

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 6, 2010
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Rosanne Gervasi, Senior Attorney, Office of the General Counsel *RG*
RE: Public Service Commission Proposed Rule 25-4.0665 (Docket No. 090504-TP)

Please place the attached correspondence from JAPC, in the above-mentioned docket file.
Thank you.

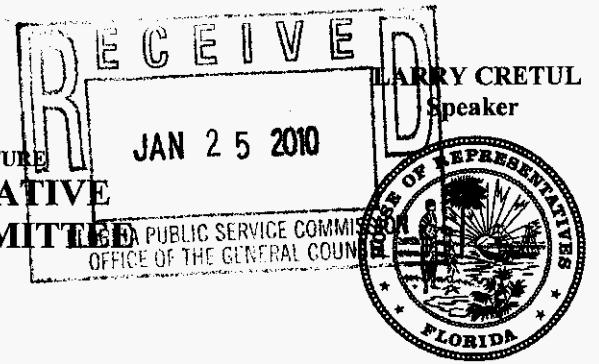
RG
Attachment

DOCUMENT NUMBER-DATE
02628 APR-7 09
FPSC-COMMISSION CLERK

JEFF ATWATER
President



Representative Marti Coley, Chair
Senator Arthenia L. Joyner, Vice-Chair
Senator Charles S. "Charlie" Dean, Sr.
Senator J. Alex Villalobos
Representative Oscar Braynon II
Representative Scott Plakon



F. SCOTT BOYD
EXECUTIVE DIRECTOR
AND GENERAL COUNSEL
Room 120, Holland Building
Tallahassee, Florida 32399-1300
Telephone (850) 488-9110

January 21, 2010

Ms. Rosanne Gervasi
Associate General Counsel
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Public Service Commission Proposed Rule 25-4.0665 (Docket No. 090504-TP)

Dear Ms. Gervasi:

I sent a letter with some questions about the proposed changes to Rule 25-4.0665, F.A.C., on December 23, 2009. Upon further review, I have a few additional questions about the proposed changes.

25-4.0665(1)(b) The proposed language provides that a person is also eligible for the Lifeline service if the carrier has more than one million access lines and the household income is at or below 150% of the federal poverty income guidelines. While there are forms for applying based on receipt of certain federal assistance programs, there does not appear to be a form or any instructions for applying based on income level other than one line on Form PSC/RAD 158, which provides, "Customers of AT&T, Embarq or Verizon at or below 150% of the poverty level, but who are not currently receiving benefits from one of the listed programs, may be able to qualify for the Lifeline telephone assistance by contacting the Office of Public Counsel in Tallahassee at 1-800-540-7039."

Why does the rule text provide that a person is eligible for Lifeline if the household income is at or below 150% of the poverty line, while the form provides only that this person "may be able to qualify"? Also, what is the Office of Public Counsel's role in this process? Is there a form or required information for those seeking to qualify under the household income standard? If so, why is this information not included in the rule?

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25-4.0665(2)

If a carrier with less than one million access lines voluntarily elects to enroll Lifeline applicants based on their household income, are there any notification requirements? In other words, does the carrier need to notify the PSC, the Office of Public Counsel, or someone else that it is accepting applications based on income level? Also, are there any limitations on the carrier once it accepts applicants based on income level? For example, can the carrier change its mind at will? Finally, if the carrier accepts an applicant based on income level but then decides that it will no longer voluntarily accept applications based on income level, can the carrier cancel the subscriber's Lifeline service?

If you have any questions or need me to elaborate further on any of the above, please let me know. Otherwise, I look forward to your response.

Sincerely,



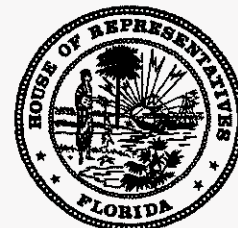
Brian T. Moore
Chief Attorney

JEFF ATWATER
President



Representative Marti Coley, Chair
Senator Arthenia L. Joyner, Vice-Chair
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THE FLORIDA LEGISLATURE
**JOINT ADMINISTRATIVE
PROCEDURES COMMITTEE**

DEC 28 2009

December 23, 2009

Ms. Rosanne Gervasi
Associate General Counsel
Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Re: Public Service Commission Proposed Rule 25-4.0665 (Docket No. 090504-TP)

Dear Ms. Gervasi:

After reviewing the proposed changes to Rule 25-4.0665, F.A.C., I offer the following comments and questions for your consideration and written response:

4.0665(1) The rule lists seven different federal assistance programs that qualify someone for Lifeline service. Form PSC/RAD 157 includes an eighth way to qualify – Bureau of Indian Affairs programs – while Form PSC/RAD 158 includes only the original seven. Does a person receiving assistance from a Bureau of Indian Affairs' program qualify for Lifeline service? Please make sure that the rule text and forms are consistent and correctly identify the eligibility criteria.

Also, why is it necessary to incorporate by reference 42 USC §1437f (Section 8 housing)? The other federal programs that qualify someone for Lifeline service are listed without incorporating by reference their corresponding federal acts.

4.0665(4) Please make sure that the form's effective date replaces "XX/XX" both in the rule text and on the form when the rule is filed for adoption. Also, please make sure that the form refers to the rule in which it is incorporated by reference. See sec. 120.55(1)(a)4., Fla. Stat.

4.0665(5) Please make sure that the form's effective date replaces "XX/XX" both in the rule text and on the form when the rule is filed for adoption. Also, please make sure that the form refers to the rule in which it is incorporated by reference.

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Ms. Rosanne Gervasi
December 23, 2009
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If you have any questions or need me to elaborate further on any of the above, please let me know. Otherwise, I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian T. Moore". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brian T. Moore
Chief Attorney

BTM:SA WORD/BRIAN/25_4.0665LS122309_146468.DOCX