

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Adoption of the National School Lunch Program and an income-based criterion at or below 135% of the Federal Poverty Guidelines as eligibility criteria for the Lifeline and Link-Up programs.	DOCKET NO. 040604-TL DECEMBER 22, 2004
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COMMISSION STAFF'S MOTION TO LATE-FILE
PREHEARING STATEMENT

Commission Staff (Staff), by and through undersigned counsel, pursuant to Rule 28-106.204, Florida Administrative Code, hereby requests to file its prehearing statement one week late and as grounds therefore states:

1. This matter has been scheduled for an administrative hearing on January 20-21, 2005. Pursuant to Order No. PSC-04-1066-PCO-TL, prehearing statements were required to be filed December 17, 2004.
2. Due to an inadvertent oversight, Staff missed the filing date for the prehearing statement.
3. Upon realizing the oversight, Staff promptly submits the attached prehearing statement concurrent with this Motion. Also, parties have been notified of this motion, and to date, no party has objected. It should be noted that parties will not be prejudiced by the late filing of the prehearing statement.

Wherefore, Commission Staff moves the Prehearing Officer to accept the attached prehearing statement which Staff is filing late.

DOCUMENT NUMBER DATE
13415 DEC 22 8
FPSC-COMMISSION CLERK

Respectfully submitted this 22nd day of December, 2004.



ADAM TEITZMAN
KIRA SCOTT
Staff Counsel

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DOCKET NO. 040604-TL

DECEMBER 22, 2004

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that one copy of COMMISSION STAFF'S MOTION TO LATE-FILE PREHEARING STATEMENT has been furnished by U.S. Mail this 22nd day of December, 2004, to the following:

AARP (Twomey)
c/o Mike Twomey
P.O. Box 5256
Tallahassee, FL 32314-5256

ALLTEL Communications Services, Inc.
Ms. Betty Willis
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Little Rock, AR 72203-2177

BellSouth Telecommunications, Inc.
Nancy B. White/R. Douglas Lackey
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Tallahassee, FL 32301-1556

Blooston Law Firm
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GT Com
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Tallahassee, FL 32302-0551

Sprint Communications Company Limited
Partnership
Charles J. Rehwinkel
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Tallahassee, FL 32301

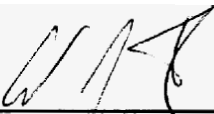
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Sprint-Florida, Incorporated
Susan Masterton
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Verizon Florida, Inc.
Mr. David Christian
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Quincy, FL 32353-0189

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STAFF'S PREHEARING STATEMENT

Pursuant to Order No. PSC-04-1066-PCO-TL, issued November 1, 2004, the Staff of the Florida Public Service Commission files its Prehearing Statement.

a.	<u>All Known Witnesses</u>	<u>Issues</u>	
	John E. Mann IV	2, 5A, 5B	

b. All Known Exhibits
None.

c. Staff's Statement of Basic Position

Staff's positions are preliminary and based on materials filed by the parties and on discovery. The preliminary positions are offered to assist the parties in preparing for the hearing. Staff's final positions will be based upon all the evidence in the record and may differ from the preliminary positions stated herein.

Testifying Staff Position

It is in the best interest of Florida for this Commission to: 1) adopt the National School Lunch free lunch program for purposes of determining eligibility in Florida's Lifeline and Link-Up programs; 2) adopt an income-based eligibility criterion of 135% of the Federal Poverty Guideline; 3) modify Florida's Lifeline program to incorporate a self-certification option.

d. Staff's Position on the Issues

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?

STAFF POSITION: Staff has no position at this time.

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

STAFF POSITION: Staff has no position at this time.

STAFF WITNESS POSITION: Yes. Adoption by this Commission of the National School Lunch free lunch program, adoption of an income-based eligibility criterion of 135% of the Federal Poverty Guideline, and the incorporation of a self-certification option are reasonable, non-discriminatory, and in the best interest of Florida.

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

STAFF POSITION: Staff has no position at this time.

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?

STAFF POSITION: Staff has no position at this time.

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

STAFF POSITION: Staff has no position at this time.

STAFF WITNESS POSITION: A streamlined certification process would ease the burden on consumers, expedite needed assistance to the consumer, and result in increased subscribership for the State of Florida. To accomplish this, a self-certification process for Lifeline programs should be made available.

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

STAFF POSITION: Staff has no position at this time.

STAFF WITNESS POSITION: Under the FCC rules, there are four tiers of monthly federal Lifeline support in Florida. The first tier of federal support is a credit (\$6.45-\$6.50) for the federal subscriber line charge, which is available to all eligible subscribers. The second tier of federal support is a \$1.75 credit that is available to subscribers in those states that have approved the credit. The third tier of federal support is one-half the amount of additional state support up to a maximum of \$1.75. The fourth tier of support, available only to eligible subscribers living on tribal lands, provides an additional credit up to \$25.00 per month, limited to the extent that the credit does not bring the basic local residential rate below \$1.00 per month.

Consistent with the federal self-certification process, a streamlined certification process could be initiated whereby consumers could elect to self-certify that their eligibility, and receive the \$8.20 or \$8.25 tier one and tier two support immediately.

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

STAFF POSITION: Staff has no position at this time.

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

STAFF POSITION: Staff has no position at this time.

e. Pending Motions

Staff has no pending motions.

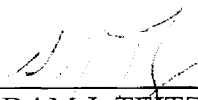
f. Pending Confidentiality Claims or Requests

Staff has no pending confidentiality claims or requests.

g. Compliance with Order No. PSC-04-1066-PCO-TL, issued November 1, 2004

Staff has complied with all requirements of the Order Establishing Procedure entered in this docket.

Respectfully submitted this 22nd day of December, 2004.



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