

ORIGINAL

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Charles J. Beck
Deputy Public Counsel

August 31, 2004

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

COMMISSION
CLERK
AUG 31 PM 4:27
FD FPSC

Re: Docket No. 040604-TL
Dear Ms. Bayo:

Enclosed for filing in the above-referenced dockets is the original and 15 copies of Citizens' Petition Requesting Hearing Pursuant to §120.57, Florida Statutes, and Protest of Proposed Agency Action.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Charles J. Beck
Deputy Public Counsel

- CMP _____
- COM 5
- CTR _____
- ECR _____
- GCL _____ CJB:bsr
- OPC _____ Enclosures
- MMS _____
- RCA _____ cc: All parties of record
- SCR _____
- SEC 1
- OTH Kevin P

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DOCUMENT NUMBER-DATE
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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA 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
Filed August 31, 2004

**PETITION REQUESTING HEARING PURSUANT TO §120.57, FLORIDA STATUTES,
AND PROTEST OF PROPOSED AGENCY ACTION**

Pursuant to Rules 25-22.029 and 28-106.201, F. A. C., and §350.0611, Fla. Stat. (2003), the citizens of Florida (Citizens) file this petition to protest proposed agency action order no. PSC-04-0781-PAA-TL issued August 10, 2004 ("PAA order"), and to request an evidentiary hearing under §120.57, Fla. Stat. (2003).

1. §350.0611, Fla. Stat. (2003) provides that it shall be the duty of the Public Counsel to provide legal representation for the people of the state in proceedings before the Commission. It specifically provides the Public Counsel the power to appear, in the name of the state or its citizens, in any proceeding or action before the Commission and urge therein any position which he or she deems to be in the public interest.

2. The action taken by the Florida Public Service Commission in its proposed agency action order no. PSC-04-0781-PAA-TL affects the substantial interests of Citizens because the order would change the eligibility criteria and

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certification processes for Lifeline and Link-Up assistance applicable to Florida's citizens.

3. The name, address and telephone numbers of petitioner are as follows: Harold McLean, Public Counsel, c/o Florida Legislature, 111 West Madison Street, room 812, Tallahassee, FL 32399-1400, telephone 850-488-9330, fax 850-488-4491.

4. Petitioner received notice of the Commission's decision by downloading a copy of order no. PSC-04-0781-PAA-TL from the Commission's web site on or about August 10, 2004.

5. Only 13.7% of the customers currently eligible for Lifeline and Link-Up assistance participate in the program.¹ As of July 30, 1997, there were 155,302 Lifeline subscribers for all local exchange companies in Florida, but by March, 2004, that number had actually declined to 150,686 **customers**.²

6. The PAA order notes that one of the major reasons more eligible consumers have not signed up for the Lifeline and Link-Up assistance programs is the time-consuming certification process.³ In response to this concern, the PAA order adopts a self-certification procedure limited to people qualifying for Lifeline or Link-Up

1 PSC staff calculated the 13.7% take-rate figure directly from numbers that are reported by the local exchange companies to the Universal Service Administrative Agency. Transcript of item 6A from the July 20, 2004 agenda conference at 54.

2 Transcript of item 6A from the July 20, 2004 agenda conference at 13.

3 Order at 5.

using program-based criteria.⁴ However, the PAA order limits benefits to \$8.25 per month for consumers using the self-certification process. Persons using other certification processes qualify for the full Lifeline benefits of \$13.50 per month.

7. There is no discernible reason for limiting the benefits for self-certification customers to \$8.25 per month. If self-certification is adequate to qualify for federal Lifeline assistance, it should also be adequate for the amount funded by the companies in the state. The PAA order provides no basis for limiting the benefits payable to consumers who would use the self-certification process.

8. Citizens submit the following disputed issues of material fact, policy, and law for resolution in a hearing conducted under 120.57, Florida Statutes (2003):

a. What is the basis for providing consumers using the self-certification process only \$8.25 per month in assistance?

b. Should consumers using the self-certification process for Lifeline and Link-Up eligibility qualify for \$13.50 monthly assistance?

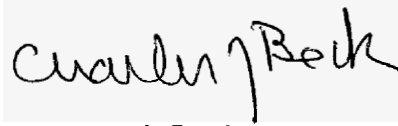
WHEREFORE, Citizens protest the Commission's proposed agency action order no. PSC-04-0781-PAA-TL issued August 10, 2004,

⁴ Order at 8.

and request an evidentiary hearing to be held pursuant to §120.57, Fla.
Stat. (2003).

Respectfully submitted,

HAROLD MCLEAN
PUBLIC COUNSEL

A handwritten signature in black ink that reads "Charles J. Beck". The signature is written in a cursive style and is placed on a light gray rectangular background.

Charles J. Beck
Deputy Public Counsel

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c/o The Florida Legislature
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Room 812
Tallahassee, FL 32399-1400

(850) 488-9330


Attorney for Florida's Citizens

DOCKET NO. 040604-TL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 31st day of August, 2004.


Charles J. Beck

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