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Charles J. Beck
Deputy Public Counsel

December 17, 2004

Blanca S. Bayo, Director
Division of Commission Clerk and
Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

COMMISSION
CLERK
04 DEC 17 PM 3:28
RECEIVED-FPSC

Re: Docket No. 040604-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' Prehearing Statement. A diskette in Word format is also submitted.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck
Deputy Public Counsel

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ECR _____
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OPC _____
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RCA _____
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DOCUMENT NUMBER-DATE

13263 DEC 17 04

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Adoption of the National School Lunch)
Program and an income-based criterion at or) Docket no. 040604-TL
below 135% of the Federal Poverty Guidelines)
as eligibility criteria for the Lifeline and Link-) Filed December 17, 2004
Up programs)
_____)

CITIZENS' PREHEARING STATEMENT

Pursuant to the Order Establishing Procedure, order no. PSC-04-1066-PCO-TL issued November 1, 2004, as amended by the Order Modifying Procedure, order no. PSC-04-1096-PCO-TL issued November 5, 2004, the Citizens of Florida file this Prehearing Statement.

Witnesses and Exhibits: Citizens have not sponsored a witness. At this time Citizens can identify two documents we plan to use during the cross-examination of Verizon Florida's witness Dr. Carl Danner: a memorandum dated July 22, 2004, from Carl Danner & Mitch Wilk entitled "Strategic Considerations for Florida Lifeline Workshop," and a consultant agreement between Verizon Services Group and Wilk & Associates/LECG, LLC, effective as of October 1, 2003. Verizon claims both of these document are confidential; Citizens oppose Verizon's claim of confidentiality.

Basic Position: Adoption of income eligibility based on 135% of the federal poverty guidelines, adoption of eligibility based on participation in the National School Lunch program, and adoption of the self-certification process proposed by BellSouth

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will have a positive effect on the Lifeline and Link-Up programs and should be adopted by the Commission.

ISSUE 1: Is the Commission authorized under state or federal law to order the actions set forth in Order No. PSC-04-0781-PAA-TL?

Citizens' Position: Yes.

ISSUE 2: Are the actions taken by the Commission in Order No. PSC-04-0781-PAA-TL reasonable and non-discriminatory?

Citizens' Position: Except for the portion of the order providing a lesser benefit for those persons using self certification, the actions taken by the Commission in the PAA order are reasonable.

ISSUE 3: Should the Commission address the Lifeline and Link-Up issues in rulemaking pursuant to Section 120.54, Florida Statutes?

Citizens' Position: No position.

ISSUE 4: What are the economic and regulatory impacts of implementing the actions taken by the Commission in Order No. PSC-04-0781-PAA-TL?

Citizens' Position: Adoption of income eligibility based on 135% of the federal poverty guidelines, adoption of eligibility based on participation in the National School Lunch program, and adoption of the self-certification process proposed by BellSouth would have a positive effect on the Lifeline and Link-Up programs.

ISSUE 5A: Should consumers be allowed to self certify for program-based Lifeline and Link-Up eligibility?

Citizens' Position: Yes, the Commission should adopt the self-certification program proposed by BellSouth.

ISSUE 5B: If so, how much assistance should be provided for customers using self-certification?

Citizens' Position: Customers using self-certification should receive the same amount of assistance that is provided to customers using other methods to certify eligibility.

ISSUE 6: Is the Commission authorized under state or federal law to establish a state lifeline funding mechanism? If so;

Citizens' Position: No.

ISSUE 6A: What is the appropriate state lifeline funding mechanism and how should it be implemented and administered?

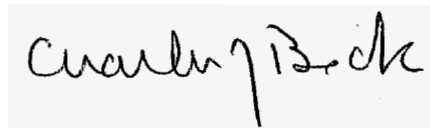
Citizens' Position: The Commission is not authorized to set up a state lifeline funding mechanism.

Matters Upon Which Action is Sought / Confidentiality. Citizens intend to use a memorandum dated July 22, 2004, from Carl Danner & Mitch Wilk entitled "Strategic Considerations for Florida Lifeline Workshop," and a consultant agreement between Verizon Services Group and Wilk & Associates/LECG, LLC, effective as of October 1, 2003. Both of these documents are subject to a motion for protective order filed by Verizon Florida, Inc., on December 14, 2004. Pursuant to Commission rule 25-22.006(6)(c), Verizon must now file a specific request for a protective order covering

these two documents. Citizens oppose the requests for confidential treatment of these documents since nothing in the documents qualifies as "proprietary confidential business information" under section 364.183(3), Florida Statutes. Citizens therefore urge the Prehearing to deny Verizon's request for confidentiality concerning these two documents.

Other Matters: Citizens have no pending motions, no pending requests or claims for confidentiality, have no requirement of the Order Establishing Procedure with which we cannot comply, have no FCC or court decisions to cite at this time other than those identified in the prefiled testimony, and do not object to any witness's qualification as an expert.

Respectfully submitted,

A handwritten signature in black ink that reads "Charles J. Beck". The signature is written in a cursive style and is placed on a light gray rectangular background.

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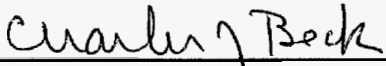
Attorney for Florida's Citizens

DOCKET NO. 040604-TL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 17th day of December, 2004.


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