

Eric Fryson

From: WOODS, VICKIE (Legal) <vf1979@att.com>
Sent: Thursday, March 21, 2013 1:33 PM
To: Filings@psc.state.fl.us
Subject: Undocketed: AT&T Florida's comments on the proposed revisions to Rule 25-4.0665, Florida Administrative Code, pursuant to the FPSC Staff's February 27, 2013 request
Attachments: img-321121043-0001.pdf

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- B. 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, LLC d/b/a AT&T Florida
on behalf of Tracy W. Hatch

4 pages total (includes letter and comments)

- E. BellSouth Telecommunications, LLC d/b/a AT&T Florida's comments on the proposed revisions to Rule 25-4.0665,
.pdf

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FPSC-COMMISSION CLERK



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March 21, 2013

Ms. Ann Cole
Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

**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**

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, LLC d/b/a AT&T Florida's comments on the proposed revisions to Rule 25-4.0665, Florida Administrative Code in the captioned undocketed matter pursuant to the FPSC Staff's February 27, 2013 request.

Sincerely,

Tracy Hatch

Attachment

Cc: Laura King
Bob Casey



Tracy W. Hatch
General Attorney

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March 21, 2013

Ms. Laura King
Director, Division of Competitive Markets & Enforcement
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

Dear Ms. King:

BellSouth Telecommunications, LLC d/b/a AT&T Florida ("AT&T Florida") appreciates the opportunity to submit these comments pursuant to the FPSC staff's February 27, 2013 request. As discussed in AT&T Florida's October 8, 2012 comments, changes to the Commission's rules for the Lifeline program are necessary to conform the rules to changes in the federal Lifeline program. AT&T Florida therefore respectfully submits the following comments on the proposed revisions to Rule 25-4.0665, Florida Administrative Code.

Sections 1 and 3

Section (1) defines the individuals who are eligible to participate in the Lifeline program and lists various eligibility criteria. While one of the eligibility criteria listed in Section (1)(a) is "Temporary Assistance for Needy Families/Temporary Cash Assistance", throughout the remainder of the proposed rules, the program is referred to only as "Temporary Cash Assistance." AT&T Florida understands that the Federal program is known as Temporary Assistance for Needy Families, and a similar program is called Temporary Cash Assistance in Florida. However, AT&T Florida recommends clarification to the name of the programs in section (1)(a)4 as follows:¹

Temporary Assistance for Needy Families (Federal program)/Temporary Cash Assistance (Florida program)

¹ AT&T's proposed changes the staff proposed rules are highlighted to make clear they are changes to the existing text changes proposed by the Staff.

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Section 5 and Section 8

Section 5 and Section 8 refer to the electronic enrollment of Lifeline subscribers through the FPSC on-line application and the Department of Children and Families (DCF) coordinated enrollment process, respectively. In both instances, AT&T Florida supports the rules with the condition that either (a) no later than June 1, 2013 the FCC issues a waiver of FCC rule 54.410(e) requiring the Lifeline administrator or other state agencies to provide the ETC with a copy of each certification form, or (b) beginning no later than June 1, 2013 the FPSC provides a copy of the certification forms to the ETCs as required by FCC rule 54.410(e).

Section 12

Section 12 requires an ETC to provide 60 days written notice to a Lifeline subscriber prior to the termination of Lifeline credit and specifies the information to include in the notice. AT&T Florida has three comments concerning this section.

First, AT&T Florida realizes that there is a conflict between the Florida Statutes and the FCC Rules regarding notification requirements for purposes of determining continued subscriber eligibility. Florida Statute 364.10(1)(e)1 states ETCs must grant a Lifeline subscriber 60 days prior to termination to demonstrate continued eligibility, while FCC Rule 54.405(e) states if an ETC has a reasonable basis to believe that a Lifeline subscriber no longer meets the qualifying criteria, the carrier must notify the subscriber of impending termination of his or her Lifeline benefit and provide the subscriber 30 days to demonstrate continued eligibility. AT&T Florida complies, and will continue to comply, with the FCC requirements to terminate any subscriber who fails to demonstrate continued eligibility within the 30 day time period. AT&T Florida recommends the FPSC recognize the conflict between the Florida Statute and FCC rules, and incorporate AT&T Florida's proposed changes below.

Second, the notification requirements in Section 12 should be clarified to distinguish between termination of a customer's service because the customer no longer qualifies for Lifeline service under subsections (1)-(3) of Rule 25-0665 as opposed to when a customer's service is being terminated for other reasons (e.g., non-payment of basic services, changing carriers, etc.). When the termination is unrelated to the customer's Lifeline eligibility, any mandatory notice period would be inappropriate as that would allow a customer to continue to receive service for a longer period of time than justified.

Finally, as discussed in our October 8, 2013 comments, AT&T Florida also has some concern regarding the language that requires an ETC to provide written notice to a subscriber prior to the termination of Lifeline service. In the resale situation, where a reseller (who may or may not be an ETC) is purchasing Lifeline-discounted service from AT&T Florida for resale, the reseller's subscribers are not AT&T Florida customers. AT&T Florida respectfully submits

that it should not be responsible for providing written termination notice to the reseller's subscribers. Not only would it be confusing for the subscriber, it would put AT&T Florida into the uncomfortable and improper position of communicating with its wholesale customer's subscribers. AT&T Florida therefore recommends replacing the term "a" subscriber with "its" subscriber as highlighted below.

AT&T Florida's proposed changes to Section (12) are as follows:

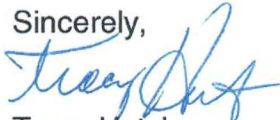
An eligible telecommunications carrier must provide 60 days written notice to its subscriber prior to the termination of Lifeline assistance, unless the Federal Communications Commission requires a shorter notice period or the subscriber's service is terminated for other reasons separate from his/her continued eligibility for Lifeline. The notice of pending termination shall contain the telephone number at which the subscriber can obtain information about the subscriber's Lifeline service from the eligible telecommunications carrier. Notices provided by local exchange companies shall also inform the subscriber of the availability of discounted residential basic local telecommunications service set forth in Section 364.105, F.S.

Cost Assessment

Finally, in its February 27, 2013 email, the Commission staff requested that the parties identify any cost that would be incurred due to the implementation of the proposed rules. AT&T Florida anticipates that it would not incur additional costs to implement the proposed rules.

If you have questions regarding AT&T Florida's comments, please do not hesitate to contact me.

Sincerely,



Tracy Hatch

Attachment

Cc: Bob Casey