

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.

DOCKET NO. 040604-TL
ORDER NO. PSC-04-1206-PCO-TL
ISSUED: December 6, 2004

ORDER ON MOTION TO ACCEPT TESTIMONY ONE DAY OUT OF TIME AND MOTION TO ACCEPT ADDENDUM TO THE DIRECT TESTIMONY

On April 29, 2004, the FCC released its Report and Order (Order), and Further Notice of Proposed Rulemaking (FNPRM) regarding Lifeline and Link-Up.¹ To improve the Lifeline and Link-Up programs and to increase subscribership, the FCC's Order, in part: 1) added TANF and NSL to the program-based eligibility criteria; and, 2) added an income-based eligibility criterion of 135% of the FPG.

On August 10, 2004, Proposed Agency Action Order No. PSC-04-0781-PAA-TL was issued for the purpose of adopting the National School Lunch program and an income-based eligibility criterion for consumers with incomes at or below 135% of the Federal Poverty Guidelines. Additionally, the Order allows Florida consumers, who qualify for Lifeline assistance, the option of electing a self-certification process. The Order requires ETCs to disclose to consumers both Lifeline certification processes available, along with the Lifeline credits available under each process. Additionally, ETCs are required, on an annual basis, to file reports identifying the number of applicants applying for Lifeline and Link-up, the number of applicants approved for Lifeline/Link-up, the method of certification the applicant used, and whether the approved applicant received \$8.25 or \$13.50 in assistance.

On August 31, 2004, BellSouth Telecommunications, Inc., Verizon Florida, Inc., the Florida Office of the Public Counsel on behalf of the Citizens of Florida, Quincy Telephone Company d/b/a TDS Telecom, GTC, Inc. d/b/a GT COM and ALLTEL Florida, Inc., and Sprint-Florida, Inc. filed protests in response to Order No. PSC-04-0781-PAA-TL requesting a formal hearing pursuant to Section 120.57, Florida Statutes. By Order No. PSC-04-1066-PCO-TL issued November 1, 2004, as modified by Order No. PSC-04-1096-PCO-TL issued November 5, 2004, the procedural schedule and hearing dates were established.

On November 18, 2004, Sprint filed its Motion to Accept Testimony One Day Out of Time. Sprint states in its Motion that it erroneously attempted to file the Direct Testimony of Sandra A. Khazraee via electronic filing on November 17, 2004, contrary to the policies for electronic filing set by this Commission. Sprint further states that on the same day it attempted to electronically file the testimony, it served all parties to this docket with electronic copies of

¹ Report and Order and Further Notice of Proposed Rulemaking, WC Docket 03-109, In the Matter of Lifeline and Link-Up, Release No. FCC 04-87, (Rel. April 29, 2004.)

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the testimony and also sent hard copies via U.S. Mail, and therefore, Sprint asserts no parties will be prejudiced by the granting of its Motion. Sprint states it notified all parties of its intent to file its Motion and is not aware of any objections.

On November 24, 2004, Sprint filed its Motion to Accept Addendum to the Direct Testimony of Sandra A. Khazraee. In its Motion, Sprint states it inadvertently failed to include necessary introductory testimony describing witness Khazraee's background and work experience. Sprint states that to correct this deficiency it is filing an Addendum to the Direct Testimony of Sandra A. Khazraee which includes the omitted background information. Sprint asserts that because the substantive portions of the previously filed testimony are not altered by the filing of the background information, no party will be prejudiced by the granting of this Motion. Sprint states it notified all parties of its intent to file its Motion.


Upon consideration, it appears reasonable and appropriate to grant Sprint's Motion to Accept Testimony One Day Out of Time and Sprint's Motion to Accept Addendum to the Direct Testimony of Sandra A. Khazraee.

Based on the foregoing, it is,

ORDERED by Chairman Braulio L. Baez, as Prehearing Officer, that Sprint-Florida, Inc.'s Motion to Accept Testimony One Day Out of Time is hereby granted. It is further

ORDERED that Sprint-Florida, Inc.'s Motion to Accept Addendum to the Direct Testimony of Sandra A. Khazraee is hereby granted.

By ORDER of Chairman Braulio L. Baez, as Prehearing Officer, this 6th day of December, 2004.



BRAULIO L. BAEZ
Chairman and Prehearing Officer

(SEAL)

AJT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.