

**Eric Fryson**

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**From:** WOODS, VICKIE (Legal) [vf1979@att.com]  
**Sent:** Wednesday, March 07, 2012 3:07 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** HATCH, TRACY W (Legal); Rosanne Gervasi  
**Subject:** Docket No. 120000-TP (undocketed); Rulemaking/Lifeline - AT&T Florida's Comments

**Attachments:** img-307134218-0001.pdf



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-0001.pdf (1 ME)

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  - B. Docket No. 120000-TP (Undocketed): Initiation of Rulemaking to amend Rule 25-4.0665, Florida Administrative Code, Lifeline Service, and to repeal Rule 25-4.113, Florida Administrative Code, refusal or discontinuance of service by company
  - C. BellSouth Telecommunications, Inc. d/b/a AT&T Florida  
on behalf of Tracy W. Hatch
  - D. 4 pages total (includes letter)
  - E. BellSouth Telecommunications, LLC d/b/a AT&T Florida's Comments
- .pdf



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March 7, 2012

Ms. Rosanne Gervasi  
Office of the General Counsel  
Florida Public Service Commission  
Tallahassee, Florida 32399-0805

**Re: Undocketed - Initiation of Rulemaking to amend Rule 25-4.0665, Florida Administrative Code, Lifeline service, and to repeal Rule 25-4.113, Florida Administrative Code, refusal or discontinuance of service by company**

**Comments of BellSouth Telecommunications, Inc. d/b/a AT&T Florida**

Dear Ms. Gervasi:

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") was a participant at the rule development workshop on January 18, 2012, addressing the proposed changes to Rule 25-4.0665, Florida Administrative Code. As noted at the workshop, significant changes to the Commission's rules are necessary to conform the rules to the substantial revisions to Chapter 364, Florida Statutes that were effective on July 1, 2011. Significantly, the Commission retains limited jurisdiction in Section 364.10, Florida Statutes regarding Lifeline Service. In view of the provisions Section 364.10, AT&T Florida offers the following comments on the proposed revisions to Rule 25-4.0665, Florida Administrative Code.

**Section (20)**

The Staff's draft rule proposes two separate changes to Rule 25-4.0665(20). First, the Staff proposes to eliminate the quarterly Lifeline reporting requirements of the Rule, which AT&T Florida supports. Additionally, AT&T Florida note that it has been under a concurrent requirement, pursuant to Order No. PSC-04-1124-FOF-TP, to file the same quarterly Lifeline reports. With the elimination of the quarterly reporting requirement in the Rule, AT&T Florida understands that it will no longer be required to file the quarterly reports pursuant to this order as well.

Second, the staff proposes to add language to Rule 25-4.0665(20) regarding disconnection of Lifeline Service that is currently a portion of Section 25-4.113(f). Staff simultaneously proposes to eliminate Section 25-4.113(f). AT&T Florida does not oppose the addition of the language to Section (20), but does note that the provision is redundant of similar provisions already set forth in Section 364.10(2)(c). This section provides that:

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An eligible telecommunications carrier may not discontinue basic local telecommunications service to a subscriber who receives Lifeline service because of nonpayment by the subscriber of charges for nonbasic services billed by the telecommunications company, including long-distance service.

In addition to being redundant, the Staff's proposed language extends beyond the bounds of Section 364.10(2)(c), which limits the disconnection protections to "basic local telecommunications service." The Staff's proposal impermissibly extends the rule to all services for which a Lifeline credit may be applied. If the Staff believes that provisions addressing discontinuance of Lifeline Service should be placed in this rule, AT&T Florida submits that the text be modified to be consistent with 364.10(2)(c). AT&T Florida therefore proposes the following changes to the draft Rule:

A company may not discontinue a customer's Lifeline ~~basic local service for nonpayment~~ 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. ~~This Section does not bar the termination of wholesale local service to a Lifeline customer's local service provider.~~

#### **Section (21)**

The Staff proposes to add a new Section (21) to Rule 25-4.065 to impose significant new additional obligations under the general obligation for "outreach" to potential Lifeline customers. As an initial matter, AT&T Florida notes that it currently engages in a wide array of Lifeline outreach efforts throughout the state, including radio, print, and brochures as well as in-person visits to organizations. In view of the substantial outreach efforts already pursued by AT&T Florida and others in the industry, such prescriptive requirements appear unnecessary.

More substantively, AT&T Florida respectfully points out that proposed new Section (21) is beyond the Commission's statutory authority to implement outreach efforts under Section 364.10(2)(b), which provides:

Each eligible telecommunications carrier subject to this subsection shall provide to each state and federal agency providing benefits to persons eligible for Lifeline service applications, brochures, pamphlets, or other materials that inform the persons of their eligibility for Lifeline, and each state agency providing the benefits shall furnish the materials to affected persons at the time they apply for benefits.

That Section limits the obligation to provide outreach materials to providing printed materials to state and federal agencies that are responsible for providing benefits to persons. AT&T Florida respectfully submits that because the proposed addition of Section (21) exceeds the Commission's authority, it should be deleted. To the extent that outreach obligations are appropriate in the Rule, they should be limited as set forth in Section 364.10(2)(b).

At the January 18<sup>th</sup> workshop, there was some discussion of the then-impending FCC order regarding Lifeline Service and the Commission delayed the filing of comments in this docket to allow for review and comment on the FCC's new proposals. The FCC Order has now been issued. The FCC order requires specific marketing and uniform language to describe Lifeline (see paragraphs 275-277). The FCC order also states that ETCs should have the flexibility to market their Lifeline-supported services in creative and innovative ways. The FCC order states that these requirements be implemented six months from the effective date of its order. In addition to AT&T Florida's comments above regarding the proposed Section (21), AT&T Florida believes that it may be pre-mature for the Commission to go forward with this proposed Section regarding specific outreach requirements until the FCC order is effective and implemented.

In addition, AT&T Florida submits that additional discussion and clarification is needed before the new Section (21) should be proposed for adoption. For example, the last sentence of Section (21)(b) states that "Multi-media outreach approaches ..... are also acceptable." Is this portion of the proposed rule in lieu of the portion in the previous part of Section (b) that specifies locations for outreach materials to be placed? For example, rather than putting outreach materials in specific locations as stated in the first part of the rule, an ETC simply can do outreach through public media, or is it intended that it would be required to do both? These questions must be answered and the rule clarified before any proposed rule language can move forward.

#### **Section (22)**

Proposed new Section (23) to Rule 25-4.065 requires ETCs to obtain certification from each non-ETC carrier stating that they comply with the FPSC and FCC Lifeline/Link-Up requirements and file an annual report with the FPSC. AT&T Florida suggests that it is premature to move forward with this new provision as well. The FCC order is requesting comments on such issues as limiting lifeline support to the ETCs directly serving the Lifeline customers, and re-examining the scope of the ILEC resale obligation (paragraphs 451-457). Specifically, the FCC Order requires that ETCs should receive Lifeline support from the Fund only when they provide Lifeline service directly to subscribers. ETCs offering services at wholesale to resellers would no longer be eligible to receive reimbursement from the Fund for such services when they are resold as Lifeline services directly to end-users by resellers. This means that the incumbent LEC wholesale provider would not be eligible to seek reimbursement from the Fund for any low-income subscriber for whom it does not directly provide service. AT&T Florida believes that the FPSC proposed rule in Section (23) is premature and should be deferred from any consideration until the FCC comment cycle is complete and a final order is issued at the FCC.

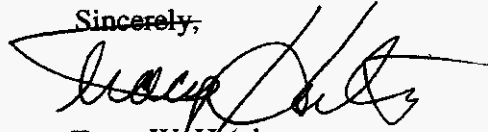
#### **Section (23)**

Staff proposes new record retention requirements in new Section (23) to Rule 25-4.0665. AT&T Florida currently complies with the proposed record retention and does not oppose the addition of the proposed record retention rule.

\* \* \*

If you have questions regarding AT&T Florida's comments, please do not hesitate to contact Tracy Hatch or MaryRose Sirianni at (850) 577-5553.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Hatch", written in a cursive style.

Tracy W. Hatch