

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF DEVELOPMENT OF RULEMAKING

TO

ALL INTERESTED PERSONS

UNDOCKETED

IN RE: INITIATION OF RULEMAKING TO AMEND RULE 25-4.0665, FLORIDA ADMINISTRATIVE CODE, LIFELINE SERVICE, AND TO REPEAL RULE 25-4.113, FLORIDA ADMINISTRATIVE CODE, REFUSAL OR DISCONTINUANCE OF SERVICE BY COMPANY

ISSUED: June 26, 2017

NOTICE is hereby given pursuant to Section 120.54, F.S., that the Commission staff has initiated rulemaking to amend Rule 25-4.0665, F.A.C., to require eligible telecommunications carriers to comply with the Lifeline program requirements as contained in CFR §§54.400 – 54.417, update Forms PSC/TEL 157 and 158, eliminate quarterly reporting requirements, and clarify eligible telecommunications carrier responsibilities regarding advertising the availability and charges or discounts of Lifeline service. Consistent with the 2011 changes made to Ch. 364, F.S., Rule 25-4.113 would be repealed.

The attached Notice of Development of Rulemaking appeared in the June 23, 2017, edition of the Florida Administrative Register. If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be scheduled and noticed in the next available Florida Administrative Register. Written requests for a rule development workshop must be submitted to Rosanne Gervasi, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850 at (850) 413-6224 by July 14, 2017. Copies of the preliminary draft rules are attached.

By DIRECTION of the Florida Public Service Commission this 26th day of June, 2017.

  
\_\_\_\_\_  
CARLOTTA S. STAUFFER  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

Notice of Development of Rulemaking

**PUBLIC SERVICE COMMISSION**

RULE NOS.:     RULE TITLES:

25-4.0665       Lifeline Service

25-4.113        Refusal or Discontinuance of Service by Company

PURPOSE AND EFFECT: Rule 25-4.0665, F.A.C. would be amended to require eligible telecommunications carriers to comply with the Lifeline program requirements as contained in CFR §54.400 – §54.417, to update Forms PSC/TEL 157 and 158, to eliminate quarterly reporting requirements, and to clarify eligible telecommunications carrier responsibilities regarding advertising the availability and charges or discounts of Lifeline service. Consistent with the 2011 changes made to Ch. 364 FS, Rule 25-4.113, F.A.C. would be repealed.

Undocketed.

SUBJECT AREA TO BE ADDRESSED: Telecommunications utility regulation.

RULEMAKING AUTHORITY: 350.127(2), 364.10(2)(j) FS.

LAW IMPLEMENTED: 364.10, 364.105, 364.183(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosanne Gervasi, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

1        **25-4.0665 Lifeline Assistance Service.**

2        (1) Eligible Telecommunications Companies must offer Lifeline Assistance as prescribed  
3 by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part  
4 54, Subpart E, Universal Service Support for Low-Income Consumers, Sections 54.400  
5 through 54.417, as amended October 1, 2016, which are hereby incorporated into this rule by  
6 reference, and which is available at [hyperlink]. A subscriber is eligible for Lifeline service if:

7        (a) ~~The subscriber is a participant in one of the following federal assistance programs:~~

8            1. ~~Medicaid;~~

9            2. ~~Food Stamps;~~

10           3. ~~Supplemental Security Income (SSI);~~

11           4. ~~Temporary Assistance for Needy Families/Temporary Cash Assistance;~~

12           5. ~~“Section 8” Federal Public Housing Assistance;~~

13           6. ~~Low Income Home Energy Assistance Program; or~~

14           7. ~~The National School Lunch Program—Free Lunch; or~~

15        (b) ~~The subscriber’s eligible telecommunications carrier has more than one million access~~  
16 ~~lines and the subscriber’s household income is at or below 150 percent of the federal poverty~~  
17 ~~income guidelines.~~

18        (2) ~~A subscriber living on federally recognized Tribal lands who does not satisfy the~~  
19 ~~eligibility requirements for Lifeline service in subsection (1) of this rule is nevertheless~~  
20 ~~eligible for Lifeline service if the subscriber receives benefits from one of the following~~  
21 ~~Bureau of Indian Affairs programs:~~

22           (a) ~~Tribal temporary assistance for needy families (TANF);~~

23           (b) ~~NSL Program—Free Lunch; or~~

24           (c) ~~Head Start.~~

25        (3) ~~Eligible telecommunications carriers with less than one million access lines are not~~

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1 required to enroll Lifeline applicants through the income eligibility test of 150 percent or less  
2 of the federal poverty income guidelines, but may do so voluntarily.

3 (4) Eligible telecommunications carriers that charge an initial connection charge must  
4 offer Link Up service to subscribers who are eligible for Lifeline service pursuant to this rule.

5 (2)(5) When enrolling customers in the Lifeline service program under paragraph (1)(a) of  
6 this rule, eligible Eligible telecommunications carriers shall accept Form PSC/TEL 157 (xx/xx  
7 6/10), entitled “Application for ~~Link Up Florida and~~ Lifeline Assistance,” which is  
8 incorporated into this rule by reference and which is available at [hyperlink] or ~~can be~~  
9 ~~accessed~~ from the Commission’s website at  
10 <http://www.floridapsc.com/ConsumerAssistance/LifelineAssistance> under “Lifeline  
11 Application Form.” ~~www.floridapsc.com, by selecting “Link Up Florida and Lifeline~~  
12 ~~Assistance,” then selecting “Need Discounted Phone Service?,” and then selecting “English~~  
13 ~~Link Up and Lifeline Certification Form” (also available in Spanish and Creole).~~

14 (3)(6) Eligible telecommunications carriers shall enroll customers for Lifeline service who  
15 electronically submit Form PSC/TEL 158 (xx/xx 6/10), entitled “Lifeline and ~~Link Up Florida~~  
16 ~~On-line Self-Certification Form,”~~ which is incorporated into this rule by reference and which  
17 is available at [hyperlink] or ~~can be accessed~~ from the Commission’s website at  
18 <https://secure.floridapsc.com/Lifeline/Application>. ~~www.floridapsc.com, by selecting “Link-~~  
19 ~~Up Florida and Lifeline,” then selecting “Apply On line.”~~

20 (7) ~~For Lifeline applicants who do not use On line enrollment or simplified certification~~  
21 ~~enrollment, the eligible telecommunications carrier must accept Public Assistance eligibility~~  
22 ~~determination letters, including those provided for food stamps, Medicaid, and public housing~~  
23 ~~lease agreements, as proof of eligibility for Link Up and Lifeline enrollment.~~

24 (4)(8) Eligible telecommunications carriers must allow customers the option to submit  
25 ~~Link Up or~~ Lifeline applications via U.S. Mail or facsimile, and may allow applications to be  
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1 submitted electronically. Eligible telecommunications carriers must also allow customers the  
2 option to submit copies of supporting documents via U.S. Mail or facsimile.

3 ~~(9) Eligible telecommunications carriers shall only require a customer to provide the last~~  
4 ~~four digits of the customer's social security number for application for Lifeline and Link Up~~  
5 ~~service and to verify continued eligibility for the programs as part of the annual verification~~  
6 ~~process.~~

7 ~~(5)(40)~~ All eligible telecommunications carriers shall participate in the Lifeline service  
8 Simplified Automatic Enrollment Process. For purposes of this rule, the Lifeline service  
9 Simplified Automatic Enrollment Process is an electronic interface between the Department of  
10 Children and Family Services, the Commission, and the eligible telecommunications carrier  
11 that allows low-income individuals to ~~automatically~~ enroll in Lifeline following enrollment in  
12 a qualifying public assistance program.

13 (a) The Commission shall send an e-mail to the eligible telecommunications carrier  
14 informing the eligible telecommunications carrier that Lifeline service applications are  
15 available for retrieval ~~for processing~~.

16 ~~(b) The eligible telecommunications carrier shall enroll the subscriber in the Lifeline~~  
17 ~~service program as soon as practicable, but no later than 60 days from the receipt of the e-mail~~  
18 ~~notification. Upon completion of initial enrollment, the eligible telecommunications carrier~~  
19 ~~shall credit the subscriber's bill for Lifeline service as of the date the eligible~~  
20 ~~telecommunications carrier received the e-mail notification from the Commission.~~

21 ~~(b)(e)~~ The eligible telecommunications carrier shall maintain at least one a current e-mail  
22 address with the Commission, which the Commission will use to inform the eligible  
23 telecommunications carrier of the Commission's Lifeline secure website address and that new  
24 Lifeline service applications are available for retrieval ~~for processing~~.

25 ~~(c)(d)~~ The eligible telecommunications carrier shall maintain with the Commission the  
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1 names, e-mail addresses and telephone numbers of at least one ~~primary and one secondary~~  
2 company representative who will manage the user accounts on the Commission's Lifeline  
3 secure website.

4 ~~(d)~~(e) Within 20 calendar days of receiving the Commission's e-mail notification that the  
5 Lifeline service application is available for retrieval, the eligible telecommunications carrier  
6 shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline  
7 service facsimile telephone line at (850) 717-0108 ~~413-7142~~, or an electronic response via the  
8 Commission's Lifeline secure website, identifying the customer name, address, telephone  
9 number, and date of the application for:

- 10 1. Misdirected Lifeline service applications; and
- 11 2. Applications for customers currently receiving Lifeline service; ~~and~~
- 12 ~~3. Rejected applicants, which shall include the reason(s) why the applicants were rejected.~~

13 In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may  
14 file the information with the Office of Commission Clerk.

15 ~~(e)~~(f) Pursuant to Section 364.107(1), F.S., information filed by the eligible  
16 telecommunications carrier in accordance with paragraph ~~(5)(d)~~ ~~(9)(e)~~ of this rule is  
17 confidential and exempt from Section 119.07(1), F.S. However, the eligible  
18 telecommunications carrier may disclose such information consistent with the criteria in  
19 Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible  
20 telecommunications carrier will be presumed necessary for disclosure to the Commission  
21 pursuant to the criteria in Section 364.107(3)(a)4., F.S.

22 ~~(6)(44)~~ An eligible telecommunications carrier shall not impose additional verification  
23 requirements on subscribers beyond those which are required by this rule.

24 ~~(12) If the Office of Public Counsel certifies a subscriber eligible to receive Lifeline~~  
25 ~~service under the income test set forth in Section 364.10(3)(a), F.S., an eligible~~

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1 ~~telecommunications carrier shall not impose any additional verification requirements on the~~  
2 ~~subscriber.~~

3 ~~(7)(13) Within 20 days of rejecting a Lifeline application, an An eligible~~  
4 ~~telecommunications carrier must provide written notice to the a customer within 30 days of~~  
5 ~~receipt of the application providing the reason for rejecting the a rejected Lifeline application,~~  
6 ~~and providing contact information for the customer to get information regarding the~~  
7 ~~application denial. Rejected applications must also be reported to the Commission by the~~  
8 ~~same methods as in paragraph 5(d) of this rule, with the reason why the application was~~  
9 ~~rejected.~~

10 ~~(8)(14) An eligible telecommunications carrier must provide 60 days-written notice prior~~  
11 ~~to the termination of Lifeline service pursuant to Title 47, Code of Federal Regulations, Part~~  
12 ~~54, Subpart E, Section 54.405 Carrier obligation to offer Lifeline, as amended October 1,~~  
13 ~~2016. The notice of impending pending-termination shall contain the telephone number at~~  
14 ~~which the subscriber can obtain information about the subscriber's Lifeline service from the~~  
15 ~~eligible telecommunications carrier. The notice shall also inform the subscriber of the~~  
16 ~~availability, pursuant to Section 364.105, F.S., of discounted residential basic local~~  
17 ~~telecommunications service.~~

18 ~~(15) If a subscriber's Lifeline service is terminated and the subscriber subsequently~~  
19 ~~presents proof of Lifeline eligibility, the eligible telecommunications carrier shall reinstate the~~  
20 ~~subscriber's Lifeline service as soon as practicable, but no later than 60 days following receipt~~  
21 ~~of proof of eligibility. Irrespective of the date on which the eligible telecommunications~~  
22 ~~carrier reinstates the subscriber's Lifeline service, the subscriber's bill shall be credited for~~  
23 ~~Lifeline service as of the date the eligible telecommunications carrier received the proof of~~  
24 ~~continued Lifeline eligibility.~~

25 ~~(9)(16) All eligible telecommunications carriers shall provide current Lifeline service~~

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1 company information to the Universal Service Administrative Company at  
2 www.lifelinesupport.org so that the information can be posted on the Universal Service  
3 Administrative Company's consumer website.

4 ~~(10)(17)~~ Eligible telecommunications carriers must advertise the availability and charges  
5 or discounts of Lifeline service using media of general distribution consistent with Title 47 of  
6 the United States Code, Section 214(e)(1)(B). The term "media of general distribution" is any  
7 media reasonably calculated to reach the general public. For example, such media of general  
8 distribution includes: flyers, local newspaper ads, local TV ads, mail, e-mail, web  
9 advertisements, bill inserts and other text-based methods of advertisement or a combination of  
10 such media. Regarding the advertisement of charges or discounts, the company may redirect  
11 consumers to a 1-800 customer service number and website to see applicable charges and fees  
12 in lieu of listing all charges in an advertisement. Title 47, Code of Federal Regulations, Part  
13 54, Subpart E, Section 54.405(b) Carrier obligation to offer Lifeline, as amended October 1,  
14 2016, provides further guidance by stating that all eligible telecommunications carriers are  
15 obligated to publicize the availability of Lifeline service in a manner reasonably designed to  
16 reach those likely to qualify for the service. Only posting the availability of Lifeline service  
17 on an eligible telecommunications carrier's website is insufficient to meet the definition of  
18 media of general distribution. to those who may be eligible for the service. At a minimum, if  
19 ~~the eligible telecommunications carrier publishes a directory, the eligible telecommunications~~  
20 ~~carrier must include in the index of the directory a notice of the availability of Lifeline service.~~  
21 ~~If the eligible telecommunications carrier generates customer bills, the eligible~~  
22 ~~telecommunications carrier must also place an insert in the subscriber's bill or a message on~~  
23 ~~the subscriber's bill at least once each calendar year advising subscribers of the availability of~~  
24 ~~Lifeline service.~~

25 ~~(11)(18)~~ Eligible telecommunications carriers must file all reports with the Commission in  
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1 accordance with Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.422(c),  
2 Annual reporting for eligible telecommunications carriers that receive low-income support, as  
3 amended October 1, 2016. ~~may not charge a service deposit in order to initiate Lifeline service~~  
4 ~~if the subscriber voluntarily elects toll blocking or toll control. If the subscriber elects not to~~  
5 ~~place toll blocking or toll control on the line, an eligible telecommunications carrier may~~  
6 ~~charge a service deposit.~~

7 ~~(19) Eligible telecommunications carriers may not charge Lifeline subscribers a monthly~~  
8 ~~number portability charge.~~

9 ~~(20) Eligible telecommunications carriers offering Link Up and Lifeline service must~~  
10 ~~submit quarterly reports to the Commission no later than 30 days following the ending of each~~  
11 ~~quarter as follows: First Quarter (January 1 through March 31); Second Quarter (April 1~~  
12 ~~through June 30); Third Quarter (July 1 through September 30); Fourth Quarter (October 1~~  
13 ~~through December 31). The quarterly reports shall include the following data:~~

14 ~~(a) The number of Lifeline subscribers, excluding resold Lifeline subscribers, for each~~  
15 ~~month during the quarter;~~

16 ~~(b) The number of subscribers who received Link Up for each month during the quarter;~~

17 ~~(c) The number of new Lifeline subscribers added each month during the quarter;~~

18 ~~(d) The number of transitional Lifeline subscribers who received discounted service for~~  
19 ~~each month during the quarter; and~~

20 ~~(e) The number of residential access lines with Lifeline service that were resold to other~~  
21 ~~carriers each month during the quarter.~~

22 *Rulemaking Authority 120.80(13)(d), 350.127(2), 364.10(3)(j) FS. Law Implemented 364.10,*  
23 *364.105, 364.183(1) FS. History—New 1-2-07, Amended 12-6-07, 6-23-10.\_\_\_\_\_.*

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1        **25-4.113 Refusal or Discontinuance of Service by Company.**

2        ~~(1) As applicable, the company may refuse or discontinue telephone service under the~~  
3 ~~following conditions provided that, unless otherwise stated, the customer shall be given notice~~  
4 ~~and allowed a reasonable time to comply with any rule or remedy any deficiency:~~

5        ~~(a) For non-compliance with or violation of any state or municipal law, ordinance, or~~  
6 ~~regulation pertaining to telephone service.~~

7        ~~(b) For the use of telephone service for any other property or purpose than that described~~  
8 ~~in the application.~~

9        ~~(c) For failure or refusal to provide the company with a deposit to insure payment of bills~~  
10 ~~in accordance with the company's regulations.~~

11        ~~(d) For neglect or refusal to provide reasonable access to the company for the purpose of~~  
12 ~~inspection and maintenance of equipment owned by the company.~~

13        ~~(e) For noncompliance with or violation of the Commission's regulations or the~~  
14 ~~company's rules and regulations on file with the Commission, provided 5 working days'~~  
15 ~~written notice is given before termination.~~

16        ~~(f) For nonpayment of bills for telephone service, including the telecommunications access~~  
17 ~~system surcharge referred to in subsection 25-4.160(3), F.A.C., provided that suspension or~~  
18 ~~termination of service shall not be made without 5 working days' written notice to the~~  
19 ~~customer, except in extreme cases. The written notice shall be separate and apart from the~~  
20 ~~regular monthly bill for service. A company shall not, however, refuse or discontinue service~~  
21 ~~for nonpayment of a dishonored check service charge imposed by the company, nor~~  
22 ~~discontinue a customer's Lifeline local service if the charges, taxes, and fees applicable to dial~~  
23 ~~tone, local usage, dual tone multifrequency dialing, emergency services such as "911," and~~  
24 ~~relay service are paid. No company shall discontinue service to any customer for the initial~~  
25 ~~nonpayment of the current bill on a day the company's business office is closed or on a day~~

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1 ~~preceding a day the business office is closed.~~

2 ~~(g) For purposes of paragraphs (e) and (f), “working day” means any day on which the~~  
3 ~~company’s business office is open and the U.S. Mail is delivered.~~

4 ~~(h) Without notice in the event of customer use of equipment in such manner as to~~  
5 ~~adversely affect the company’s equipment or the company’s service to others.~~

6 ~~(i) Without notice in the event of hazardous conditions or tampering with the equipment~~  
7 ~~furnished and owned by the company.~~

8 ~~(j) Without notice in the event of unauthorized or fraudulent use of service. Whenever~~  
9 ~~service is discontinued for fraudulent use of service, the company may, before restoring~~  
10 ~~service, require the customer to make, at his own expense, all changes in facilities or~~  
11 ~~equipment necessary to eliminate illegal use and to pay an amount reasonably estimated as the~~  
12 ~~loss in revenues resulting from such fraudulent use.~~

13 ~~(2) In case of refusal to establish service, or whenever service is discontinued, the~~  
14 ~~company shall notify the applicant or customer in writing of the reason for such refusal or~~  
15 ~~discontinuance.~~

16 ~~(3) Service shall be initiated or restored when the cause for refusal or discontinuance has~~  
17 ~~been satisfactorily adjusted.~~

18 ~~(4) The following shall not constitute sufficient cause for refusal or discontinuance of~~  
19 ~~service to an applicant or customer:~~

20 ~~(a) Delinquency in payment for service by a previous occupant of the premises, unless the~~  
21 ~~current applicant or customer occupied the premises at the time the delinquency occurred and~~  
22 ~~the previous customer continues to occupy the premises and such previous customer shall~~  
23 ~~benefit from such new service.~~

24 ~~(b) Delinquency in payment for service by a present occupant who was delinquent at~~  
25 ~~another address and subsequently joined the household of the customer in good standing.~~

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1       ~~(e) Delinquency in payment for separate telephone service of another customer in the same~~  
2 ~~residence.~~

3       ~~(d) Failure to pay for business service at a different location and a different telephone~~  
4 ~~number shall not constitute sufficient cause for refusal of residence service or vice versa.~~

5       ~~(e) Failure to pay for a service rendered by the company which is not regulated by the~~  
6 ~~Commission.~~

7       ~~(f) Failure to pay the bill of another customer as guarantor thereof.~~

8       ~~(g) Failure to pay a dishonored check service charge imposed by the company.~~

9       ~~(5) When service has been discontinued for proper cause, the company may charge a~~  
10 ~~reasonable fee to defray the cost of restoring service, provided such charge is set out in its~~  
11 ~~approved tariff on file with the Commission.~~

12 *Rulemaking Authority 350.127, 427.704(8) FS. Law Implemented 427.704 FS. History—New*  
13 *12-1-68, Amended 3-31-76, 10-25-84, 10-30-86, 1-1-91, 9-16-92, 1-7-93, 1-25-95, 7-5-00,*  
14 *Repealed.*

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