directly caused by a declared disaster.³¹ With the waiver we are issuing today, households benefiting from FEMA's IHP can use documentation confirming their participation in FEMA's IHP to participate in the Lifeline program. We note that while

²⁴ As the Commission has previously clarified, in the event that an impacted state implements a Disaster SNAP (D-SNAP) effort, residents participating in D-SNAP can already qualify for the Lifeline program because SNAP is already one of the qualifying programs for Lifeline. *See Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42, Order, 38 FCC Rcd 8232, 8235 n.27 (2023). Such an enrollment would operate the same way as any other Lifeline enrollment with SNAP as the qualifying program, and consumers receiving D-SNAP would not need special permission or waiver to demonstrate their eligibility using D-SNAP.

²⁵ *See* 44 CFR § 206.48(b); Congressional Research Service, *FEMA's Individuals and Households Program (IHP) – Implementation and Considerations for Congress*, 22-23 (Mar. 22, 2024), <https://crsreports.congress.gov/product/pdf/R/R47015>.

²⁶ *See* Gerrit De Vynck, Joel Achenbach, Emily Wax-Thibodeaux, Ben Brasch, Washington Post, *As death toll mounts, Helene rescue efforts underway across Southeast* (Oct. 1, 2024), <https://www.washingtonpost.com/weather/2024/10/01/hurricane-helene-aftermath-north-carolina-floods-damage/>; Alex Sundby, Tom Hanson, Brian Dakss, David Yeomans, CBS News, *Hurricane Helene's death toll tops 100 as Southeast digs out from storm's devastation* (Sept. 30, 2024), <https://www.cbsnews.com/news/hurricane-helene-path-florida/>; Anna Phillips, Washington Post, *Why the Tampa Bay area is especially vulnerable as Hurricane Milton Nears* (Oct. 7, 2024), <https://www.washingtonpost.com/climate-environment/2024/10/07/tampa-bay-flood-risk/>.

²⁷ *See* 47 CFR §§ 54.400(a),(j), 54.405(e)(1).

²⁸ FEMA, *Individuals and Households Program*, <https://www.fema.gov/assistance/individual/program> (last visited Oct. 7, 2024).

²⁹ FEMA, *Individuals and Households Program*, <https://www.fema.gov/fact-sheet/individuals-and-households-program> (last visited Oct. 7, 2024).

³⁰ 44 CFR § 206.110(a).

³¹ *Id.*

we are waiving the Lifeline program's eligibility requirements to temporarily allow FEMA's IHP as an eligible program, we are not waiving the program's requirement that limits participation in Lifeline to one benefit per household.³² That limitation remains in effect for households seeking to enter the program by virtue of participation in FEMA's IHP. Individual economic households residing at the same address will still be able to participate in the Lifeline program by satisfying existing requirements documenting their independent economic status.³³

8. New enrollments into the Lifeline program that rely on this waiver are permitted only for six months from the date of the relevant declaration allowing for FEMA IHP issued in response to a hurricane or other tropical weather system. We believe that this time frame will allow sufficient time for consumers to seek support from FEMA's IHP and be in a position to provide appropriate documentation to USAC to take advantage of this waiver. However, we delegate to the Wireline Competition Bureau the authority to extend this period of initial enrollment for additional time if there is evidence of a continuing need for FEMA IHP participants to be able to apply for the Lifeline benefit. If the Bureau deems such an extension appropriate, it shall release a Public Notice announcing the extension no later than one month before the end of the initial six-month waiver period. Additionally, for the six-month period of this waiver, we delegate to the Bureau the ability to implement a similar eligibility waiver and permit FEMA IHP qualification for Lifeline participation for other disasters of similar magnitude that are not hurricanes or other tropical weather systems. If the Bureau finds that such relief is warranted, the opportunity for new enrollments will similarly be limited to six months from the date of the relevant emergency declaration.

9. To implement this waiver, we direct USAC, the Lifeline program administrator, to put processes and procedures into effect that will allow impacted consumers to enroll in the Lifeline program through their participation in FEMA's IHP. To this end, USAC shall ensure that its eligibility verification systems will allow it to receive documentation showing that a household is participating in FEMA's IHP. USAC shall also ensure that such documentation aligns with the Lifeline applicant's identity information, to ensure that individual households seeking to rely on this waiver to enter the program are actually participating in FEMA's IHP. Once enrolled in the program based on participation in FEMA's IHP, subscribers will be permitted to continue in the Lifeline program for a period of no longer than twelve months from the date of their enrollment, and USAC should conduct recertification activities consistent with existing requirements to recertify eligibility annually and de-enroll subscribers that are no longer eligible to participate in the Lifeline program accordingly.³⁴ Ongoing participation in FEMA's IHP alone will not allow a subscriber to continue to participate in the Lifeline program when they reach their recertification period, but if the household is otherwise eligible to participate in Lifeline they can continue in the program after confirming such eligibility through USAC's recertification processes. Finally, USAC shall prepare outreach materials and communications to publicize this effort through its regular communications channels. All of USAC's efforts directed in this Order shall be completed with as much speed as possible.

10. In adopting today's waiver of the Lifeline eligibility requirements for households receiving FEMA IHP support, we are not changing any other Lifeline program rules or requirements. That includes the Lifeline program's usage requirement, to the extent that it is not waived by other Bureau action.³⁵ We also remind Eligible Telecommunications Carriers (ETCs) of their obligation to "[p]ublicize

³² 47 CFR § 54.409(c). Consistent with this waiver action, the obligation to satisfy subsections (a) or (b) of 54.409, as referenced in 54.409(c), will be considered met by a household's participation in FEMA's IHP.

³³ See USAC, *What is a Household?*, <https://www.lifelinesupport.org/what-is-a-household/> (last visited Oct. 7, 2024).

³⁴ 47 CFR §§ 54.405(e)(4), 54.410(f).

³⁵ See, e.g., *Lifeline and Link Up Reform and Modernization*, WC Docket No. 11-42 et al., Order, DA 24-1025 (WCB 2024).

the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for the service.”³⁶ The Commission expects that ETCs will publicize this opportunity to impacted households and modify their application systems to allow FEMA IHP participants to quickly apply and enroll for the Lifeline program under this waiver.

11. *Protecting Program Integrity.* We remain committed to protecting the integrity of the Lifeline program. Although we grant the waiver described herein, program participants and service providers remain otherwise subject to program integrity reviews, audits and investigations to determine compliance with FCC program rules and requirements. We require USAC to use its normal processes to recover funds that we discover were not used properly. Moreover, we emphasize that we retain the discretion to evaluate the uses of monies disbursed through the Lifeline program and to determine on a case-by-case basis if recovery is warranted. Additionally, in the event we discover any improper activity resulting from our action today, we will subject the offending party to all available penalties at our disposal, including directing USAC to recover funds, assess retroactive fees and/or interest, or both. We remain committed to ensuring the integrity of the Lifeline program under our own procedures and in cooperation with law enforcement agencies.

IV. PROCEDURAL MATTERS

12. This Order contains new and modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. Pursuant to 5 CFR § 1320.18(d), the Office of Management and Budget (OMB) has granted the Commission a temporary waiver of the PRA requirements specific to this waiver Order and its application to Hurricane Milton. Accordingly, we will not submit to OMB for review the information collection requirements that we describe in this Order. For future relevant declarations, we direct the Wireline Competition Bureau, in coordination with the Office of Managing Director, to seek similar specific relief from OMB and announce that relief, once obtained, via a Public Notice. The future waiver relief described in this Order shall not be applicable for any hurricane or other tropical weather system until either the Wireline Competition Bureau has obtained a PRA waiver specific to that disaster or OMB has granted approval to collect the relevant information under the PRA (or the Commission has voted to proceed with the collection notwithstanding OMB’s disapproval).

V. ORDERING CLAUSES

13. ACCORDINGLY, IT IS ORDERED, pursuant to the authority in sections 1, 4(i), 4(j), 254, and 403 of the Communications Act of 1934, as amended, 47 U.S.C §§ 151, 154(i), 154(j), 254, and 403, and sections 0.91, 0.291, and 1.3 of the Commission’s rules, 47 CFR §§ 0.91, 0.291, and 1.3, that sections 47 CFR §§ 54.400(a), (j), 54.405(e)(1), 54.409(a)-(b) of the Commission’s rules are WAIVED to the extent provided herein.

14. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission’s rules, 47 CFR § 1.102(b)(1), this Order SHALL BE EFFECTIVE upon release.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

³⁶ 47 CFR § 54.405(b).