

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition by Citizens of Florida to initiate rulemaking that would require local exchange telecommunications companies to provide Lifeline service within 30 days of certification.

DOCKET NO. 040451-TP  
ORDER NO. PSC-05-0911-FOF-TP  
ISSUED: September 16, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman  
J. TERRY DEASON  
RUDOLPH "RUDY" BRADLEY  
LISA POLAK EDGAR

ORDER CLOSING DOCKET

BY THE COMMISSION:

On May 13, 2004, the Office of Public Counsel (OPC) filed a petition to initiate rulemaking. In its petition, OPC stated that while section 364.10(3), Florida Statutes, requires it to certify and maintain claims submitted by a customer for eligibility under the income test set forth in the statute, there was no date by which local exchange telecommunications companies must begin providing Lifeline service after receiving the notice of eligibility from OPC. It requested that we adopt the following rule:

Provision of Lifeline Service After Certification of Eligibility. Each local exchange telecommunications company providing Lifeline service under an income test shall provide Lifeline service to the customer within 30 days of receiving certification of eligibility from the Office of Public Counsel.

On July 6, 2004, we voted to grant OPC's petition and rulemaking was initiated. Our staff held two rule development workshops to obtain comments on OPC's rule proposal. At each of the workshops, OPC and the local exchange telecommunications companies indicated a willingness to resolve the concerns raised in OPC's petition through means that would not require a rule and expressed their desire to work on their own to resolve this matter.

On July 15, 2005, Commission staff counsel received a letter from OPC indicating that "it is no longer necessary to go forward with rulemaking in this docket." The letter stated that OPC had "worked hard with the local exchange companies to improve the processing of income-based Lifeline applications" and that OPC is satisfied with the improvements made by the companies.

As OPC indicates that its concerns pertaining to the Lifeline application process have been addressed and that rulemaking is no longer necessary, this docket is hereby closed. We note that the Legislature in its 2005 Session made changes to Chapter 364 which added new

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provisions pertaining to Lifeline service. Some of these provisions instruct us to develop rules to implement the new laws. Our staff is currently reviewing the new provisions and will initiate any necessary rulemaking in a separate docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that this docket is closed.

By ORDER of the Florida Public Service Commission this 16th day of September, 2005.

  
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BLANCA S. BAYO, Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

SMC

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, 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 and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services 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.