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November 3, 2006

**D. BRUCE MAY, JR.**  
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VIA HAND DELIVERY

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

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Re: *In re: Proposed adoption of Rule 25-4.0665, F.A.C., Lifeline Service*  
Docket No. 060607-TP

Dear Ms. Bayo:

Enclosed for filing in the referenced proceeding are the original and seven (7) copies of the Comments of Cingular Wireless. For our records, please acknowledge your receipt of this filing on the enclosed copy of this letter. Thank you for your consideration.

Sincerely,

HOLLAND & KNIGHT LLP

*D. Bruce May*  
D. Bruce May

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Enclosures

cc: Mark J. Ashby

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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

**In re: Proposed adoption of Rule 25-4.0665,** ) **Docket No. 060607-TP**  
**F.A.C., Notification and Termination of** )  
**Lifeline Service** )

**COMMENTS OF CINGULAR WIRELESS**

New Cingular Wireless PCS, LLC; Sarasota Cellular Telephone Company; Melbourne Cellular Telephone Company; Bradenton Cellular Partnership; Ocala Cellular Telephone Company, Inc.; Florida RSA No. 2B (Indian River) Limited Partnership; Orlando SMSA Limited Partnership; and Jacksonville MSA Limited Partnership, all of which d/b/a Cingular Wireless (collectively "Cingular"), respectfully submit the following brief comments in the above referenced docket. <sup>1</sup>

**I. Comments**

Cingular appreciates the Commission's interest in providing Lifeline customers with sufficient notice of and the opportunity to demonstrate ongoing eligibility prior to termination of Lifeline service. Cingular offers comments on two brief points on Proposed Rule 25—4.0665.

First, Cingular assumes that, consistent with the federal requirement, the provision in the first sentence of Proposed Rule 25—4.0665 which requires "60 days written notice prior to the termination of Lifeline service" only applies in situations where the ETC determines that the

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<sup>1</sup> While Cingular does not currently provide Lifeline Services in the State of Florida, it has an application pending before the Federal Communications Commission ("FCC") requesting that it be designated as an eligible telecommunications carrier ("ETC") in certain areas in Florida. Upon receiving this ETC designation, Cingular will provide Lifeline Service in those designated portions of the State.

customer is no longer eligible for the Lifeline service.<sup>2</sup> In those situations the federal requirements provide that the customer is allowed 60 days to refute the carrier's presumption that the customer is no longer eligible for the Lifeline service.<sup>3</sup> The clear purpose for this 60-day time period is to allow the Lifeline customer time to present proof of his or her continued eligibility for the Lifeline Service before that service is terminated.

This rationale does not apply where the subscriber notifies the ETC that he or she is no longer eligible for Lifeline Service. In this situation, the customer does not need time to prove that he or she is still eligible, because he/she has already informed the carrier that he/she has become ineligible. Further, this would result in an inequitable situation because the carrier would no longer be entitled to receive Lifeline support for the customer once the customer notifies the carrier of his her ineligibility, but the carrier would be required to continuing providing the discounted service for that 60-day time period.

Second, Cingular assumes that the last sentence of Proposed Rules 25-4.0665(1) does not apply to a wireless carrier that is an ETC. Specifically, the last sentence requires that notices to subscribers pending termination of Lifeline service provide information about the availability of "discounted residential basic local telecommunications service." This appears to refer solely to landline service offerings, as the formal residential vs. business classification applies only with respect to landline services; wireless carriers do not classify their services as "residential" (or non-residential) given the inherently mobile nature of wireless services. For this reason, Cingular assumes that the intent of this provision was not to require, for example, that wireless ETCs notify their customers of the availability of discounted residential basic local service as the wireless ETC would not likely have information regarding such landline service offerings, and

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<sup>2</sup> See 47 C.F.R. 54.405(c)

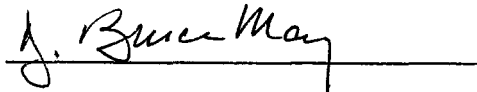
<sup>3</sup> See 47 C.F.R. 54.405 (d)

would not have the ability to provide such services. Each ETC should only be required to provide information regarding its own service alternatives available to the customer, whether landline or wireless.

**II. Conclusion**

Cingular appreciates the opportunity to provide these brief comments and requests that Commission confirm Cingular's understanding of the Proposed Rule.

Respectfully submitted this 3<sup>rd</sup> day of November, 2006.



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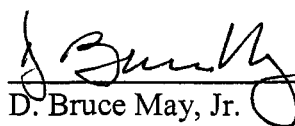
and

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*Counsel for Cingular Wireless*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing was provided by hand-delivery to Samatha Cibula, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 this 3rd day of November, 2006.

  
\_\_\_\_\_

D. Bruce May, Jr.