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December 15, 2008

**BY ELECTRONIC FILING**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

Re: Undocketed, Rule Development Workshop, Lifeline Service (Rule 25-4.0665)

Dear Ms. Cole:

Enclosed for filing on behalf of Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc. ("Nexus"), is an electronic version of the Corrected Post-Workshop Comments of Nexus Communications, Inc. We inadvertently filed an incomplete draft on December 12, 2008. This document should replace the document filed on December 12, 2008.

Thank you for your assistance with this filing.

Sincerely,

  
Floyd R. Self

FRS/amb  
Enclosure  
cc: Mr. Steve Fenker

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

**In the matter of:**

**RULE DEVELOPMENT WORKSHOP;  
LIFELINE SERVICE (RULE 25-4.0665)**

**DOCKET NO. UNDOCKETED**

**POST-WORKSHOP COMMENTS**

**OF**

**NEXUS COMMUNICATIONS, INC.**

**COLUMBUS, OHIO**

**(CORRECTED)**

## INTRODUCTION

On October 2, 2008, the Florida Public Service Commission (the “Commission”) issued a Notice of Proposed Rulemaking regarding Lifeline Service. The purpose of the Notice, which is currently undocketed, is to amend Rule 25-4.0665, Florida Administrative Code, the Lifeline Service rule, with the specific goal “To implement eligibility requirements for Lifeline service and to amend the requirements eligible telecommunications carriers (ETCs) must follow when offering Lifeline service.”

On Wednesday November 5, 2008, the Commission Staff held a rule development workshop to receive comments. A number of eligible telecommunications carriers (“ETCs”), as well as the OPC and other interested parties, were in attendance and participated in the discussion. The participants provided Staff with feedback regarding a number of items, including certification of eligible consumers in the Lifeline program, and offered suggestions to provide clarity to the proposed rule change.

Interested parties were asked to provide post-workshop comments no later than December 12, 2008.

As requested, Nexus Communications, Inc. (“Nexus”, the “Company”) hereby provides comments relating to certification of eligible Lifeline consumers in the State of Florida.

## Background

The Link-Up Florida and Lifeline Assistance Programs are designed to “help make telephone service affordable to low-income customers” within the state of Florida.<sup>1</sup>

Consumers qualify to participate in Lifeline through participation on one of more of the following state approved means-based programs.

- Temporary Cash Assistance (TCA)
- Food Stamps
- Medicaid
- Low-Income Home Energy Assistance Program (LIHEAP)
- Supplemental Security Income (SSI)
- Federal Public Housing Assistance (Section 8)
- National School Lunch (NSL) Program’s free lunch program.<sup>2</sup>

In addition, consumers may qualify for Lifeline if their total household income is at or below 135% of the U.D. Poverty Level.<sup>3</sup>

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<sup>1</sup> See Link-Up Florida and Lifeline Assistance Programs brochure, at <http://www.floridapsc.com/utilities/telecomm/lifeline/engbrochure.aspx>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

## **CURRENT PROVISIONS OF RULE 25-4.0665**

With regard to customer certification and enrollment, the current provisions of Rule 25-4.0665(3) state:

(3) All eligible telecommunications carriers shall participate in the Lifeline serviced Automatic Enrollment Process. For purposes of this rule, the Lifeline service 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.<sup>4</sup>

### **ALTERNATE FORMS OF ENROLLMENT IN THE LIFELINE ASSISTANCE PROGRAM**

Although not included in Rule 25-4.0665, the Commission's website provides information indicating that the availability of alternate means of enrollment other than the Automatic Enrollment process. Specifically, consumers may complete an online application using the "Lifeline and Link-Up Florida On-Line Self Certification Form"<sup>5</sup> which the Commission then forwards to the carrier selected by the consumer on the form. Alternatively, consumers may complete an electronic "Application for Link-Up Florida and Lifeline Assistance Telephone Savings Programs" that the consumer then can print out and mail or fax to the customer's local telephone company.<sup>6</sup>

In addition, the transcript of the Workshop indicates that eligible telecommunications carriers must also accept a copy of the consumer's "federal letter"

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<sup>4</sup> Rule 25-4.0665, Florida Administrative Code.

<sup>5</sup> [https://secure.floridapsc.com/\(S\(iixdjg2un0wyhk55pvwngayq\)\)/public/lifeline/lifelineapplication.aspx](https://secure.floridapsc.com/(S(iixdjg2un0wyhk55pvwngayq))/public/lifeline/lifelineapplication.aspx)

<sup>6</sup> <http://www.floridapsc.com/utilities/telecomm/lifeline/LifelinePDFs/ApplicationEnglish.pdf>.

in order to self-certify a consumer as eligible to receive Lifeline and Link-Up benefits.<sup>7</sup> Clearly, both are an allowable means of self-certification and consumers are allowed to self-certify eligibility using either method. In the comments following, Nexus presents what it believes to be the advantages of disadvantages associated with both methods.

## COMMENTS

### *A. The Submission of a Form or Affidavit Signed by the Subscriber.*

This approach involves a subscriber signing a form to self-certify, under penalty of perjury, the customer's eligibility for Lifeline or Link-Up because of that customer's existing participation in one of the means-based programs approved by the Florida Public Service Commission. This methodology is simplest for both the ETC and the customer alike and carries with it the potential to more readily increase enrollment in the Lifeline and Linkup program of potential eligible subscribers because it does not require the customer to submit any additional proof or documentation supporting the consumer's eligibility for the program.

However, Nexus believes that this methodology carries with it certain inherent risks as it has no mechanism to verify whether the customer is actually participating in the program and thus eligible to receive the benefits of the Lifeline and Linkup programs. While Nexus has no specific information as to the extent that customers may be engaging in fraudulent self-certification, any process without verification may be subject to fraud.

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<sup>7</sup> Undocketed, In the Matter of: Rule Development Workshop; Lifeline Service (Rule 25-4.0665), Workshop Tr. 18-19.

*B. The Submission of a Document Demonstrating Proof of Participation.*

Submission of documentation that demonstrates eligibility through participation in one of the means-based programs is also a relatively easy means of signing up for the program for the both the ETC and subscriber, and such an approach does not impose any additional burdens related to document retention.<sup>8</sup> Under this methodology, subscribers are allowed to self-certify, under penalty of perjury, eligibility in the Lifeline and Linkup programs by submitting a copy of their “federal letter,” a copy of a document prepared by a case worker affiliated or employed by an approved program, or a copy of a document issued by the appropriate means-based program such as a valid food stamps or Medicaid EBT card.

The submission of a document that provides proof both serves the public interest and mitigates fraud as it not only establishes eligibility, but also provides proof of eligibility by demonstrating participation in one of the means-based programs approved by the Commission.

ETCs who use this form of methodology are still be able to secure a customer’s signature on a self-certification form/affidavit at the time of the annual verification process as required by the Commission and the Federal Communications Commission.<sup>9</sup>

### **CONCLUSION**

Clearly, each of the aforementioned methodologies which are currently available serve the goals of increased enrollment while protecting the integrity of the Lifeline/Linkup fund.

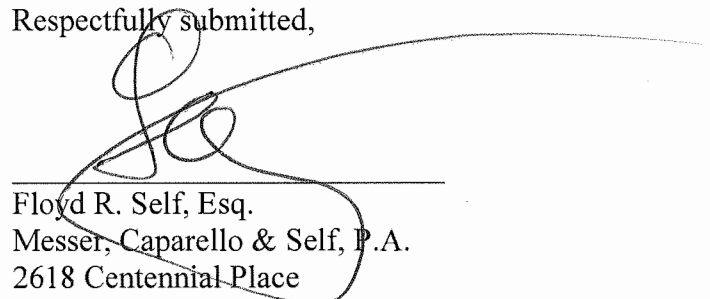
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<sup>8</sup> 47 C.F.R. § 54.417

<sup>9</sup> 47 C.F.R. § 54.410(c).

As such, Nexus respectfully requests that the Commission include in its revised rule a provision to specifically allow individual ETCs the flexibility to use either of the methodologies described herein as compliance with the requirement that applicants be allowed and required to self-certify their eligibility in Lifeline and/or Link-Up through participation in one of the means-based programs approved by the Commission.

Respectfully submitted,



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NEXUS COMMUNICATIONS, INC., d/b/a TSI



## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by U.S. Mail this 15<sup>th</sup> day of December, 2008.

Mr. Bob Casey  
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Floyd R. Self