

**Before the
United States Department of Commerce
National Telecommunications and Information Administration
Washington, D.C. 20230**

In the Matter of)	
)	
)	
)	Docket No. 080324461-8462-01
The Household Eligibility and)	
Application Process of the Coupon)	
Program for Individuals Residing in)	RIN 0660-AA17
Nursing Homes and Households that)	
Utilize Post Office Boxes; Waiver)	
)	

**COMMENTS OF THE PUERTO RICO
TELECOMMUNICATIONS REGULATORY BOARD**

**TO THE HONORABLE NATIONAL
TELECOMMUNICATIONS AND
INFORMATION ADMINISTRATION:**

COMES NOW, the Puerto Rico Telecommunications Regulatory Board (“Board”), through the undersigned counsel, to submit its comments with respect to the Notice of Proposed Rulemaking (“NPRM”) adopted by the National Telecommunications and Information Administration (“NTIA”) on April 24, 2008, in the current proceeding.

In accordance with Act No. 213 of September 12, 1996, as amended,¹ the Legislature of Puerto Rico delegated on the Board the authority to regulate the telecommunications industry and the provision of cable television franchising in Puerto Rico, provided that all its actions, regulations and determinations be guided by the Federal Communications Act, the public interest, and especially by the protection of consumer rights.²

When Congress established February 17, 2009, as the deadline for the end of full power analog broadcasting and the effective transition to digital television (“DTV”), it

¹ See Sections 265 (o) and 269h of Title 27 of the Laws of Puerto Rico Annotated, 27 L.P.R.A. §§ 265 (o) & 269h.

² See 27 L.P.R.A. § 267f (f).

directed NTIA to implement and administer a program through which households in the United States may obtain coupons to be applied toward the purchase of digital-to-analog converter boxes. It further directed NTIA to ensure that households receive such coupons via the United States Postal Service.³ In March 2007, NTIA adopted regulations to implement the Digital-to-Analog Converter Box Coupon Program (“Coupon Program”).⁴

Households in the United States and its territories -not only those relying on over-the-air (“OTA”) television- are eligible to a maximum of two coupons of \$40 each to be applied towards the purchase of Coupon-Eligible Converter Boxes (“CECBs”) from Certified Retailers, while an initial funding of \$990 million is available. If contingent funding is needed to meet the Coupon Program’s demand, then eligibility will be limited to OTA television households.⁵ Pursuant to the existing rules, an ‘Eligible Household’ “means those Households in the United States and its territories that make a valid request for a coupon pursuant to Rule 301.3 within the time period specified by NTIA, but no later than March 31, 2009.” In addition, a ‘Household’ “consists of all persons who currently occupy a house, apartment, mobile home, group of rooms, or single room that is occupied as separate living quarters and has a separate U.S. Postal address. A household does not mean a Post Office Box.”⁶

In this rulemaking proceeding, NTIA proposes to waive the ‘Eligible Household’ and application requirements in sections 301.3(a) and 301.3(e) of 47 C.F.R., for individuals residing in nursing homes or other senior care facilities, subject to alternative application requirements. Also, NTIA proposes to amend section 301.3(a)(2) to permit an otherwise Eligible Household that utilizes a post office box for mail receipt to apply for and receive coupons subject to providing satisfactory proof of physical residence.⁷

³ Section 3005 of the Digital Television Transition and Public Safety Act of 2005 (February 8, 2006).

⁴ 47 C.F.R. Part 301.

⁵ 47 C.F.R. §§ 301.2 and 301.3.

⁶ 47 C.F.R. § 301.2.

⁷ “§ 301.3 Household Eligibility and Application Process.

(a) To apply for and receive a coupon, an Eligible Household must:

- (1) provide the name of the person submitting the request
- (2) provide a United States Postal Service mailing address
 - (A) a Post Office Box will not be considered a valid mailing address unless (2)(B) applies
 - (B) residents of Indian reservations, Alaskan Native Villages and other rural areas without

NTIA's proposal to waive the 'Eligible Household' and application requirements in sections 301.3(a) and 301.3(e), to seniors residing in Eligible Nursing Homes, would permit these individuals to apply for and receive one coupon for the purchase of a CECB to be connected to a television set individually-owned by them, not by the nursing home or senior care facility, provided that they comply with any one of three methods. First, if the application is submitted by the senior individual, provided that such individual includes: (i) his or her name, date of birth, and Social Security Number ("SSN"); (ii) the name and address of the Eligible Nursing Home; and (iii) a certification from the Nursing Home Resident as to whether he or she receives television exclusively over the air or through cable, satellite or other pay television service. In case the individual chooses not to disclose the SSN, the individual shall furnish any additional information requested to verify the resident's identity. Second, if the application is submitted by a person designated to act on a Nursing Home Resident's behalf, provided that such person includes all of the information indicated under the first method, and also: (i) the name, date of birth, address and SSN of the person requesting the coupon on the Nursing Home Resident's behalf, and (ii) evidence that he or she is empowered to act on behalf of such resident (e.g., power of attorney or birth certificate indicating familial relationship). Third, if the application is submitted by an Administrator of an Eligible Nursing Home, provided that such person includes all of the information indicated under the first method, and also: (i) the administrator's own name, date of birth and SSN, and (ii) a copy of the facility's operating license indicating the administrator's authorization to administer the Eligible Nursing Home.

The Licensing Office of the Department of the Family of the Commonwealth of Puerto Rico is the sole agency authorized to issue licenses to any establishment set up for

home postal delivery may be requested to supply additional information to identify the physical location of the household, as required.

(3) indicate the number of coupons requested, but no more than two coupons.

(b) As of January 1, 2008, requests for coupons may be submitted by mail, telephone or the Internet on forms provided by the Agency.

(c) Requests for coupons must be submitted to the Agency no later than March 31, 2009.

(d) Once Contingent Funds are available for the Coupon Program, only over-the-air households will be eligible. During the period in which Contingent Funds are available, households must certify that they do not receive cable, satellite, or other pay television service.

(e) If an applicant does not meet the above eligibility requirements, the request will be denied."

the care of the elderly (60 years of age or older) in Puerto Rico.⁸ By the end of April 2008, there were approximately 698 establishments in Puerto Rico, engaged 24 hours a day in the care of more than 2 elderly people, and with the ability to serve up to 14,289 elderly people.⁹ In light of the potential need of such consumers, the Board endorses NTIA's proposal to waive the 'Eligible Household' and application requirements in sections 301.3(a) and 301.3(c), to seniors residing in Eligible Nursing Homes, allowing these individuals to apply for and receive one coupon for the purchase of a CECB to be connected to a television set individually-owned by them, not by the nursing homes, provided that they comply with any of the aforementioned three methods. The Board suggests that the term 'Eligible Nursing Home' means any asylum, institute, residence, lodging, annex, center, substitute home, house, mission or shelter devoted to the care of more than 2 elderly people, for 24 hours a day, for profit or non-profit.¹⁰

NTIA also proposes to amend section 301.3(a)(2) to permit an otherwise Eligible Household that utilizes a post office box for mail receipt to apply for and receive coupons subject to providing satisfactory proof of physical residence, either through (i) a valid driver's license containing the applicant's physical address; (ii) a utility bill such as water, gas, electric, oil, cable, or landline telephone, bearing the applicant's name and physical address and issued within the 60 days immediately preceding the date the coupon application is submitted; (iii) a government-issued property tax bill for the applicant's residence; (iv) an unexpired homeowner's or renter's insurance policy for the applicant's residence; or (v) an unexpired residential lease or rental agreement with the applicant's name and physical address. The Board also endorses NTIA's proposal to amend section 301.3(a)(2), as previously indicated, as a way to protect the Coupon Program from waste, fraud and abuse.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 9th day of June, 2008.

⁸ 8 L.P.R.A. § 354.

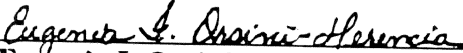
⁹ Internal Statistics of the Licensing Office, Department of the Family of the Commonwealth of Puerto Rico, provided by the Director, Lara Montes, Esq., PO Box 11398, San Juan, Puerto Rico 00910. The Director of the Licensing Office could be reached through her Secretary, Nancy Otero, at (787) 294-4900, x. 2331 and x. 2329.

A current list of all the establishments licensed to take care of the elderly in Puerto Rico, containing the name of their administrators, physical and postal addresses, and contact numbers, was also provided.

¹⁰ 8 L.P.R.A. § 353.

**PUERTO RICO TELECOMMUNICATIONS
REGULATORY BOARD**

#235 Arterial Hostos Avenue
Capital Center Bldg. II, Suite 1001
San Juan, Puerto Rico 00918-1453
Tel: (787) 756-0804, ext. 288
Fax: (787) 753-5684
Email address: eorsini@jrtp.gobierno.pr



Eugenia I. Orsini-Herencia

PR Bar No. 12,922