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Public Service Commission

April 2, 2012

VIA ELECTRONIC FILING

The Honorable Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: Comments of the Florida Public Service Commission in WC Docket No. 11-42, Lifeline and Link-Up Reform and Modernization; WC Docket No. 03-109, Lifeline and Link-Up; CC Docket No. 96-45, Federal-State Joint Board on Universal Service; and WC Docket No. 12-23, Advancing Broadband Availability Through Digital Literacy Training

Dear Ms. Dortch:

Forwarded herewith are comments of the Florida Public Service Commission in the above dockets regarding Lifeline and Link-Up.

Bob Casey at 850-413-6974 is the primary staff contact on these comments.

Sincerely,

/ s /

Cindy B. Miller
Senior Attorney

CBM:tf

cc: James Bradford Ramsay, NARUC

**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
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal State-Joint Board on Universal Service)	CC Docket No. 95-45
)	
Advancing Broadband Availability Through Digital Literacy Training)	WC Docket No. 12-23
)	

**COMMENTS OF
THE FLORIDA PUBLIC SERVICE COMMISSION**

CHAIRMAN RONALD A. BRISÉ
COMMISSIONER LISA POLAK EDGAR
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April 2, 2012

INTRODUCTION AND SUMMARY

The Florida Public Service Commission (FPSC) submits these comments in response to the Further Notice of Proposed Rulemaking (FNPRM) released on February 6, 2012. In this FNPRM (FCC 12-11), the Federal Communications Commission (FCC) seeks comment on a number of proposals to further reform and modernize the Commission's universal service Lifeline program.

The FPSC encourages the FCC to consider the following:

1. Lifeline eligibility determinations can be streamlined by partnering with sister state agencies which provide assistance using Lifeline-qualifying programs.
2. The FCC should maintain confidentiality of Lifeline applicant's personal identifying information when initiating a national eligibility database.
3. The FCC should continue to encourage public/private partnerships, and non-profit sector initiatives to increase digital literacy.
4. The implementation date of any rules eliminating Lifeline non-eligible telecommunication carrier (ETC) resellers should be deferred to allow enough time for existing non-ETC resellers to obtain ETC designation. If non-ETC resellers choose not to apply for or obtain ETC designation, ample time should be allowed to provide notice to their Lifeline subscribers to allow them an opportunity to change their provider to an ETC to maintain their Lifeline discount.
5. Addition of the Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC) program to the list of eligible qualifying Lifeline programs will benefit Florida by increasing the number of eligible consumers for Lifeline assistance.

6. A homeless veteran who lacks any income should be permitted to sign a certification under penalty of perjury that he or she has no income. Some form of additional certification should be included from an authorized U.S. Department of Veterans' Affairs (VA) official, such as an outreach worker or program coordinator, indicating that the person in question is a homeless veteran or at risk of becoming homeless.

1) STATE DATABASE LIFELINE ELIGIBILITY DETERMINATIONS

The FCC is seeking comment on how it can encourage the accelerated deployment of widespread state databases that can be used or accessed to streamline Lifeline eligibility determinations. As mentioned in Order FCC 12-11, the FCC is building on the proven success of practices developed and implemented at the state level, including in Florida. As shared in our April 6, 2011, comments to the FCC, the FPSC and the Florida Department of Children and Families (DCF) initiated a Lifeline coordinated enrollment process in 2007.

In 2008, the FPSC and the Florida DCF continued their partnership by working on the concept of a computer portal which would allow ETCs to verify in real-time whether Lifeline applicants are enrolled in a DCF qualifying eligible program. A real-time verification process was subsequently created to confirm a person's participation in a Lifeline-qualifying program, and is now available to all Florida ETCs. ETCs can log-in to a computer portal, enter the name, birth date, and last four digits of a Lifeline customer's social security number, and receive a response as to whether that customer currently is participating in the Supplemental Nutrition Assistance Program (SNAP) program, Medicaid, or Temporary Assistance for Needy Family (TANF) program. Although this process would not verify participation in all Lifeline qualifying programs, FPSC data shows that over ninety percent of applicants using the Lifeline coordinated

enrollment process use SNAP, Medicaid, or TANF for eligibility. An inter-agency Memo of Understanding can be found at <http://www.floridapsc.com/utilities/liaison/pdf/lifelinemou.pdf>.

2) NATIONAL ELIGIBILITY DATABASE

In Order FCC 12-11, the FCC requires ETCs to transmit the name, address, telephone number, date of birth, last four digits of the social security number (SSN) and the means through which the consumer qualified for Lifeline to the duplicates database. In the FNPRM, the FCC states that it may be necessary for ETCs to collect and transmit the full SSN of the Lifeline applicant to a national eligibility database to determine eligibility.

Rule 25-4.0665(9), Florida Administrative Code, provides that:

Eligible telecommunications carriers shall only require a customer to provide the last four digits of the customer's social security number for application for Lifeline and Link-Up service and to verify continued eligibility for the programs as part of the annual verification process.

The FPSC believes that requiring a Lifeline applicant to provide a full social security number for the national eligibility database may create a barrier to Lifeline enrollment. The national eligibility database would contain the applicant's name, address, telephone number, date of birth, and full social security number. Many applicants would be reluctant to provide this information if they are made aware that government agencies and all ETCs would have access to this information. Many applicants for phone service refuse to provide a social security number to the providers when initiating phone service, and providers have allowed alternate identification in lieu of a person's social security number.

As expressed in the FPSC's April 6, 2011, comments,¹ the FPSC supports the creation of

¹ Comments of the Florida Public Service Commission in WC Docket No. 11-42, Lifeline and Link-Up Reform and Modernization; CC Docket No. 96-45, Federal-State Joint Board on Universal Service; and WC Docket No. 03-109, Lifeline and Link-Up

a database to verify consumer eligibility, track verification, and check for duplicates to ensure greater program accountability. The FPSC's concern is the protection of a Lifeline subscriber's/applicant's personal identifying information. Chapter 364.107, Florida Statutes, requires that personal identifying information of a participant in a telecommunications carrier's Lifeline Assistance Plan be confidential. Section 364.107(3)(a), Florida Statutes, provides that an officer or employee of a telecommunications carrier shall not intentionally disclose personal identifying information of a participant in a telecommunications carrier's Lifeline Assistance Plan made confidential and exempt, except as:

1. Authorized by the customer;
2. Necessary for billing purposes;
3. Required by subpoena, court order, or other process of court;
4. Necessary to disclose to an agency as defined in s. 119.011² or a governmental entity for purposes directly connected with implementing service for, or verifying eligibility of, a participant in a Lifeline Assistance Plan or auditing a Lifeline Assistance Plan; or
5. Otherwise authorized by law.

Although the personal identifying information could be disclosed under certain conditions shown above, viewing of that information by third parties such as ETCs would not be permissible without customer authorization. The FPSC urges the FCC to maintain confidentiality of Lifeline applicants personal identifying information when initiating a national eligibility database.

² "Agency" means any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

3) DIGITAL LITERACY TRAINING

The FCC seeks comment on the effectiveness of digital literacy training classes. Order FCC 12-11 states that about 22 percent of non-adopters cite a digital literacy-related factor as their main barrier. This group includes those who are uncomfortable using computers and those who are “worried about all the bad things that can happen if they use the Internet.” Digital literacy skills are required in 50 percent of today’s jobs. This will grow to 77 percent in the next decade. The FPSC agrees that Digital literacy is increasingly essential to obtaining an education, searching for a job, learning job-related skills, accessing government information, participating in civic processes, and managing household and financial responsibilities. The FPSC believes that digital literacy training is a necessity in states such as Florida with a high population of elderly, non-English speaking, and low-income citizens.

The Digital Literacy Corps recommended in the Connect to Compete campaign would teach basic computer skills in libraries and schools which would be the natural place for this training. Additional funding may be needed to encourage the development of sustainable digital literacy training programs. However, the training should not take funding away from the existing schools and libraries fund.

Chairman Genachowski’s March 7, 2012, announcement of a new Public-Private initiative to encourage collaboration on broadband-related priorities such as digital literacy among government and private sector entities is a positive step. The FCC should continue to encourage public/private partnerships, and non-profit sector initiatives to increase digital literacy.

4) LIMITS ON RESALE OF LIFELINE-SUPPORTED SERVICES

For the fiscal year ending June 30, 2011, non-ETC resellers in Florida provided Lifeline service to 4,941 customers. Incumbent local exchange companies (ILECs) provided these companies with the Lifeline discount and subsequently claimed those amounts from the Universal Service Administrative Company. These non-ETC resellers provide service to some customers who would not qualify for service through an ILEC because of financial difficulties.

The FCC is asking for comment on its proposal to allow ETCs to receive Lifeline support from the Fund only when they provide Lifeline service directly to subscribers. This means that non-ETC providers would no longer be able to purchase Lifeline-resale lines from the ILECs. ILECs would not be eligible to seek reimbursement from the Fund for any low-income subscriber for whom it does not directly provide service.

The FPSC applauds the FCC's goal to prevent waste, fraud, and abuse of the program, but believes that current subscribers of Lifeline resold service should be given consideration. As mentioned in the FNPRM, resellers are free to take steps to become ETCs and continue to resell Lifeline services, but the additional requirements of becoming an ETC may be too burdensome and costly for the small non-ETC resellers. The implementation date of any rules eliminating Lifeline non-ETC resellers should be deferred to allow enough time for existing non-ETC resellers to obtain ETC designation. If non-ETC resellers choose not to apply for or obtain ETC designation, ample time should be allowed to provide notice to their Lifeline subscribers to allow them an opportunity to change their provider to an ETC to maintain their Lifeline discount.

5) ADDITION OF THE WIC PROGRAM TO LIFELINE ELIGIBILITY CRITERIA

The FCC is seeking comment on whether adding WIC to the Lifeline eligibility criteria will advance its goal of ensuring universal availability of phone service to low-income consumers. WIC is the Special Supplemental Nutrition Program for Women, Infants, and Children. The program provides eligible participants a combination of supplemental nutritious foods, nutrition education, breastfeeding promotion and support, and referrals to health care and other social services.

WIC is available in all 67 Florida counties, and approximately 500,000 participants are served each month in Florida. To qualify for WIC, the total household income must be at or under 185% of the federal poverty guidelines; or, the person must be currently receiving Medicaid, Temporary Cash Assistance, or Food Assistance. However, persons applying for WIC do not have to be on a public assistance program. In Order FCC 12-11, the FCC points out that over 35 percent of WIC participants do not participate in another federal assistance program. The FPSC believes that adding the WIC program to the list of eligible qualifying Lifeline programs will benefit Florida by increasing the number of eligible consumers for Lifeline assistance.

6) ESTABLISHING ELIGIBILITY FOR HOMELESS VETERANS

The FCC is seeking comment on measures that would enable veterans who lack any income, but are not otherwise enrolled in a qualifying program, to demonstrate eligibility for Lifeline. The Veterans Homeless Initiative Office, a division of the VA, suggested that the FCC include homeless veterans programs as qualifying eligibility criteria.

Nationally, about one-third of the adult homeless population have served their country in the Armed Services. On any given day, as many as 250,000 veterans (male and female) are

living on the streets or in shelters, and perhaps twice as many experience homelessness at some point during the course of a year. In Florida, persons who served on active duty in the U.S. military make up 13.3% of the homeless counted in 2011.

The Florida Council on Homelessness 2011 Report to the Florida Governor, Senate President, and House Speaker, states that Florida needs to commit its resources to assure that no money is left on the table and ensure that our veterans receive the assistance for which they are eligible. The FPSC believes that homeless veterans in Florida need communication services in order to stay in touch with family, have access to emergency services, and have the ability to make living, housing, and work arrangements. The FPSC believes that a homeless veteran that lacks any income should be permitted to sign a certification under penalty of perjury that he or she has no income. Some form of additional certification should be included from an authorized VA official, such as an outreach worker or program coordinator, indicating that the person in question is a homeless veteran or at risk of becoming homeless.

CONCLUSION

The FPSC continues to be proactive regarding the Lifeline and Link Up programs to ensure that low-income Florida consumers have the ability to obtain and retain affordable telephone service. The FPSC continues to strive for accountability in the universal service program and safeguard the USF from fraud, waste, and abuse. The FPSC appreciates the FCC's acknowledgement of Florida's efforts in Order FCC 12-11. The FPSC encourages the FCC to consider the proposed recommendations noted in these comments.

Respectfully submitted,
/ s /
Cindy B. Miller, Senior Attorney
Office of the General Counsel

Florida Public Service Commission
WC Docket Nos. 11-42, 03-109, 12-23, and CC Docket No. 96-45
April 2, 2012

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