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Public Service Commission

April 30, 2010

Mr. Scott Boyd, Executive Director
Joint Administrative Procedures Committee
Room 120, Holland Building
Tallahassee, FL 32399-1300

Re: Public Service Commission Proposed Rule 25-4.0665 (Docket No. 090504-TP)

Dear Mr. Boyd:

On April 20, 2010, the Commission approved the adoption of Rule 25-4.0665, F.A.C., with changes. The subject matter and content are similar to the proposed rule as published December 18, 2009. However, the rule as adopted, as well as the two forms referenced in the rule, contain changes based upon comments on the proposed rule submitted by interested persons and by Mr. Brian T. Moore, of your Committee staff. A Statement of Changes is attached.

We plan to publish the Notice of Change on May 7, 2010, a copy of which is also attached. If there are no rule challenges filed, we plan to file the rule with the Department of State for adoption on June 1, 2010.

If you have any questions with respect to this rule, please do not hesitate to contact me.

Sincerely,

Rosanne Gervasi
Associate General Counsel

Enclosures

Cc: Office of Commission Clerk

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STATEMENT OF CHANGES

Based upon comments submitted by interested persons in this docket and by Joint Administrative Procedures Committee staff, the Commission voted on April 20, 2010 to adopt Rule 25-4.0665, F.A.C., with the following changes to the proposed rule as published in the FAW on December 18, 2009.

25-4.0665(1)5.: The reference to 42 U.S.C. sec. 1437f was removed as being unnecessary.

25-4.0665(2): A new subparagraph (2) is added which states that a subscriber living on federally recognized Tribal lands who does not satisfy the eligibility requirements for lifeline service in subsection (1) of the rule is 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.

25-4.0665(18): The phrase “toll limitation” is replaced by the phrase “toll control” in the first sentence. The second sentence now states that if the subscriber elects not to place toll blocking “or toll control” on the line, an eligible telecommunications carrier may charge a service deposit. Because “toll limitation” means either toll blocking, toll control, or both, this change is for clarification purposes.

In addition to the above rule changes, the Commission modified the language of the forms referenced in the rule to clarify that: 1) customers who are at or below 150% of the federal poverty level and who receive service from AT&T Florida, CenturyLink, or Verizon, which carriers have more than one million access lines, do qualify for Lifeline service; 2) those customers may demonstrate their eligibility for Lifeline service to the Office of Public Counsel; and 3) customers of other service providers who are at or below 150% of the federal poverty level should contact their service provider to see if their service provider is voluntarily enrolling Lifeline applicants through the income eligibility test.

Notice of Change/Withdrawal

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE

25-4.0665: Lifeline Service

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35 No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

Docket No. 090504-TP

The following changes have been made to the proposed rule:

25-4.0665 Lifeline Service

(1) 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 (~~42 U.S.C. sec. 1437f (2009), which is incorporated herein by reference~~);

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.

~~(32)~~ (2) renumbered as (3) No change.

~~(43)~~ (3) renumbered as (4) No change.

~~(54)~~ (4) renumbered as (5) No change.

~~(65)~~ (5) renumbered as (6) No change.

~~(76)~~ (6) renumbered as (7) No change.

~~(87)~~ (7) renumbered as (8) No change.

~~(98)~~ (8) renumbered as (9) No change.

~~(109)~~ (9) renumbered as (10) No change.

~~(1110)~~ (10) renumbered as (11) No change.

~~(1211)~~ (11) renumbered as (12) No change.

~~(1312)~~ (12) renumbered as (13) No change.

~~(1413)~~ (13) renumbered as (14) No change.

~~(1514)~~ (14) renumbered as (15) No change.

~~(1615)~~ (15) renumbered as (16) No change.

~~(1716)~~ (16) renumbered as (17) No change.

(~~1817~~) Eligible telecommunications carriers may not charge a service deposit in order to initiate Lifeline service if the subscriber voluntarily elects toll blocking or toll ~~limitation~~ 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.

(~~1918~~) (18) renumbered as (19) No change.

(~~2019~~) (19) renumbered as (20) No change.

Specific Authority 120.80(13)(d), 350.127(2), 364.0252, 364.10(3)(j), FS. Law Implemented 364.0252, 364.10, 364.105, 364.183(1), FS. History New 1-2-07, Amended 12-6-07, Amended XX-XX-XX.