

Notice of Proposed Rule

PUBLIC SERVICE COMMISSION

RULE NO: RULE TITLE:

25-4.0665 Lifeline Assistance

PURPOSE AND EFFECT: To clarify and update the rule and implement changes to Section 364.10, Florida Statutes, made in the 2022 Legislative Session.

Docket No. 20230011-TP

SUMMARY: Rule 25-4.0665, F.A.C., Lifeline Assistance, is amended to clarify that an eligible telecommunications carrier (ETC) must notify a Lifeline subscriber of impending termination of Lifeline service if there is reason to believe the subscriber no longer qualifies for the service and requires a subscriber to provide proof of continued eligibility for Lifeline service upon request of the ETC, the Federal Communication Commission (FCC) or its designee. The amendment also removes obsolete provisions relating to income eligibility standards inconsistent with current FCC requirements; removes references to state agencies no longer involved in the development of procedures from promoting Lifeline; clarifies that the Commission and the Department of Children and Families may exchange information with ETCs, and the FCC or its designee, in order to enroll eligible customers in Lifeline service; and requires any state agency that determines a person is eligible for Lifeline service to coordinate with the FCC or its designee to verify eligibility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment will not have an adverse impact on economic growth, business competitiveness, or small business and transactional cost impacts, if any, would be minimal to the individual and entities, including government entities, required to comply with the rule.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or, if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 120.80(13)(d), 350.127(2), 364.10(2)(i) FS.

LAW IMPLEMENTED: 364.10, 364.105, 364.183(1) FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Sunshine, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224, dsunshin@psc.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

**25-4.0665 Lifeline Assistance.**

(1) Eligible Telecommunications Companies must offer Lifeline Assistance as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Sections 54.400 through ~~54.423~~ 54.417, in effect as of September 8, 2022 as amended October 1, 2017, which are hereby incorporated into this rule by reference, and which are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX40664>.

(2) Eligible telecommunications carriers may assist customers with ~~When enrolling customers in the Lifeline program through the provider portal with the National Lifeline Eligibility Verifier, as defined in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Section 54.400(o), eligible telecommunications carriers shall accept FCC Form 5629 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Application Form," which is incorporated into this rule by reference and which is available at~~

<http://www.flrules.org/Gateway/reference.asp?No=Ref 10073> or from the Universal Service Administrative Company's website at [https://www.usac.org/\\_res/documents/li/pdf/nv/LI\\_Application\\_UniversalForm.pdf](https://www.usac.org/_res/documents/li/pdf/nv/LI_Application_UniversalForm.pdf). The Spanish version of this form, FCC Form 5629 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Programa de Lifeline: Formulario de Aplicación," is also incorporated into this rule by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref 10075> or from the Universal Service Administrative Company's website at [https://www.usac.org/\\_res/documents/li/pdf/nv/LI-SP\\_Application\\_UniversalForms.pdf](https://www.usac.org/_res/documents/li/pdf/nv/LI-SP_Application_UniversalForms.pdf). Eligible telecommunications carriers shall also accept Form PSC 1023 (08/18), entitled "Lifeline Florida On line Application for Recipients of Medicaid or Supplemental Nutrition Assistance Program (SNAP)," which is incorporated into this rule by reference and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref 10052> or from the Commission's website at [www.floridapsc.com](http://www.floridapsc.com), by selecting "Lifeline Assistance," then selecting "Public Service Commission Secure On Line Application Form."

(3) When recertifying customers in the Lifeline program, eligible telecommunications carriers shall accept FCC Form 5630 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Annual Recertification Form," which is incorporated into this rule by reference and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref 10078> or from the Universal Service Administrative Company's website at [https://www.usac.org/\\_res/documents/li/pdf/nv/LI\\_Recertification\\_UniversalForms.pdf](https://www.usac.org/_res/documents/li/pdf/nv/LI_Recertification_UniversalForms.pdf). The Spanish version of this form, FCC Form 5630 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Programa de Lifeline: Formulario de Recertificación," is also incorporated into this rule by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref 10080> or from the Universal Service Administrative Company's website at [https://www.usac.org/\\_res/documents/li/pdf/nv/LI-SP\\_Recertification\\_UniversalForms.pdf](https://www.usac.org/_res/documents/li/pdf/nv/LI-SP_Recertification_UniversalForms.pdf).

(4) To obtain information necessary to confirm whether a customer is eligible for Lifeline assistance in instances where the customer shares an address with another Lifeline recipient, eligible telecommunications carriers shall accept FCC Form 5631 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Household Worksheet," which is incorporated into this rule by reference and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref 10081> or from the Universal Service Administrative Company's website at [https://www.usac.org/\\_res/documents/li/pdf/nv/LI\\_Worksheet\\_UniversalForms.pdf](https://www.usac.org/_res/documents/li/pdf/nv/LI_Worksheet_UniversalForms.pdf). The Spanish version of this form, FCC Form 5631 (09/18), OMB APPROVAL EDITION 3060-0819, entitled "Programa de Lifeline: Planilla de Hogar," is also incorporated into this rule by reference and is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref 10082> or from the Universal Service Administrative Company's website at [https://www.usac.org/\\_res/documents/li/pdf/nv/LI-SP\\_Worksheet\\_UniversalForms.pdf](https://www.usac.org/_res/documents/li/pdf/nv/LI-SP_Worksheet_UniversalForms.pdf).

(5) Eligible telecommunications carriers must allow customers the option to submit Lifeline application and recertification forms via U.S. Mail or facsimile, and may allow applications to be submitted electronically. Eligible telecommunications carriers must also allow customers the option to submit copies of supporting documents via U.S. Mail or facsimile.

(3)(6) All eligible telecommunications carriers shall participate in the Lifeline Promotion Simplified Enrollment Process. For purposes of this rule, the Lifeline Promotion Simplified Enrollment Process is an electronic interface between the Department of Children and Families Family Services, the Commission, and the eligible telecommunications carrier to provide eligible consumers information on how to apply for Lifeline assistance that allows low income individuals to enroll in Lifeline following enrollment in a qualifying public assistance program.

(a) The eligible telecommunications carrier must maintain with the Commission the name(s), email address(es), and telephone number(s) of at least one company representative who will manage the user accounts on the Commission's Lifeline secure website.

(b)(a) The Commission shall send an email to the eligible telecommunications carrier informing the eligible telecommunications carrier that a list of customers enrolled in a Lifeline qualifying public assistance program is applications are available for retrieval from the Commission's Lifeline secure website.

(b) The eligible telecommunications carrier shall maintain at least one current email address with the Commission, which the Commission will use to inform the eligible telecommunications carrier of the Commission's Lifeline secure website address and that new Lifeline applications are available for

retrieval.

(c) Eligible telecommunications carriers must contact customers on the list to whom they provide service and that do not already participate in Lifeline, to inform them of the Lifeline application process with the National Lifeline Eligibility Verifier. For customers on the list that are not contacted by the eligible telecommunications carrier, within 20 calendar days of receiving the Commission's email notification, the eligible telecommunications carrier must provide to the Commission the customer identification number, name, address, telephone number, and the Department of Children and Families application date. This information can be provided via the Commission's dedicated Lifeline facsimile telephone line at (850) 717-0108, an electronic response via the Commission's Lifeline secure website, or file the information with the Office of Commission Clerk. The eligible telecommunications carrier shall maintain with the Commission the names, email addresses and telephone numbers of at least one company representative who will manage the user accounts on the Commission's Lifeline secure website.

~~(d) Within 20 calendar days of receiving the Commission's email notification that the Lifeline application is available for retrieval, the eligible telecommunications carrier shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline facsimile telephone line at (850)717-0108, or an electronic response via the Commission's Lifeline secure website, identifying the customer name, address, telephone number, and date of the application for:~~

1. ~~Misdirected Lifeline applications; or~~
2. ~~Applications for customers currently receiving Lifeline assistance.~~

~~In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.~~

~~(d)(e) Pursuant to Ssection 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph (3)(c) (6)(d) of this rule is confidential and exempt from Ssection 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Ssection 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible telecommunications carrier will be presumed necessary for disclosure to the Commission pursuant to the criteria in Ssection 364.107(3)(a)4., F.S.~~

(4) Eligible telecommunications carriers must advertise the availability of Lifeline assistance. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(b), all eligible telecommunications carriers are obligated to publicize the availability of Lifeline assistance in a manner reasonably designed to reach those likely to qualify for the assistance. Only posting the availability of Lifeline assistance on an eligible telecommunications carrier's website is insufficient to meet this requirement. Advertising the availability of Lifeline assistance can be achieved by using any of the following media: flyers, local newspaper ads, local TV ads, mail, email, web advertisements, bill inserts, and other text-based methods of advertisement or a combination of such media. Pursuant to Title 47 of the United States Code, Section 214(e)(1)(B), as amended December 1, 1997, which is hereby incorporated into this rule by reference, and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-10057>, charges must also be included in the Lifeline advertisement. The company may redirect consumers to a toll free customer service number and website to see applicable charges and fees in lieu of listing all charges in an advertisement.

~~(7) An eligible telecommunications carrier shall not impose additional verification requirements on subscribers beyond those which are required by this rule.~~

~~(8) Within 20 calendar days of rejecting a Lifeline application, an eligible telecommunications carrier must provide written notice to the customer providing the reason for rejecting the Lifeline application, and providing contact information for the customer to get information regarding the application denial. Rejected applications received by way of the Simplified Enrollment Process under subsection (6) must also be reported to the Commission via the Commission's dedicated Lifeline facsimile telephone line at (850)717-0108 or electronically via the Commission's Lifeline secure website, with the reason why the application was rejected. In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file the information with the Office of Commission Clerk.~~

~~(5)(9) An eligible telecommunications carrier or its designee must provide written notice prior to the termination of Lifeline assistance pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(e) Carrier obligation to offer Lifeline, De-enrollment, as amended October 1, 2017. The notice of impending termination shall contain the telephone number at which the subscriber can obtain information about the subscriber's Lifeline assistance from the eligible telecommunications carrier. The notice shall also inform the subscriber of the availability, pursuant to Ssection 364.105, F.S., of discounted~~

residential basic local telecommunications service.

~~(6)~~(10) All eligible telecommunications carriers shall provide current Lifeline program company information to the Universal Service Administrative Company at [www.lifelinesupport.org](http://www.lifelinesupport.org) so that the information can be posted on the Universal Service Administrative Company's consumer website.

~~(11)~~ Eligible telecommunications carriers must advertise the availability of Lifeline assistance. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(b), all eligible telecommunications carriers are obligated to publicize the availability of Lifeline assistance in a manner reasonably designed to reach those likely to qualify for the assistance. Only posting the availability of Lifeline assistance on an eligible telecommunications carrier's website is insufficient to meet this requirement. Advertising the availability of Lifeline assistance can be achieved by using any of the following media: flyers, local newspaper ads, local TV ads, mail, email, web advertisements, bill inserts and other text-based methods of advertisement or a combination of such media. Pursuant to Title 47 of the United States Code, Section 214(c)(1)(B), as amended December 1, 1997, which is hereby incorporated into this rule by reference, and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref10057>, charges must also be included in the Lifeline advertisement. The company may redirect consumers to a 1-800 customer service number and website to see applicable charges and fees in lieu of listing all charges in an advertisement.

~~(7)~~(12) Eligible telecommunications carriers must file all reports with the Commission in accordance with Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.422(c), Annual reporting for eligible telecommunications carriers that receive low-income support, as amended October 1, 2017, which is hereby incorporated into this rule by reference, and which is available at <http://www.flrules.org/Gateway/reference.asp?No=Ref10058>.

*Rulemaking Authority 120.80(13)(d), 350.127(2), 364.10(2)(j) FS. Law Implemented 364.10, 364.105, 364.183(1) FS. History—New 1-2-07, Amended 12-6-07, 6-23-10, 11-21-18, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Fogelman

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 48, Number 202, October 17, 2022.

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## Published Notices

### Published Notices

ID	Rule No./ Organization	Rule Title	Section	Issue	Date
<a href="#">26847386</a>	25-4.0665	Lifeline Assistance	Proposed	2/20/2023 Vol. 49/34	2/20/2023
<a href="#">26812757</a>	2/7/2023	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	2/8/2023 Vol. 49/26	2/8/2023
<a href="#">26812854</a>	2/7/2023	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	2/8/2023 Vol. 49/26	2/8/2023
<a href="#">26813048</a>	2/7/2023	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	2/8/2023 Vol. 49/26	2/8/2023
<a href="#">26766100</a>	1/27/2023	Public Service Commission	Misc	1/30/2023 Vol. 49/19	1/30/2023
<a href="#">26758243</a>	1/25/2023	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/26/2023 Vol. 49/17	1/26/2023
<a href="#">26736127</a>	25-30.455,...	Staff Assistance in Rate Cases, Staff Assistance in Alternative Rate Setting, Limited Alternative Rate Increase	Rule	1/20/2023 Vol. 49/13	1/20/2023
<a href="#">26725360</a>	25-12.005	Codes and Standards Adopted	Proposed	1/18/2023 Vol. 49/11	1/18/2023
<a href="#">26670167</a>	1/3/2023	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/5/2023 Vol. 49/03	1/5/2023
<a href="#">26678509</a>	1/4/2023	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	1/5/2023 Vol. 49/03	1/5/2023
<a href="#">26656296</a>	12/22/2022	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	12/23/2022 Vol. 48/248	12/23/2022
<a href="#">26652416</a>	12/21/2022	Florida Public Service Commission	Meeting	12/22/2022 Vol. 48/247	12/22/2022
<a href="#">26628748</a>	25-30.110,...	Records and Reports; Annual Reports, Establishment of Price Index, Adjustment of Rates; Requirement of Bond; Filings After Adjustment; Notice to Customers	Proposed	12/14/2022 Vol. 48/241	12/14/2022
<a href="#">26617108</a>	12/5/2022	Florida Public Service Commission	Variances	12/9/2022 Vol. 48/238	12/9/2022
<a href="#">26611288</a>	12/6/2022	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	12/7/2022 Vol. 48/236	12/7/2022
<a href="#">26597611</a>	11/7/2022	the Florida Public Service Commission	Variances	12/5/2022 Vol. 48/234	12/5/2022
<a href="#">26582576</a>	11/28/2022	Florida Public Service Commission	Meeting	11/29/2022 Vol. 48/230	11/29/2022
<a href="#">26564437</a>	11/18/2022	Florida Public Service Commission	Meeting	11/22/2022 Vol. 48/227	11/22/2022
<a href="#">26552797</a>	11/16/2022	Florida Public Service Commission	Meeting	11/17/2022 Vol. 48/224	11/17/2022
<a href="#">26541351</a>	11/14/2022	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	11/16/2022 Vol. 48/223	11/16/2022
<a href="#">26549208</a>	11/15/2022	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	11/16/2022 Vol. 48/223	11/16/2022
<a href="#">26531360</a>	11/9/2022	FL Public Service Commission	Meeting	11/10/2022 Vol. 48/220	11/10/2022
<a href="#">26486740</a>	10/31/2022	Florida Public Service Commission	Meeting	11/2/2022 Vol. 48/214	11/2/2022
<a href="#">26454245</a>	10/20/2022	Florida Public Service Commission	Meeting	10/21/2022 Vol. 48/206	10/21/2022
<a href="#">26434651</a>	10/17/2022	Florida Public Service Commission	Meeting	10/18/2022 Vol. 48/203	10/18/2022
<a href="#">26434748</a>	10/17/2022	Florida Public Service Commission	Meeting	10/18/2022 Vol. 48/203	10/18/2022
<a href="#">26434845</a>	10/17/2022	Florida Public Service Commission	Meeting	10/18/2022 Vol. 48/203	10/18/2022
<a href="#">26435039</a>	10/17/2022	Florida Public Service Commission	Meeting	10/18/2022 Vol. 48/203	10/18/2022
<a href="#">26420101</a>	25-4.0665	Lifeline Assistance	Rule	10/17/2022 Vol. 48/202	10/17/2022
<a href="#">26413117</a>	10/12/2022	Public Service Commission	Meeting	10/13/2022 Vol. 48/200	10/13/2022
<a href="#">26413311</a>	10/12/2022	Florida Public Service Commission	Meeting	10/13/2022 Vol. 48/200	10/13/2022
<a href="#">26407394</a>	10/11/2022	FL Public Service Commission	Meeting	10/12/2022 Vol. 48/199	10/12/2022
<a href="#">26401089</a>	10/10/2022	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	10/11/2022 Vol. 48/198	10/11/2022
<a href="#">26401186</a>	10/10/2022	FLORIDA PUBLIC SERVICE COMMISSION	Meeting	10/11/2022 Vol. 48/198	10/11/2022
<a href="#">26354044</a>	9/29/2022	Florida Public Service Commission	Meeting	9/30/2022 Vol. 48/191	9/30/2022