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Charles J. Beck  
Deputy Public Counsel

October 11, 2006

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

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COMMISSION  
CLERK

060677-TL

Re: Petition to Implement Automatic Enrollment for Lifeline Telephone Service

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Petition to Implement Automatic Enrollment for Lifeline Telephone Service. 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

CJB:bsr

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FPSC-COMMISSION CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

Petition to Implement Automatic )  
Enrollment for Lifeline Telephone )  
Service )  
\_\_\_\_\_ )

Docket No. \_\_\_\_\_

Filed: October 11, 2006

**PETITION TO IMPLEMENT AUTOMATIC ENROLLMENT  
FOR LIFELINE TELEPHONE SERVICE**

The Citizens of Florida, through Harold McLean, Public Counsel, and AARP jointly petition the Florida Public Service Commission to order local exchange telecommunications companies in Florida to implement practices and procedures with the Department of Children and Families to automatically enroll eligible customers in the Lifeline telephone program. In support of this petition Citizens and AARP state the following:

1. The Public Counsel has the duty to provide legal representation for the people of the state in proceedings before the Florida Public Service Commission. Section 350.0611, Florida Statutes, specifically provides the Public Counsel the power to recommend to the Commission, by petition, the commencement of any proceeding or action or to appear, in the name of the state or its citizens, in any proceeding or action before the commission and urge therein any position which he or she deems to be in the public interest.

2. AARP is a nonprofit membership organization dedicated to addressing the needs and interests of persons 50 and older. AARP has staffed offices in all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. AARP represents more than 36 million members in total, approximately 2.7 million of whom reside in the State of Florida. AARP's Florida members reside throughout the state, and many are eligible for Lifeline services.

3. Despite great efforts over the past ten years to increase awareness about Lifeline service, Lifeline participation in Florida remains stagnant at unacceptably low levels.<sup>1</sup> Moreover, these stagnant participation levels remain despite the fact that the standards for eligibility have been expanded over the same ten year time period so that more households are eligible.

4. The Office of Public Counsel, AARP, the Commission, and Florida telecommunications companies have engaged in numerous efforts to increase Lifeline awareness and participation during the past ten years. For example, OPC and AARP actively participated in the recent Connect Florida campaign events. In 2002, AARP launched an educational program in Florida to raise awareness about Lifeline and Link-Up programs. The program in Florida was the pilot for AARP's national Lifeline awareness program.

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<sup>1</sup> The number of customers taking Lifeline service as of September, 2005, was actually lower than it has been for years. 139,261 customers in Florida had Lifeline service in September, 2005, compared to 154,017 customers in September, 2004; 148,904 customers in December, 2003; 142,548 customers in December, 2002; and 144,610 customers in December, 2001. *Number of Customers Subscribing to Lifeline Service and the Effectiveness of Procedures to Promote Participation*, Florida Public Service Commission, December, 2005, at page 8. The most recent participation rate of 12.4% is the lowest it has been during the last seven years.

5. OPC actively sought increased funding for Lifeline awareness programs. After the Florida Supreme Court remanded a decision concerning BellSouth's late payment charge, in March of 2004 OPC and BellSouth jointly filed a motion with the Florida Public Service Commission to use unclaimed late payment charge refunds to promote Lifeline and Link-Up. The Public Service Commission agreed to allocate over \$1.5 million of the unclaimed refunds for Lifeline and Link-Up promotion. This decision provided significant funding for programs to expand awareness about the availability of Lifeline and Link-Up.

6. The Florida Public Service Commission has been extremely supportive of Lifeline awareness programs and has taken numerous steps toward that end. For example, the Commission took the lead in a project aimed at providing information about Lifeline in back-to-school packets provided to families likely to be eligible for Lifeline. Earlier this year the Commission, through the National Association of Regulatory Utility Commissioners, joined the Federal Communications Commission and the National Association of State Utility Consumer Advocates in forming a joint working group seeking information about the most effective ways to enhance consumer awareness of Lifeline services. Many other activities of the Commission in support of Lifeline awareness are outlined in the Commission's report on Lifeline published in December, 2005.

7. The bottom line, however, is that all of the efforts by the Commission and others to increase awareness about Lifeline have not translated into increased Lifeline enrollment. Enrollment in Lifeline has been essentially stagnant over the last seven years despite the substantial efforts by many to promote and expand awareness about Lifeline. It is now time to go to the next step to increase Lifeline participation, which is automatic enrollment.

8. Florida should aspire to be a national leader in Lifeline participation. Instead, with a participation rate of approximately 12.4%,<sup>2</sup> Florida is far below the national average. Automatic enrollment in Lifeline can do much to correct this. In 2003, the Federal-State Joint Board for Universal Service, (a board that has traditionally included Florida representation) concluded that automatic enrollment will increase participation and aid administrative efficiency.<sup>3</sup> In 2004, the Federal Communications Commission agreed with the Joint Board and encouraged all states to adopt automatic enrollment as a means of certifying that consumers are eligible for Lifeline/Link-Up.<sup>4</sup> The three states that were pointed out by the Joint Board as state examples of automatic enrollment included Massachusetts, New York and North

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<sup>2</sup> *Number of Customers Subscribing to Lifeline Service and the Effectiveness of Procedures to Promote Participation*, Florida Public Service Commission, December, 2005, Table 2.

<sup>3</sup> Federal-State joint Board on Universal Service, CC Docket 96-45, Recommended Decision, 18 FCC Rcd 6608-6608, para. 38 (2003).

<sup>4</sup> Report and Order and Further Notice of Proposed Rulemaking, WC Docket 03-109, released April 29, 2004, at para. 25.

Dakota. The current Lifeline participation rate for those three states ranges from 37% to 56%, compared to the Florida participation rate of 12.4%.<sup>5</sup>

9. Florida is ill-served by our current extremely low participation rate in Lifeline. The most obvious detriment is that approximately one million households in Florida who are intended beneficiaries of the Lifeline program are failing to realize its benefits. Those benefits include not only connection to the telecommunications network that represents the mainstream of our economic fabric, but also the availability of emergency access through E911 in low income households, which, in many cases, include older or elderly residents who may be the most likely to need to call for emergency services.

10. Other Floridians are also ill served by low Lifeline participation. According to the staff of the Florida Public Service Commission, in 2003 Florida contributed \$44.7 million into the federal low income support mechanism which funds Lifeline, but only received \$15.5 million in payments, for a net deficit of \$29.2 million per year.<sup>6</sup> From the standpoint of all universal service support payments and receipts, Florida is in worse shape than that. In 2004, Florida received \$137.370 million in support, but paid \$386.162 million in contributions, for a net deficit of \$248.791 million<sup>7</sup>

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<sup>5</sup> *Making Telephone Service Affordable for Low-Income Households: An Analysis of Lifeline and Link-Up Telephone Programs in Florida*, Public Utility Research Center, February 1, 2006, Appendix 2, Table 7.

<sup>6</sup> Staff recommendation dated July 9, 2004, in Florida Public Service Commission docket 040604-TL.


<sup>7</sup> Federal-State Joint Board Monitoring Report released December 29, 2005, Table 1.12.

-- almost a quarter of a *billion* dollars flowing from the state. Increasing participation in Lifeline will help to reduce that deficit and increase the benefit to eligible Floridians.

11. The Commission has broad authority to promote Lifeline participation, and the best way to do that is to require the local exchange telecommunications companies to adopt practices and procedures to implement automatic enrollment in conjunction with the Department of Children and Families. Section 364.10(3)(h), Florida Statutes, directs each state agency that provides benefits to persons eligible for Lifeline service to undertake the development of procedures to promote Lifeline participation, and to do so in cooperation with the Department of Children and Families, the Department of Education, the Commission, the Office of Public Counsel, and telecommunications companies providing Lifeline services. Section 364.01(4)(a), Florida Statutes, directs the Commission to protect the public health, safety, and welfare by ensuring that basic local telecommunications services are available to all consumers in the state at reasonable and affordable prices. Lifeline is an important part of providing telephone service to all consumers at reasonable and affordable prices. Although the Commission has no authority over the Department of Children and Families, the exercise of the Commission's authority over the local exchange telecommunications companies, combined with the Legislature's directive to state agencies to develop procedures to promote Lifeline participation, should result in an effective program of automatic enrollment for those persons who participate in a qualifying program administered by the Department of Children and Families.

12. Efforts year after year to promote awareness about Lifeline have not increased participation in Lifeline, and the Commission should not expect different results from continuing to do the same thing. More is needed, and automatic enrollment is the next logical step to take Florida into a national leadership position on Lifeline enrollment.

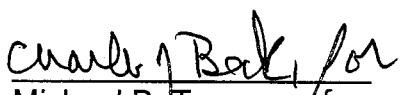
**WHEREFORE**, the Citizens of Florida and AARP request the Commission to order the local exchange telecommunications companies in Florida to implement practices and procedures with the Department of Children and Families to automatically enroll eligible customers in the Lifeline telephone program.

  
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DOCKET NO. \_\_\_\_\_

**CERTIFICATE OF SERVICE**

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

Mail to the following parties on this 11th day of October, 2006.

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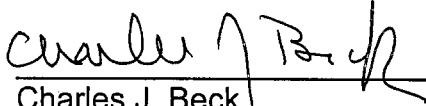
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