

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-4.0665,
FAC, Lifeline Service, and Proposed Repeal of
Rule 25-4.113, FAC, Refusal or
Discontinuance of Service by Company.

DOCKET NO. 20170233-TP
ORDER NO. PSC-2018-0448-NOR-TP
ISSUED: September 5, 2018

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
JULIE I. BROWN
DONALD J. POLMANN
GARY F. CLARK
ANDREW GILES FAY

NOTICE OF RULEMAKING

BY THE COMMISSION:

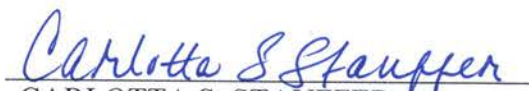
NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has proposed the amendment of Rule 25-4.0665, F.A.C., Lifeline Service, and the repeal of Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company.

The attached Notice of Proposed Rules appeared in the September 5, 2018, edition of the Florida Administrative Register.

Written requests for hearing and written comments on the rules must be received by the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, no later than September 26, 2018.

ORDER NO. PSC-2018-0448-NOR-TP
DOCKET NO. 20170233-TP
PAGE 2

By ORDER of the Florida Public Service Commission this 5th day of September, 2018.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

RG

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NOS: RULE TITLES:

25-4.0665 Lifeline Service

25-4.113 Refusal or Discontinuance of Service by Company

PURPOSE AND EFFECT: Rule 25-4.0665, F.A.C., would be amended to require eligible telecommunications carriers to comply with the Lifeline program requirements as contained in CFR §54.400 – §54.417, to accept Federal Communications Commission (FCC) Forms 5629, 5630, and 5631 and PSC Form 1023 (08/18), to eliminate quarterly reporting requirements, and to clarify eligible telecommunications carrier responsibilities regarding advertising the availability and charges or discounts of Lifeline service. Consistent with the 2011 changes made to Ch. 364 FS, Rule 25-4.113, F.A.C., would be repealed.

SUMMARY: Among other things, Rule 25-4.0665 identifies certain federal assistance programs, the participation in which determines eligibility for Lifeline assistance. The amendment of Rule 25-4.0665 would instead require eligible telecommunications carriers to offer Lifeline assistance as prescribed by the FCC. Eligible telecommunications carriers would be required to accept FCC Form 5629, “Lifeline Program Application Form,” FCC Form 5630, “Lifeline Program Annual Recertification Form,” and FCC Form 5631, “Lifeline Program Household Worksheet,” as well as Form PSC 1023 (08/18), “Lifeline Florida On-line Application for Recipients of Medicaid or Supplemental Nutrition Assistance Program (SNAP).” Written notice of termination of Lifeline assistance would be as prescribed by CFR §54.405, and advertising the availability of Lifeline assistance would be as prescribed by CFR §54.405(b) and USC § 214(e)(1)(B). Because CFR §54.422(c) prescribes annual reporting requirements for eligible telecommunications carriers that receive low-income support, quarterly reports to the PSC are no longer necessary. Rule 25-4.113 describes the conditions upon which a telecommunications company may refuse or discontinue telephone service. Consistent with the 2011 deregulatory changes made to Ch. 364 FS, Rule 25-4.113 would be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the rule amendment and rule repeal will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency. The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment and rule repeal will not have an adverse impact on economic growth or business competitiveness, and minimal impact on eligible telecommunications carriers that are small businesses. Because most eligible telecommunications carriers offer Lifeline discounts in multiple states, any impact in Florida would be shared with other states.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 350.127(2), 364.10(2)(j) FS.

LAW IMPLEMENTED: 364.10, 364.105, 364.183(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0665 Lifeline Assistance ~~Service~~.

(1) Eligible Telecommunications Companies must offer Lifeline Assistance as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Sections 54.400 through 54.417, as amended October 1, 2017, which are hereby incorporated into this rule by reference, and which are available at [hyperlink]. A subscriber is eligible for Lifeline service if:

(a) ~~The subscriber is a participant in one of the following federal assistance programs:~~

- ~~1. Medicaid;~~
- ~~2. Food Stamps;~~
- ~~3. Supplemental Security Income (SSI);~~
- ~~4. Temporary Assistance for Needy Families/Temporary Cash Assistance;~~
- ~~5. "Section 8" Federal Public Housing Assistance;~~
- ~~6. Low Income Home Energy Assistance Program; or~~
- ~~7. The National School Lunch Program — Free Lunch; or~~

(b) ~~The subscriber's eligible telecommunications carrier has more than one million access lines and the subscriber's household income is at or below 150 percent of the federal poverty income guidelines.~~

(2) ~~A subscriber living on federally recognized Tribal lands who does not satisfy the eligibility requirements for Lifeline service in subsection (1) of this rule is nevertheless eligible for Lifeline service if the subscriber receives benefits from one of the following Bureau of Indian Affairs programs:~~

- ~~(a) Tribal temporary assistance for needy families (TANF);~~
- ~~(b) NSL Program — Free Lunch; or~~
- ~~(c) Head Start.~~

(3) ~~Eligible telecommunications carriers with less than one million access lines are not required to enroll Lifeline applicants through the income eligibility test of 150 percent or less of the federal poverty income guidelines, but may do so voluntarily.~~

(4) ~~Eligible telecommunications carriers that charge an initial connection charge must offer Link Up service to subscribers who are eligible for Lifeline service pursuant to this rule.~~

(2)(5) ~~When enrolling customers in the Lifeline service program under paragraph (1)(a) of this rule, eligible telecommunications carriers shall accept FCC Form 5629, OMB APPROVAL EDITION 3060-0819, PSC/TEL 157 (6/10), entitled "Lifeline Program Application Form," "Application for Link Up Florida and Lifeline Assistance," which is incorporated into this rule by reference and which is available at [hyperlink] or can be accessed from the Universal Service Administrative Company's Commission's website at https://www.usac.org/res/documents/li/pdf/nv/LI_Application_UniversalForm.pdf . www.floridapsc.com, by selecting "Link Up Florida and Lifeline Assistance," then selecting "Need Discounted Phone Service?," and then selecting "English Link Up and Lifeline Certification Form" (also available in Spanish and Creole). The Spanish version of this form is also incorporated into this rule by reference and is available at [hyperlink] or from the Universal Service Administrative Company's website at https://www.usac.org/res/documents/li/pdf/nv/LI-SP_Application_UniversalForms.pdf. Eligible telecommunications carriers shall also accept Form PSC 1023 (08/18), entitled "Lifeline Florida On-line Application for Recipients of Medicaid or Supplemental Nutrition Assistance Program (SNAP)," which is incorporated into this rule by reference and which is available at [hyperlink] or from the Commission's website at www.floridapsc.com, by selecting "Lifeline Assistance," then selecting "Public Service Commission Secure On-Line Application Form."~~

(3)(6) ~~When recertifying customers in the Lifeline program, eligible telecommunications carriers shall accept FCC Form 5630, OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Annual Recertification Form," which is incorporated into this rule by reference and which is available at [hyperlink] or from the Universal Service Administrative Company's website at https://www.usac.org/res/documents/li/pdf/nv/LI_Recertification_UniversalForms.pdf. The Spanish version of this form is also incorporated into this rule by reference and is available at [hyperlink] or from the Universal Service Administrative Company's website at https://www.usac.org/res/documents/li/pdf/nv/LI-SP_Recertification_UniversalForms.pdf.~~

~~Eligible telecommunications carriers shall enroll customers for Lifeline service who electronically submit Form PSC/TEL 158 (6/10), entitled "Lifeline and Link Up Florida On line Self Certification Form," which is incorporated into this rule by reference and can be accessed from the Commission's website at www.floridapsc.com, by selecting "Link Up Florida and Lifeline," then selecting "Apply On line."~~

~~(7) For Lifeline applicants who do not use On line enrollment or simplified certification enrollment, the eligible telecommunications carrier must accept Public Assistance eligibility determination letters, including those provided for food stamps, Medicaid, and public housing lease agreements, as proof of eligibility for Link Up and Lifeline enrollment.~~

~~(4) To obtain information necessary to confirm whether a customer is eligible for Lifeline assistance in instances where the customer shares an address with another Lifeline recipient, eligible telecommunications carriers shall accept FCC Form 5631, OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Household Worksheet," which is incorporated into this rule by reference and which is available at [hyperlink] or from the Universal Service Administrative Company's website at https://www.usac.org/res/documents/li/pdf/nv/LI_Worksheet_UniversalForms.pdf. The Spanish version of this form is also incorporated into this rule by reference and is available at [hyperlink] or from the Universal Service Administrative Company's website at https://www.usac.org/res/documents/li/pdf/nv/LI-SP_Worksheet_UniversalForms.pdf.~~

~~(5)(8) Eligible telecommunications carriers must allow customers the option to submit Link Up or Lifeline application and recertification forms applications via U.S. Mail or facsimile, and may allow applications to be submitted electronically. Eligible telecommunications carriers must also allow customers the option to submit copies of supporting documents via U.S. Mail or facsimile.~~

~~(9) 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.~~

~~(6)(10) All eligible telecommunications carriers shall participate in the Lifeline service Simplified Automatic Enrollment Process. For purposes of this rule, the Lifeline service Simplified Automatic Enrollment Process is an electronic interface between the Department of Children and Family Services, the Commission, and the eligible telecommunications carrier that allows low-income individuals to automatically enroll in Lifeline following enrollment in a qualifying public assistance program.~~

~~(a) The Commission shall send an e-mail to the eligible telecommunications carrier informing the eligible telecommunications carrier that Lifeline service applications are available for retrieval for processing.~~

~~(b) The eligible telecommunications carrier shall enroll the subscriber in the Lifeline service program as soon as practicable, but no later than 60 days from the receipt of the e-mail notification. Upon completion of initial enrollment, the eligible telecommunications carrier shall credit the subscriber's bill for Lifeline service as of the date the eligible telecommunications carrier received the e-mail notification from the Commission.~~

~~(b)(e) The eligible telecommunications carrier shall maintain at least one a current e-mail address with the Commission, which the Commission will use to inform the eligible telecommunications carrier of the Commission's Lifeline secure website address and that new Lifeline service applications are available for retrieval for processing.~~

~~(c)(d) The eligible telecommunications carrier shall maintain with the Commission the names, e-mail addresses and telephone numbers of at least one primary and one secondary company representative who will manage the user accounts on the Commission's Lifeline secure website.~~

~~(d)(e) Within 20 calendar days of receiving the Commission's e-mail notification that the Lifeline service application is available for retrieval, the eligible telecommunications carrier shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline service facsimile telephone line at (850) 717-0108 413-7142, or an electronic response via the Commission's Lifeline secure website, identifying the customer name, address, telephone number, and date of the application for:~~

- ~~1. Misdirected Lifeline service applications; or~~
- ~~2. Applications for customers currently receiving Lifeline assistance service; and~~
- ~~3. Rejected applicants, which shall include the reason(s) why the applicants were rejected.~~

In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.

~~(e)(f)~~ Pursuant to Section 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph ~~(6)(d)~~ ~~(9)(e)~~ of this rule is confidential and exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible telecommunications carrier will be presumed necessary for disclosure to the Commission pursuant to the criteria in Section 364.107(3)(a)4., F.S.

~~(7)(11)~~ An eligible telecommunications carrier shall not impose additional verification requirements on subscribers beyond those which are required by this rule.

~~(12) If the Office of Public Counsel certifies a subscriber eligible to receive Lifeline service under the income test set forth in Section 364.10(3)(a), F.S., an eligible telecommunications carrier shall not impose any additional verification requirements on the subscriber.~~

~~(8)(13)~~ Within 20 calendar days of rejecting a Lifeline application, an An eligible telecommunications carrier must provide written notice to the a customer ~~within 30 days of receipt of the application~~ providing the reason for rejecting the a ~~rejected~~ Lifeline application, and providing contact information for the customer to get information regarding the application denial. Rejected applications received by way of the Simplified Enrollment Process under subsection (6) must also be reported to the Commission via the Commission's dedicated Lifeline facsimile telephone line at (850) 717-0108 or electronically via the Commission's Lifeline secure website, with the reason why the application was rejected. In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.

~~(9)(14)~~ An eligible telecommunications carrier or its designee must provide ~~60 days~~ written notice prior to the termination of Lifeline assistance service pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405 Carrier obligation to offer Lifeline, as amended October 1, 2017. The notice of impending ~~pending~~ termination shall contain the telephone number at which the subscriber can obtain information about the subscriber's Lifeline assistance service from the eligible telecommunications carrier. The notice shall also inform the subscriber of the availability, pursuant to Section 364.105, F.S., of discounted residential basic local telecommunications service.

~~(15) If a subscriber's Lifeline service is terminated and the subscriber subsequently presents proof of Lifeline eligibility, the eligible telecommunications carrier shall reinstate the subscriber's Lifeline service as soon as practicable, but no later than 60 days following receipt of proof of eligibility. Irrespective of the date on which the eligible telecommunications carrier reinstates the subscriber's Lifeline service, the subscriber's bill shall be credited for Lifeline service as of the date the eligible telecommunications carrier received the proof of continued Lifeline eligibility.~~

~~(10)(16)~~ All eligible telecommunications carriers shall provide current Lifeline program service company information to the Universal Service Administrative Company at www.lifelinesupport.org so that the information can be posted on the Universal Service Administrative Company's consumer website.

~~(11)(17)~~ Eligible telecommunications carriers must advertise the availability of Lifeline assistance service. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(b), all eligible telecommunications carriers are obligated to publicize the availability of Lifeline assistance in a manner reasonably designed to reach those likely to qualify for the assistance. Only posting the availability of Lifeline assistance on an eligible telecommunications carrier's website is insufficient to meet this requirement. Advertising the availability of Lifeline assistance can be achieved by using any of the following media: flyers, local newspaper ads, local TV ads, mail, e-mail, web advertisements, bill inserts and other text-based methods of advertisement or a combination of such media. Pursuant to Title 47 of the United States Code, Section 214(e)(1)(B), as amended December 1, 1997, which is hereby incorporated into this rule by reference, and which is available at [hyperlink], charges must also be included in the Lifeline advertisement. The company may redirect consumers to a 1-800 customer service number and website to see applicable charges and fees in lieu of listing all charges in an advertisement, to those who may be eligible for the service. At a minimum, if the eligible telecommunications carrier publishes a directory, the eligible

~~telecommunications carrier must include in the index of the directory a notice of the availability of Lifeline service. If the eligible telecommunications carrier generates customer bills, the eligible telecommunications carrier must also place an insert in the subscriber's bill or a message on the subscriber's bill at least once each calendar year advising subscribers of the availability of Lifeline service.~~

~~(12)(18) Eligible telecommunications carriers must file all reports with the Commission in accordance with Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.422(c), Annual reporting for eligible telecommunications carriers that receive low-income support, as amended October 1, 2017, which is hereby incorporated into this rule by reference, and which is available at [hyperlink]. may not charge a service deposit in order to initiate Lifeline service if the subscriber voluntarily elects toll blocking or toll control. If the subscriber elects not to place toll blocking or toll control on the line, an eligible telecommunications carrier may charge a service deposit.~~

~~(19) Eligible telecommunications carriers may not charge Lifeline subscribers a monthly number portability charge.~~

~~(20) Eligible telecommunications carriers offering Link Up and Lifeline service must submit quarterly reports to the Commission no later than 30 days following the ending of each quarter as follows: First Quarter (January 1 through March 31); Second Quarter (April 1 through June 30); Third Quarter (July 1 through September 30); Fourth Quarter (October 1 through December 31). The quarterly reports shall include the following data:~~

~~(a) The number of Lifeline subscribers, excluding resold Lifeline subscribers, for each month during the quarter;~~

~~(b) The number of subscribers who received Link Up for each month during the quarter;~~

~~(c) The number of new Lifeline subscribers added each month during the quarter;~~

~~(d) The number of transitional Lifeline subscribers who received discounted service for each month during the quarter; and~~

~~(e) The number of residential access lines with Lifeline service that were resold to other carriers each month during the quarter.~~

~~Rulemaking Authority 120.80(13)(d), 350.127(2), 364.10(2)(j) 364.10(3)(j) FS. Law Implemented 364.10, 364.105, 364.183(1) FS. History--New 1-2-07, Amended 12-6-07, 6-23-10,_____.~~

~~25-4.113 Refusal or Discontinuance of Service by Company.~~

~~Rulemaking Authority 350.127, 427.704(8) FS. Law Implemented 427.704 FS. History--New 12-1-68, Amended 3-31-76, 10-25-84, 10-30-86, 1-1-91, 9-16-92, 1-7-93, 1-25-95, 7-5-00, Repealed_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Fogleman, Public Utilities Supervisor

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 23, 2017