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December 6, 2004

Mrs. Blanca S. Bayó  
Director, Division of the Commission  
Clerk and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Re: **Docket No. 040451-TP**  
**Petition by Citizens of Florida to Initiate rulemaking that would require local exchange telecommunications companies to provide Lifeline service within 30 days of certification**

Dear Ms. Bayó:

Subsequent to the November 5, 2004 workshop, the staff requested post workshop comments be filed by December 6, 2004. In that regard, attached are BellSouth Telecommunications, Inc.'s comments regarding staff's requests, which we ask that you file in the captioned docket.

Copies have been served to the parties shown on the attached Certificate of Service.

If you have any questions, please contact MaryRose Sirianni at (850) 224-5244.

Sincerely,

  
Nancy B. White

Enclosures

cc: All Parties of Record  
Marshall M. Criser III  
R. Douglas Lackey

**CERTIFICATE OF SERVICE  
DOCKET NO. 040451-TP**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail and First Class U. S. Mail this 6<sup>th</sup> day of December, 2004 to the following:

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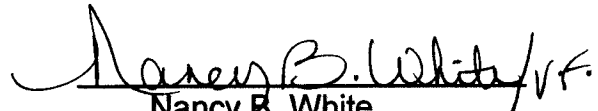
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Nancy B. White

## Post Workshop Comments of BellSouth

### General Position

As stated at the Staff workshop on November 5, 2004, and subsequently at the November 29, 2004 staff workshop, BellSouth has several concerns regarding the proposed Lifeline rules. First and foremost, is the timing of the proposed rules. There is an ongoing docketed proceeding in Florida (Docket 040604-TL) that BellSouth believes will have ramifications on the rule development in this proceeding. BellSouth believes it is premature at this point to continue with the instant rule proceeding until the conclusion of Docket 040604-TL. While it may make sense to go forward with discussions between the parties, BellSouth does not believe that it is efficient to move forward on a formal basis until the conclusion of the other docket.

Additionally, BellSouth is not convinced that current Lifeline process is "broken" and is in need of "fixing" to the extent that are in the proposed rules. BellSouth is not opposed to rules that lay out the general requirements of Lifeline (e.g., what programs qualify for Lifeline, directory requirements, etc.), however, BellSouth is opposed to specific rules requirements that would govern how a Company's Lifeline process works. Notwithstanding BellSouth's general position regarding the proposed rule, below are BellSouth's comments on each subsection of the proposed rule.

### 25-4.0665 Lifeline Service

(1) Each local exchange telecommunications company ETC providing Lifeline service assistance under an income test shall provide Lifeline service assistance to the customer within 30 days of receiving certification of eligibility from the Office of Public Counsel. If the Lifeline applicant does not have service with the company when the company receives certification of eligibility from the Office of Public Counsel, the company shall provide service within the same timeframes applicable to non-Lifeline customers and shall provide Lifeline and Link-Up credit to the customer on the customer's first bill from the company. (COMMENT – Include definition for ETC)

**BellSouth's Comments:** BellSouth's practice is currently consistent with this subsection of rule proposal. Additionally, it is BellSouth's position that there should be equitable treatment between all ETC's (e.g., ILECs, CLECs, wireless, etc.).

**BellSouth's Proposed Definition of ETC:** An eligible telecommunications carrier ("ETC") is a common carrier, that has been designated by a state commission or in limited circumstances by the FCC, that offers the following services throughout a designated study area in a rural, insular or high cost area as set forth in 47 C.F.R. §54.101: voice grade access to the public switched network; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to emergency services; access to operator services; access to interexchange service; access to directory assistance; and, toll limitation for qualifying low-income consumers. Moreover, in order to receive Federal universal service support, the ETC

must offer those supported services either using its own facilities or a combination of its own facilities and resale of another carrier's services and must advertise the availability of such services and the charges therefore using media of general distribution.

(2) ~~Local exchange telecommunications companies~~ ETCs ~~may~~ shall not refuse Lifeline or Link-Up credit to a customer if a customer chooses to purchase optional calling plans or promotional discount packages of services from the company as long as the plan or package includes basic local service.

**BellSouth's Comments:** BellSouth's practice is currently consistent with this subsection of the rule proposal. However, BellSouth is concerned with the specificity of this language in a rule. Offering discounted packages to Lifeline customers could inevitably force the company to offer a particular package below cost. For instance, if you consider the Company funded portion of the Lifeline discount (\$3.50 per month) on top of a discounted package offer, it may cause that particular package to actually be below cost.

BellSouth believes that the language is restrictive in nature on how a company offers its services as far as pricing is concerned. Additionally, the majority of the packages are considered nonbasic services. BellSouth would prefer to have the flexibility regarding the offering of discounted packaged services. Thus, BellSouth does not believe that this language is necessary at this time and should be eliminated.

(3) ~~Local exchange telecommunications companies~~ ETCs ~~may~~ shall not refuse a customer Lifeline or Link-Up credit because the customer purchases more than one line from the company. The customer, however, may only receive Lifeline or Link-Up credit for one line.

**BellSouth's Comments:** BellSouth's practice is currently consistent with this subsection of the rule proposal.

(4) No customer shall be required to change the name on his or her account in order to receive Lifeline or Link-Up credit, nor shall any customer be required to provide their social security number to the company in order to receive Lifeline or Link-Up credit.

**BellSouth's Comments:**

#### **Customer's Name**

BellSouth believes if a customer is eligible for Lifeline, then the billing must be in that particular customer's name. However, the customer may have the listed name in another name. For instance, if service is in the deceased husband's name and he was qualified for Lifeline, and the wife wants to continue Lifeline, she will need to qualify for herself and have the billing in her name. In other words, the listing name would **not need to be changed** to the Lifeline qualified user, but the subscriber name in our systems **does** need to be that of the qualified user. Furthermore, this could potentially complicate

the front-end certification process for existing customers. The BellSouth representative will not be able to match the Lifeline application they receive to the appropriate account if there is no name match, which could ultimately cause a delay in the customer receiving their Lifeline discount.

The customer **would not incur a charge** to change the account name or to list a different name in the directory.

Additionally, Section A3.31.2 of our GSST Florida tariff, states the following:

2. One low-income credit is available per household and is applicable for the primary residential connection only. The **subscriber must be a current recipient** of any of the low-income assistance programs identified in B. following.

Therefore, it is BellSouth's position that the subscriber must be the current recipient to receive the Lifeline or Link-Up credit.

#### **Use of Social Security Number (SSN)**

During the workshop, staff asked if a customer's SSN was required to add lifeline to their account, and if so, whether the last four digits of the SSN would be sufficient. BellSouth responded at the workshop that it requires the full SSN to add Lifeline to an account. There are several reasons BellSouth requires the full SSN. First, the FCC rules allow for only one Lifeline account per household, and per person. Without the full SSN, there is no way for BellSouth to know if a customer is receiving more than one Lifeline credit. Second, BellSouth utilizes the SSN to perform its verification process. Without the full SSN, there will be no central data to use to compare with the State agencies in performing the verification process in order to determine eligibility. This in essence could cause some eligible users to have to re-certify unnecessarily. In addition, the system utilized for BellSouth's verification process was not programmed to enable the use of the last four digits of the SSN.

(5) Public Assistance eligibility determination letters, such as those provided for food stamps and Medicaid, and public housing lease agreements are sufficient proof of eligibility for Lifeline and Link-Up enrollment. ~~Each local exchange telecommunications company ETCs shall strive to accept commonly used letters or other documents as proof of eligibility for Lifeline and Link Up enrollment and shall not impose burdensome or unusual~~ additional requirements on customers to prove eligibility for Lifeline or Link-Up.

**BellSouth's Comments:** BellSouth supports the use of Public Assistance eligibility determination letters. BellSouth utilizes the letter distributed by the Department of Children and Families and would encourage and support the other agencies to do likewise.

(6) ~~Local exchange telecommunications companies ETCs may~~ shall not require recertification of Lifeline customers ~~no~~ more frequently than once each year. The recertification requirements shall not be more rigorous than those required in subsection (5) of this rule.

BellSouth's Comments: BellSouth recommends that Lifeline eligibility for end users be verified periodically, at a minimum annually. BellSouth believes that this portion of the rule is contingent on the outcome of the other proceeding being considered by this Commission. For instance, self-certification is being considered in the other proceeding. If self-certification is ordered by this Commission, BellSouth has a strong desire to re-certify more often than once a year due to the fact that you may be subjecting yourself to additional fraud.

BellSouth would also note, this is also consistent with the Florida Public Service Commissions Order No. PSC-95-1150-FOF-TL issued September 15, 1995. The order states:

Each proposed tariff provides that to be eligible for Lifeline, the residential subscriber must be a recipient of public assistance participating in at least one of the following programs: Aid to Families with Dependant Children (AFDC), Supplemental Security Income (SSI), Food Stamps, or Medicaid. All applications for Lifeline are subject to verification with the state agency responsible for administering the qualifying program. Each company will process all applications and apply the appropriate credit on the subscriber's monthly bill. **In addition, each company will reconcile and confirm eligibility periodically, at minimum semi-annually, by providing the agency with a computer tape of all credit recipients.** A verification of eligible recipients will be made. The credit will be discontinued on the bill following written notification to the subscriber of ineligibility.

~~(7) Local exchange telecommunications companies cannot require Lifeline or Link Up customers to fax documentation to the company in order to prove eligibility and must provide customers the option of mailing documentation to the company. Lifeline or Link-Up customers may submit their eligibility documentation to the ETC or the Office of Public Counsel via mail, fax, e-mail, or hand delivery.~~

BellSouth's Comments: At the November 5, 2004 workshop, the staff agreed to add the following underscored language:

“or hand delivery if available.”

If the added language is incorporated, then BellSouth's practice is currently consistent with this rule proposal.

~~(8) Local exchange telecommunications companies ETCs may shall not discontinue Lifeline assistance to customers without (a) first determining that the customer is no longer eligible for Lifeline, (b) notifying the customer that the company has determined they are ineligible, and (c) providing a sixty day period for the customer to challenge the company's determination. (COMMENT - Not clear what subsection (c) means)~~

**BellSouth's Comments:** BellSouth has no problem with the proposed language.

Regarding , subsection c, BellSouth currently is working on a verification process with the Florida Department of Children and Families that provides for the verification process that is required by the FCC. If the end user's eligibility is not confirmed by the verification process, a letter is sent to the end user asking them to contact BellSouth within 60 days of the date of the letter to provide proof of eligibility under any of the criteria listed in the letter. If no response is received from the end user, a letter is sent to the end user explaining that based on their previous eligibility in one of the required programs, a Lifeline credit has appeared on their monthly bill. While this credit has been discontinued, a Lifeline Transitional Discount of 30% plus tax will be applied to the customer's basic residential line. The Lifeline Transitional Discount will continue for 12 consecutive months and will appear on the bill under monthly service charges.