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 Sent: Monday, December 06, 2004 4:20 PM  
 To: Filings@psc.state.fl.us  
 Subject: 040451-TP Sprint's Comments

Filed on behalf of:

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December 6, 2004

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

Re: Docket No. 040451-TP

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 Sprint-Florida, Incorporated and Sprint PCS (Sprint) comments regarding staff's requests, which we ask that you file in the captioned docket.

Copies are being served on the parties in this docket pursuant to the attached certificate of service.

If you have any questions regarding this electronic filing, please do not hesitate to call me at 850-599-1560.

Sincerely,

A handwritten signature in black ink that reads "Susan S. Masterton".

Susan S. Masterton

Enclosure

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

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by U.S. mail on this 6<sup>th</sup> day of December, 2004 to the following:

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Petition by the Citizens )  
Of Florida to require local exchange )  
Telecommunications companies to )  
Provide Lifeline service within )  
30 days of certification )

Docket No. 040451-TP  
Filed December 6, 2004

**POST WORKSHOP COMMENTS OF SPRINT**

Sprint – Florida, Incorporated and Sprint PCS (Sprint) file these post workshop comments in this docket as requested by staff at the November 5, 2004 staff rule development workshop.

**BACKGROUND**

On May 13, 2004, the Office of Public Counsel (OPC) filed a petition to initiate rulemaking requiring provision of Lifeline service within 30 days of certification for customers certified by the OPC. Sprint's initial comments on this proposed rule making were captured in the FTIA's response to this petition which was filed on behalf of its members on June 3, 2004. The main response to this petition to initiate rulemaking was that there was no factual basis provided for the need for such a rule nor was a demonstration made that the local exchange providers were deliberately attempting to delay enrolling customers on Lifeline. (See Letter for entire comments.)

At the July 6, 2004 Agenda Conference, the Commissioners voted to proceed to rulemaking on the OPC's petition. On August 19<sup>th</sup>, the staff convened a rule development workshop and provided an agenda which contained a series of topics and questions to be discussed at this workshop. Sprint participated in the workshop and provided general comments regarding the belief that a rule is not needed. Additionally, Sprint specifically responded at the workshop to the issues the companies were requested to discuss.

Following this staff workshop, on September 3, 2004, the OPC filed Proposed Rule 25-4.0665, Lifeline Service. This proposed rule had other Lifeline certification, verification and provisioning requirements in addition to the one originally proposed which would require provision of Lifeline service within 30 days of certification for customers certified by the OPC.

On October 22, 2004, the FPSC Staff issued a notice of their intention to hold a November 5, 2004 workshop to discuss the OPC's September 3, 2004 Proposed Rule language. At the conclusion of the workshop, parties were requested to provide written comments by December 6, 2004. Sprint participated in this workshop and requested that a meeting be held prior to the date for filing comments in an attempt to work out a memorandum of understanding (MOU) between the ILECs, the OPC and the Commission Staff regarding Lifeline practices and procedures and therefore negate the

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requirement for a rule. That meeting was held on November 29, 2004 but parties were unable to agree at that time to any uniform MOU which would apply to all carriers.

Sprint now files these written comments as requested at the November 5<sup>th</sup> workshop. Each section begins with a proposed rule subsection which is followed by Sprint's comments. For purposes of this document, Sprint has used Staff's edited version of OPC's proposed rule language which staff provided at the November 5<sup>th</sup> workshop.

#### **SPRINT'S COMMENTS ON PROPOSED RULE 25-4.0665 LIFELINE SERVICE**

Sprint respectfully states that there is no need for a programmatic rule regarding Lifeline procedures in Florida. There has not been a showing that there are any recurring problems occurring at a significant level with any of the ILECs' processes. Sprint – Florida is currently meeting the letter and spirit of the requirements spelled out in these draft rules in its provision of Lifeline service to qualifying subscribers. Sprint is willing to enter into a Memorandum of Understanding with the OPC and the FPSC memorializing Sprint's current business practices with regard to the establishment of Lifeline accounts.

Sprint's comments on the individual rule requirements are as follows:

##### **25-4.0665 Lifeline Service**

**(1) Each ETC providing Lifeline assistance shall provide Lifeline assistance to the customer within 30 days of receiving certification of eligibility. If the Lifeline applicant does not have service with the company when the company receives certification of eligibility, 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.**

Sprint has not seen any evidence that there is a problem which requires this rule as a solution. Currently, Sprint is providing the Lifeline discount on the existing customers' accounts well within the 30 days after receiving certification of eligibility. Depending on the existing customer's billing cycle, the first Lifeline credit may or may not be on the next bill after the customer is certified. However, no efforts would be made to suspend the customer's account for non payment if the customer made no payment and the Lifeline credit did not appear until the second billing cycle after the customer's certification of eligibility was received by Sprint.

With regard to Lifeline eligible consumers who are not currently Sprint customers, Sprint will provide service within the same timeframes applicable to non-Lifeline customers upon receipt of a request for service. Sprint will apply the Lifeline discount to the account well within the 30 days after receiving the appropriate verification information either

from the customer, the OPC or DCF. Sprint will not initiate service until the customer contacts Sprint to place an order. There are benefits to both Sprint and the customer for this requirement. Sprint needs to talk directly to the customer in order to obtain the information necessary for Sprint to be able to initiate service for the customer. Information such as billing name and address, directory listing information, long distance requirements, feature requests, whether jack work is needed, when access can be gained, if needed, etc. are all required by Sprint. Can be reached numbers are often either not provided with the Lifeline eligibility information or they are numbers where Sprint cannot reach the customer during regular business hours.

**(2) ETCs 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.**

Sprint - Florida's current practices allow for a Lifeline customer to purchase bundles or optional calling plans. Although Sprint is currently meeting this proposed rule language, it is preferred to not have this in a rule so that there would be flexibility in the future if business plans should change. As stated previously, Sprint is willing to work to adopt an MOU with the OPC and the Commission which would memorialize Sprint's procedures in providing Lifeline service, including language reflecting an agreement not to refuse to allow Lifeline customers to purchase bundled service, so long as there is no determination by the FCC or Florida Commission to the contrary.

Sprint PCS has recently received ETC status in Florida and will offer Lifeline service to eligible customers. Because of administrative and billing issues, Sprint PCS has a single Lifeline plan and will not be able to allow the customer to choose any other plan. Therefore, if this proposed rule were applied to all ETCs and it was determined that wireless ETCs were subject to the Commission's jurisdiction for Lifeline service, then Sprint PCS would need clarification that its Lifeline offer meets the spirit of this rule language.

**(3) ETCs 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.**

Sprint Florida currently allows customers to purchase more than one line provided they only receive the Lifeline credit on one line.



(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.

Sprint cannot agree to this proposed language. With regard to changing the name on the account in order to receive Lifeline or Link-Up credit, Sprint does require that the billing responsible party on the account be the person who is eligible for the Lifeline credit. This is not only a Sprint requirement; it is also a requirement of the FCC. As found in paragraph 18 of the FCC's Report and Order and Further Notice of Proposed Rulemaking adopted on April 2, 2004 and released on April 20, 2004, "We note that in the 1997 Universal Service Order, the Commission found that "in the interest of administrative ease and avoiding fraud, waste, and abuse, the named subscriber to the local telecommunications service must participate in [the] program [] to qualify for Lifeline." [See 1997 Universal Service Order, 12 FCC Rcd at 8974, para. 374.]

Although Sprint requires the billing to be in the name of the adult eligible for Lifeline, Sprint is sympathetic to the issue of people who do not want their name listed in the phone directory for security reasons. The listing in the directory can be different than the billing party name and there is no additional charge.

Sprint also cannot agree to a rule which says a Lifeline customer is not required to provide a Social Security Number (SSN). Sprint currently requires the SSN of all customers applying for service, whether they are Lifeline customers or non-Lifeline customers. The SSN is needed in order to ensure that the correct billing party has been identified. There are many "James Smith's" in Sprint- Florida's territory, for example, and having a social security number helps Sprint ensure accurate billing. Additionally, if annual recertification of Lifeline ever becomes a requirement, SSNs will be needed in order to compare Sprint's list of customers with a state agency's list of clients.

There are individual circumstances where Sprint will deviate from its requirement of a SSN for both Lifeline and non-Lifeline subscribers. Therefore, if it is determined that a rule is necessary, Sprint would suggest as alternative language, "No ETC shall require a customer to provide his social security number, to an extent greater than required for establishment of non-Lifeline service, in order to receive a Lifeline or Link-Up credit."

(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. ETCs shall not impose additional requirements on customers to prove eligibility for Lifeline or Link-Up.

Sprint's current practices with regard to the proof accepted for purpose of determining Lifeline and Link-Up eligibility comport with the spirit of the proposed rule language.

(6) ETCs shall not require recertification of Lifeline customers more frequently than once each year. The recertification requirements shall not be more rigorous than those required in subsection (5) of this rule.

Sprint has no objections currently to the rule language as proposed. However, Sprint reserves the right to provide additional comments based on the outcome of the Rulemaking process in Docket 040604.

(7) 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.

The OPC's concern as stated in their original proposed rule language on this item was that customer's not be required to fax their eligibility documentation to the ETC. Sprint does not require a customer to fax their documentation and does provide a mailing address to the customer. Sprint also accepts e-mail documentation from the Department of Children and Families (DCF) and the OPC. Sprint does have concern with the rule as currently written as it appears to require the company to allow customers to hand deliver their information. Sprint does not have locations and procedures for customers to hand deliver their information and recommends adding the words "if available" to the end of this rule section.

(8) ETCs 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.

The language in (8) (c) appears to be ambiguous with regard to whom the customer would challenge the discontinuance of Lifeline assistance..Sprint suggests changing 8)(c) to read "providing a sixty day period for the customer to provide proof of eligibility to the company".



## DEFINITION OF ETC

In addition to the comments on the proposed rule language, parties were also asked to submit comments on whether these rules should include all ETCs or only ILECs. Sprint believes that it would be discriminatory to have rules apply to one segment of providers but not to all. However, the FPSC does not have statutory jurisdiction over wireless companies and could not enforce its rules as to wireless carriers who are ETCs; therefore it does not appear that the Commission can promulgate rules which the wireless companies must adhere to. Because it would be discriminatory to have rules apply to one group of providers but not all and because the FPSC does not have jurisdiction over wireless providers, Sprint believes that no rules should be adopted.

Sprint is sending to OPC a separate document formally offering a proposed memorandum of understanding with Sprint which memorializes Sprint's practices regarding Lifeline. Sprint will seek to reach an agreement with the OPC and the Commission which would allow Sprint to opt out of any Lifeline rules if that option is available.