

STATE OF FLORIDA

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OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

February 20, 2023

Alexandra Hansli, Director
Rules Ombudsman in
The Executive Office of the Governor
Reg.Reform@eog.myflorida.com

SENT VIA E-MAIL

Re: Docket No. 20230011-TP; Rule 25-4.0665, F.A.C., Lifeline Assistance

Dear Ms. Hansli:

The Florida Public Service Commission proposed the above-listed rule at their regular agenda conference on February 8, 2023. The Commission has determined that these rules will affect small businesses. Accordingly, pursuant to Section 120.54(3)(b)2.b.(I), Florida Statutes, enclosed is a copy of the Florida Administrative Register (FAR) notice of the proposed rules, which was published in the February 20, 2023 edition of the FAR. Also enclosed is a copy of the statement of estimated regulatory costs (SERC). The SERC concluded that the proposed rule amendments will not have an adverse effect on small business. Pursuant to your instructions, we have filled out and included a copy of the OFARR rulemaking notification form.

If there are any questions with respect to these rules, please contact me at (850) 413-6224 or dsunshin@psc.state.fl.us.

Sincerely,

/s/ Douglas D. Sunshine
Douglas D. Sunshine
Senior Attorney

Enclosures

cc: Office of the Commission Clerk

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-XXXXX10061>.

(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~~. 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~~. 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~~, 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~~. 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~~.

(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~~. 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~~.

(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 Section 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 Section 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Section 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 Section 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 Section 364.105, F.S., of discounted residential basic local telecommunications service.

~~(6)(40)~~ All eligible telecommunications carriers shall provide current Lifeline program company information to the Universal Service Administrative Company at 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(e)(1)(B), as amended December 1, 1997, which is hereby incorporated into this rule by reference, and which is available at <http://www.frules.org/Gateway/reference.asp?No=Ref 10057>, 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.frules.org/Gateway/reference.asp?No=Ref 10058>.

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.

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: January 18, 2023

TO: Douglas Sunshine, Senior Attorney, Office of the General Counsel

FROM: Sevini K. Guffey, Public Utility Analyst III, Division of Economics *SKG*

RE: Statement of Estimated Regulatory Costs (SERC) for Proposed Amendments to Rule 25-4.0665, Florida Administrative Code (F.A.C.), Lifeline Assistance

Current Rule 25-4.0665, F.A.C., Lifeline Assistance, establishes the requirements prescribed by the Federal Communications Commission (FCC), which the Eligible Telecommunications Carriers (ETCs) must follow when they offer Lifeline assistance to qualified residential subscribers.

The purpose of the proposed amendments to Rule 25-4.0665, F.A.C., are to clarify and meet the requirements of the updated Lifeline rules of the FCC and to reflect the 2022 legislative changes to Section 364.10, Lifeline Service, Florida Statutes (F.S.). Specifically, the proposed amendments to Rule 25-4.0665, F.A.C., include: (1) removal of obsolete language relating to ETC approval of applications and use of specific application forms, (2) incorporate by reference, and change the program enrollment process from Lifeline Simplified Enrollment Process to Lifeline Promotion Process which facilitates the electronic transfer of eligible customer information from the Department of Children and Families and the Public Service Commission to ETCs, (3) clarify the responsibilities of ETCs and the Commission regarding the Lifeline Promotion Process, and (4) move the existing Lifeline availability advertising criteria from Section (11) to Section (4) in the proposed amended rule.

The SERC analysis indicates that none of the adverse impact/cost criteria established in Sections 120.541(2)(a), (c), (d), and (e), F.S., will be exceeded as a result of the proposed amendments. If the proposed amendments would impose any cost impacts, the incremental cost would be minimal as the electronic transfer of eligible customer information process is essentially the same process. No requests for a rule development workshop were made, and no workshop was held pursuant to Section 120.54(2)(c), F.S. No regulatory alternatives were submitted pursuant to Section 120.541(2)(g), F.S.

cc: SERC file

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
Rule 25-4.0665, F.A.C., Lifeline Assistance

1. Will the proposed rule have an adverse impact on small business? [120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)1, F.S.]

Economic growth

Yes No

Private-sector job creation or employment

Yes No

Private-sector investment

Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule? [120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets)

Yes No

Productivity

Yes No

Innovation

Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis: Rule 25-4.0665, F.A.C., is being amended to meet the Lifeline program requirements of the Federal Communications Commission (FCC) and to reflect 2022 legislative changes to Section 364.10, F.S., Lifeline Service. Specifically, the proposed amendments reflect the updated effective date of Title 47, Code of Federal Regulations (CFR) and change the program from "Lifeline Simplified Enrollment Process" to "Lifeline Promotion Process" to facilitate the electronic transfer of eligible customer information from the Department of Children and Families and the PSC to Eligible Telecommunications Carriers (ETCs). If there would be any cost impacts due to the modified enrollment process, the incremental cost would be minimal as the process is essentially the same.

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

While there are 20 ETCs that would be affected by the rule, only 14 ETCs are currently offering Lifeline assistance service.

(2) A general description of the types of individuals likely to be affected by the rule.

While there are 20 ETCs that would be affected by the rule, only 14 ETCs are currently offering Lifeline assistance service.

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation. Due to the increased number of consumers qualifying for Lifeline assistance, there may be an increase in the number of letters to be mailed by the PSC to eligible Lifeline consumers, which would increase postage cost.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule. [120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation. The proposed amendments remove obsolete language and change the Lifeline Simplified Enrollment Process to the Lifeline Promotion Process to facilitate the electronic transfer of eligible customer information to ETCs. If there would be any cost impacts due to changing the Lifeline Simplified Enrollment Process to the Lifeline Promotion Process, the incremental cost would be minimal as the process is essentially the same.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities: [120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

- No impact on small cities or small counties.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.
[120.541(2)(f), F.S.]

- None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

- No regulatory alternatives were submitted.
- A regulatory alternative was received from
 - Adopted in its entirety.
 - Rejected. Describe what alternative was rejected and provide a statement of the reason for rejecting that alternative.

Office of Fiscal Accountability and Regulatory Reform

Rulemaking Notification Form

(Exec. Order 11-211 requires agencies to submit all rulemaking notices to OFARR at least 1 week prior to publication)

To: **Director**

Submitted By: **Name, Title:** Douglas D. Sunshine, Senior Attorney
Agency, Board: Florida Public Service Commission
Phone Number: 850-413-6224

Rulemaking Notification for:

Rule Number(s): 25-4.0665

Rule Summary: Rule 25-4.0664, 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 proposed changes: New language clarifying that ETC must notify Lifeline subscribers of impending termination of service if reason to believe subscriber no longer qualifies; requires subscriber to provide proof of eligibility; clarifies that the PSC and DCF may exchange information with ETCs, and the FCC or its designee, so as to enroll eligible customers in Lifeline service; requiring any state agency determining a person is eligible for Lifeline service to coordinate with FCC or its designee to verify eligibility; deletion of obsolete provisions regarding income eligibility that are inconsistent with current FCC requirements; and deletion of references to state agencies no longer involved in Lifeline promotion process;

- The FAR notice will include more than one rule.
- The FAR notice will include new rules.
- The FAR notice will include amendments to existing rules.

Date: February 20, 2023 Date of anticipated publication: February 20, 2023

Does this rule qualify for Rules Ombudsman review in accordance with section 120.54(3)(b), F.S.? Yes No

Please complete this form when submitting rulemaking notification to the Office of Fiscal Accountability and Regulatory Reform (OFARR) pursuant to Executive Order 11-211 and Directive published on November 11, 2019. If any information or documents are missing, the notification will be returned without review. OFARR will indicate what is missing, and the completed notification must be resubmitted.

Rulemaking Notification Form

1. Proposed Rulemaking Activity:

- Notice of Development of Rulemaking – Attach the proposed Notice. If no rule text is available, give a detailed explanation of the rulemaking, including why it is necessary.
- Notice of Proposed Rule – Attach the proposed Notice, “Is a SERC Required” Checklist, and SERC (if required), all materials incorporated by reference, and all forms referenced or required by the rule.
- Notice of Emergency Rule – Attach the proposed Notice. Explain fully why emergency rulemaking is appropriate.
- Notice of Change – Attach the proposed Notice. Be sure the text is coded correctly according to Rule 1B-30.003(5)(f), F.A.C. Explain why a change is required. Attach any correspondence from JAPC or the public. If no documents exist, summarize any public comment the agency has received or public hearings/workshops the agency has held.
- Notice of Withdrawal – Attach the proposed Notice. Explain why it is necessary to withdraw the rulemaking. Include any JAPC correspondence.
- Other – Attach the proposed Notice. Include detailed information about the rulemaking.

2. Is this rulemaking included in the agency’s Annual Regulatory Plan? Yes No

3a. Do any of the amendments or new rules:

Increase Fees? Yes No N/A

If yes, list each rule that will increase fees

Increase Regulation?
(i.e., Additional Licensure,
Continuing Education
Requirements, etc.) Yes No N/A

If yes, list each rule that will increase regulation

3b. For each new rule, the following information is required: N/A

Rule Number:

Rule Title:

Statute Authorizing Rulemaking:

Statutory language authorizing rulemaking authority:

Statute Mandating Rulemaking:

Statutory language requiring rulemaking:

Rulemaking Notification Form

New rule is due to a Legislative change occurring within the past 24 months: Yes No

Provide chapter law and effective date

List each new rule separately. Use Addendum A to list additional new rules if there will be more than one new rule in the FAR notice.

4. Has the agency received any public comment about this rulemaking since the last rulemaking notification?

Yes No

If yes, please summarize the comment and the agency's position regarding the comment (i.e. has made or intends to make changes based on the comment, disagrees with the comment, etc.) and attach any documents.

5. Has the agency received any comment from JAPC since the last rulemaking notification?

Yes No

If yes, please summarize the comment and attach any documents.

For Notice of Proposed Rules Only

6. Describe the public need for the proposed rule(s)/amendment(s) and an explanation of how the proposed rule will address that need.

The rulemaking, to amend Rule 25-4.0665, F.A.C., Lifeliens Assistance, was initiated as a result of changes to Section 364.10, F.S., made in the 2022 Legislative Session to conform to current federal regulations. The amendment is intended to comport to Section 364.10, F.S.

7. Has the agency received, been made aware of, or contemplated/reviewed any lower cost regulatory alternatives (LCRA)?

Yes No

If yes, describe in detail what action the agency took in response to the LCRA. If no, please explain.

Rulemaking Notification Form

8. Summarize qualitative and quantitative *benefits* of the proposed rule(s)/amendment(s). Benefits may include but are not limited to: productivity, efficiency, employment and accessibility, enhancement of health and safety, and protection of the environment.

See attached SERC.

9. Summarize qualitative and quantitative *costs* of the proposed rule(s)/amendment(s). Costs may include but are not limited to: cost to government in administering the regulation, costs to businesses and professionals in complying with the regulation, adverse effects on the economy, private markets, health, safety and the environment.

See attached SERC.

10. Does the proposed rule(s) include a sunset provision (not to exceed five years)?

Yes No

If no, please detail why and attach any supplemental documentation.

The Commission is required to adopt Rule 25-4.0665, F.A.C., pursuant to Section 364.10(2)(l), F.S., which does not require a sunset provision.

Rulemaking Notification Form

This form should be used in conjunction with the Rulemaking Notification Form to list additional new rules that will be part of the same FAR notice. Use as many addendums as necessary to list all new rules.

[3b from Rulemaking Notification Form]

For each new rule, the following information is required:

Rule Number: <input type="text"/>	Rule Title: <input type="text"/>
Statute Authorizing Rulemaking: <input type="text"/>	Statutory language authorizing rulemaking authority: <input type="text"/>
Statute Mandating Rulemaking: <input type="text"/>	Statutory language requiring rulemaking: <input type="text"/>
New rule is due to a Legislative change occurring within the past 24 months: Yes <input type="checkbox"/> No <input type="checkbox"/>	Provide chapter law and effective date <input type="text"/>

List each new rule separately.