

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-2018-0517-FOF-TP
ISSUED: November 1, 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 ADOPTION OF RULE

BY THE COMMISSION:

NOTICE is hereby given that the Florida Public Service Commission, pursuant to Section 120.54, Florida Statutes, has adopted with changes Rule 25-4.0665, and repealed Rule 25-4.113, Florida Administrative Code.

The rules were filed with the Department of State on November 1, 2018 and will be effective on November 21, 2018. A copy of the rules as filed with the Department of State is attached to this Notice.

This docket is closed upon issuance of this Notice.

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By ORDER of the Florida Public Service Commission this 1st day of November, 2018.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
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Tallahassee, Florida 32399
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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

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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10061>. 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 (09/18), 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10073> 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, FCC Form 5629 (09/18), OMB APPROVAL EDITION 3060-0819, entitled “Programa de Lifeline: Formulario de Aplicación,” is also incorporated into this rule by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10075> 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10052> 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 (09/18), OMB APPROVAL EDITION 3060-0819, entitled “Lifeline Program Annual Recertification Form,” which is incorporated into this rule by reference and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10078> 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, FCC Form 5630 (09/18), OMB APPROVAL EDITION 3060-0819, entitled “Programa de Lifeline: Formulario de Recertificación,” is also incorporated into this rule by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10080> 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 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Household Worksheet," which is incorporated into this rule by reference and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10081> 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, FCC Form 5631 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Programa de Lifeline: Planilla de Hogar," is also incorporated into this rule by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10082> 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10057>, 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10058>, 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.

(d) As applicable, the company may refuse or discontinue telephone service under the following conditions provided that, unless otherwise stated, the customer shall be given notice and allowed a reasonable time to comply with any rule or remedy any deficiency:

(a) For non-compliance with or violation of any state or municipal law, ordinance, or regulation pertaining to telephone service.

(b) For the use of telephone service for any other property or purpose than that described in the application.

(c) For failure or refusal to provide the company with a deposit to insure payment of bills in accordance with the company's regulations.

(d) For neglect or refusal to provide reasonable access to the company for the purpose of inspection and maintenance of equipment owned by the company.

(e) For noncompliance with or violation of the Commission's regulations or the company's rules and regulations on file with the Commission, provided 5 working days' written notice is given before termination.

(f) For nonpayment of bills for telephone service, including the telecommunications access system surcharge referred to in subsection 25-4.160(3), F.A.C., provided that suspension or termination of service shall not be made without 5 working days' written notice to the customer, except in extreme cases. The written notice shall be separate and apart from the regular monthly bill for service. A company shall not, however, refuse or discontinue service for nonpayment of a dishonored check service charge imposed by the company, nor discontinue a customer's Lifeline local service if the charges, taxes, and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency services such as "911," and relay service are paid. No company shall discontinue service to any customer for the initial nonpayment of the current bill on a day the company's business office is closed or on a day preceding a day the business office is closed.

(g) For purposes of paragraphs (e) and (f), "working day" means any day on which the company's business office is open and the U.S. Mail is delivered.

(h) Without notice in the event of customer use of equipment in such manner as to adversely affect the company's equipment or the company's service to others.

(i) Without notice in the event of hazardous conditions or tampering with the equipment furnished and owned

by the company.

(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever service is discontinued for fraudulent use of service, the company may, before restoring service, require the customer to make, at his own expense, all changes in facilities or equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in revenues resulting from such fraudulent use.

(2) In case of refusal to establish service, or whenever service is discontinued, the company shall notify the applicant or customer in writing of the reason for such refusal or discontinuance.

(3) Service shall be initiated or restored when the cause for refusal or discontinuance has been satisfactorily adjusted.

(4) The following shall not constitute sufficient cause for refusal or discontinuance of service to an applicant or customer:

(a) Delinquency in payment for service by a previous occupant of the premises, unless the current applicant or customer occupied the premises at the time the delinquency occurred and the previous customer continues to occupy the premises and such previous customer shall benefit from such new service.

(b) Delinquency in payment for service by a present occupant who was delinquent at another address and subsequently joined the household of the customer in good standing.

(c) Delinquency in payment for separate telephone service of another customer in the same residence.

(d) Failure to pay for business service at a different location and a different telephone number shall not constitute sufficient cause for refusal of residence service or vice versa.

(e) Failure to pay for a service rendered by the company which is not regulated by the Commission.

(f) Failure to pay the bill of another customer as guarantor thereof.

(g) Failure to pay a dishonored check service charge imposed by the company.

(5) When service has been discontinued for proper cause, the company may charge a reasonable fee to defray the cost of restoring service, provided such charge is set out in its approved tariff on file with the Commission.

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_____.