

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Elimination of the three-month)	DOCKET NO. 890429-TL
off network and two-year not assistance)	
requirements from the eligibility)	ORDER NO. 21416
criteria of the "Link Up Florida")	
assistance program)	ISSUED: 6-20-89
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 JOHN T. HERNDON

ORDER REQUIRING TARIFF AMENDMENTS

BY THE COMMISSION:

By Order No. 19684, issued July 8, 1988 in Docket No. 880847-TL, we implemented the Link Up Florida (LUF) program as a part of the Link Up America program. These programs are a joint federal-state effort approved by the Federal Communications Commission (FCC) on April 16, 1987. The Florida program was granted certification by the FCC on August 1, 1988. The program is designed to make telephone service accessible to low-income households which are not currently on the public switched telephone network. It is intended to promote subscribership among low income households by providing a credit to the connection charges applicable to providing residential service. Eligible Link Up subscribers receive a credit of 50% or \$30.00 (whichever is less) which is applied to the nonrecurring charges for the establishment of service for a single telephone line per household at the principal place of residence of eligible applicants.

By Order No. 20054, issued September 22, 1988, we established the following eligibility requirements for Link Up Florida subscribers:

- A. The applicant/subscriber must not be a dependent for federal income tax purposes, unless the subscriber is more than 60 years of age.
- B. The applicant/subscriber must be currently on the Florida Medicaid or Food Stamp programs, or certified by the Department of Health and Rehabilitative Services as eligible for one of these programs.
- C. The applicant/subscriber has lived at an address or addresses where there has been no telephone service for at least three months immediately prior to the date that assistance is requested.
- D. The applicant/subscriber must not have received LUF assistance within the last two years, with receipt of such assistance to be measured from the date of initiation of the telephone service for which assistance was provided.

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Prior to implementation of LUF, the FCC issued a Notice of Proposed Rulemaking (NPRM) to review the eligibility criteria for the Link Up America Program. Comments were sought on whether to eliminate the three-month and two-year requirements in those states which verify the income eligibility of applicants. On August 25, 1988, in response to the NPRM, this Commission filed comments with the FCC regarding Link Up America in which we endorsed the elimination of the two-year and three-month eligibility requirements. Subsequently, the FCC issued a Recommended Decision and Order on January 31, 1989 which concluded "that it is in the public interest" to eliminate these two non-income eligibility criteria.

The FCC's decision to eliminate the two non-income restrictions to the Link Up program was based on comments received in response to the NPRM. These comments indicated that the restrictions have worked to prevent persons from receiving benefits who should be eligible. The FCC also concluded that the restrictions can be removed without substantial cost increases in the program. Although the our endorsement of these changes was made prior to implementation of the Link Up Florida program, the implementation of these changes is not expected to have any cost effect on the LECs in Florida. Accordingly, we find it appropriate to delete the two-year and three-month requirements from the eligibility requirements for Link Up Florida.

In accordance with our decision above, all LECs except Vista-United, shall file tariffs reflecting the changes in eligibility criteria to become effective on July 1, 1989. We note that Vista-United was previously granted an exemption from filing a Link Up tariff because that company has no residents in its territory who qualify for the program. However, we also caution that Vista shall file a Link Up tariff if any qualified residents request service under this program.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that each local exchange company except Vista-United shall file tariff revisions reflecting the changes in the Link Up Florida eligibility criteria as set forth in the body of this Order. It is further

ORDERED that this docket may be closed after the tariffs required to be filed by this Order are filed as set forth in the body of this Order.

By ORDER of the Florida Public Service Commission,
 this 20th day of JUNE, 1989.


 STEVE TRIBBLE, Director
 Division of Records and Reporting

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.