

ORIGINAL

MEMORANDUM

August 31, 1998

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RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BEDELL) **CB**

RE: UNDOCKETED SPECIAL PROJECT NO. 980000B-SP - Access by Telecommunications Companies to Customers in Multi-Tenant Environments

Attached is an **ISSUE MEMORANDUM LETTER FROM THE FLORIDA ASSOCIATION OF HOMES FOR AGING DATED AUGUST 10, 1998**, to be filed in the above-referenced docket.

CB/slh
 Attachment
 cc: Division of Communications

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RECORDS AND REPORTING

"Celebrating
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FLORIDA ASSOCIATION OF HOMES FOR THE AGING



An Organization of Retirement Housing and Health Care Communities

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Karen R. Torgesen
Executive Director

MEMORANDUM

TO: The Public Service Commission

FROM: Mary Ellen Early, Director of Public Policy
Julie Miller, Director of Housing

SUBJECT: August 12 workshop on "Assess by Telecommunications Companies to Customers in Multi-Tenant Environments" -- Special Project No. 9800003-SP

The Florida Association of Homes for the Aging is a statewide association consisting of nursing homes, assisted living facilities, government-financed or insured housing for the elderly, and retirement communities that provide the full continuum of care, including a licensed nursing home or assisted living facility or both. Most of our members are non-profit organizations. Over 50,000 residents, most of whom are over the age of 78, reside in these facilities. Thousands of other Floridians live in similar facilities that are not part of our association.

Since the early 1980's, some of our members have provided telephone services to tenants through a shared telephone system. The Public Service Commission affirmed their right to use shared tenant services in docket number 860455-TL, order number 17111, issued on January 15, 1987.

The purpose of this memo is to request that the Public Service Commission, in its deliberations on "Access by Telecommunication Companies to Customers of Multi-Tenant Environments" consider the special needs of elderly and disabled Floridians who reside in group living facility/communities that are licensed, certified, or financed by a government agency. We respectfully request that you reaffirm current policy to exempt these facilities from restrictions on the use of shared tenant services.

Our response is limited to the telecommunication needs of persons residing in long-term care facilities and retirement housing as defined in this memo. We are not technical experts in the field of telecommunication services. Therefore, we do not have the expertise to respond to specific issues identified in the workshop notice that appeared in the July 31, 1998 issue of the Florida Administrative Weekly.

In group living facility environments, such as a nursing home, assisted living facility, government financed/subsidized housing for the elderly, or a retirement community with a licensed nursing home or assisted living facility, a shared tenant telephone system (central office trunk lines via a PBX or master switchboard) operated by the facility should be permitted. Direct access to customers by the local telephone company is not warranted.

- Oftentimes, these facilities provide multiple levels of care that co-exist on a campus.
- These providers have never been regulated by the PSC. They have had a specific exemption (PSC order #17111) from regulation since 1987.
- They are not in the business of providing local exchange telephone services and do not compete with telephone companies. They use local and long distance companies but facilitate the acquisition and management of telephone services on behalf of residents.
- Through the use of a shared tenant system, elderly and disabled residents of these facilities enjoy telecommunication services that might not otherwise be available. These include local exchange service, three-digit in-house dialing through the PBX or master switchboard, an in-house emergency response system and, when required, assistance from the switchboard operator in making calls.
- Most shared telephone systems provide not only affordable telephone services, but also an emergency response system. Some have an automatic tie into an in-house operator or nurses station in the event of an emergency. If a resident knocks the headset off the hook, staff receives an automatic signal for help.
- Nursing homes, assisted living facilities, continuing care retirement communities and HUD housing are already heavily regulated by a number of government agencies. Oftentimes, these facilities are collocated so residents move from building to building as their needs change. The overlap makes it difficult to classify these facilities as transient rentals. Stays can be for an extended period of time or for a few weeks. Through call aggregator services, residents are provided with telephone services regardless of where they move, even if the stay is temporary.
- As people live longer, their stay in a communal or institutional setting designed specifically for seniors has become longer. While some stays are short-term, many Floridians live out their lives in a nursing home, assisted living facility, continuing care retirement community or HUD funded or insured housing complex for the elderly. When the PSC issued Order #17111, they acknowledged that these facilities should not be classified as transient rentals.
- Since the PSC issued order #17111 on January 15, 1987 exempting these providers from shared tenant and call aggregator regulation, we are not aware of any consumer complaints to the commission that would warrant a change in policy or rule.

The long-term care facilities and retirement housing communities that use shared tenant services are not competing with telephone companies. Frequently, the telephone service is provided as part of the personal care, housing and emergency response package available to residents/patients. Availability of a shared telephone service in long-term care facilities and retirement housing is clearly in the public interest and beneficial to elderly Floridians. It is also

consistent with public policy initiatives to promote a variety of long-term care and residential options that help to postpone or eliminate the need for nursing home care.

If the Public Service Commission determines that there is a need to restrict the use of shared tenant services, we believe that the following exemption should continue. Occupants of all homes, communities or facilities for the aged, disabled or retired in which at least 75% of the occupants are over age 62, or totally or permanently disabled, and meet one or more of the following criteria:

- a. is licensed in part or in whole as a nursing home pursuant to Ch. 400, F.S.;
- b. is licensed in part or in whole as an assisted living facility pursuant to s.400.404, F.S., or exempt from licensure as an assisted living facility pursuant to s.400.404, F.S.;
- c. is certificated as a continuing care facility pursuant to Ch. 651 F.S.; or
- d. is financed or insured by the U.S. Dept. of Housing and Urban Development (HUD) pursuant to the National Housing Act or financed in part or in whole by the State Apartment Incentive Loan program pursuant to s.420.507, F.S.

We were unsure about the appropriateness of responding to the PSC workshop notice that appeared in the Florida Administrative Weekly. Specifically, it was not clear that our members would be affected by issues to be addressed during the workshop. Since we were unable to obtain guidance from Commission staff on the appropriateness of submitting comments, we decided to respond.

If you need additional information, including information from PSC hearings on this issue, please do not hesitate to contact us.

Thanks in advance for your time and consideration of this important issue.