

FLORIDA PUBLIC SERVICE COMMISSION

Item 2

VOTE SHEET

August 29, 2018

FILED 8/29/2018
DOCUMENT NO. 05672-2018
FPSC - COMMISSION CLERK

Docket No. 20170233-TP – Proposed amendment of Rule 25-4.0665, FAC, Lifeline Service, and Proposed Repeal of Rule 25-4.113, FAC, Refusal or Discontinuance of Service by Company.

Issue 1: Should the Commission propose the amendment of Rule 25-4.0665, F.A.C., Lifeline Service, and the repeal of Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company?

Recommendation: Yes, the Commission should propose the amendment of Rule 25-4.0665, F.A.C., Lifeline Service, and the repeal of Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company, as set forth in Attachment A of staff's memorandum dated August 17, 2018. Staff recommends that the Commission certify proposed amended Rule 25-4.0665, F.A.C., as a minor violation rule.


APPROVED

COMMISSIONERS ASSIGNED: All Commissioners

COMMISSIONERS' SIGNATURES

MAJORITY

DISSENTING



REMARKS/DISSENTING COMMENTS: *Oral modification, assigned DN 05658-2018, is attached.*

Vote Sheet

August 29, 2018

Item 2

Docket No. 20170233-TP – Proposed amendment of Rule 25-4.0665, FAC, Lifeline Service, and Proposed Repeal of Rule 25-4.113, FAC, Refusal or Discontinuance of Service by Company.

(Continued from previous page)

Issue 2: Should this docket be closed?

Recommendation: Yes, if no requests for hearing or comments are filed, the rule amendment and repeal as proposed should be filed for adoption with the Secretary of State and the docket should be closed.

APPROVED

Brandy Butler

From: Asha Maharaj-Lucas
Sent: Tuesday, August 28, 2018 4:26 PM
To: Rosanne Gervasi; Braulio Baez; CLK - Agenda Staff; Carlotta Stauffer; Commissioners & Staffs
Cc: Mark Futrell; Kate Hamrick; Keith Hetrick; Mary Anne Helton; Samantha Cibula; Cayce Hinton; Greg Fogleman; Nancy Harrison
Subject: RE: Request to make oral modification to staff's recommendation for Item #2 of the August 29, 2018 Commission Conference
Attachments: oral modification for DRAFT rule 25-4.0665.pdf

Please see the approval below.

Thanks
Asha

From: Rosanne Gervasi
Sent: Tuesday, August 28, 2018 4:16 PM
To: Braulio Baez
Cc: Mark Futrell; Asha Maharaj-Lucas; Kate Hamrick; Keith Hetrick; Mary Anne Helton; Samantha Cibula; Cayce Hinton; Greg Fogleman
Subject: RE: Request to make oral modification to staff's recommendation for Item #2 of the August 29, 2018 Commission Conference

Thank you. I just noticed a typo to the subject line. This is for tomorrow's agenda conference, August 29.

From: Braulio Baez
Sent: Tuesday, August 28, 2018 4:12 PM
To: Rosanne Gervasi
Cc: Mark Futrell; Asha Maharaj-Lucas; Kate Hamrick; Keith Hetrick; Mary Anne Helton; Samantha Cibula; Cayce Hinton; Greg Fogleman
Subject: Re: Request to make oral modification to staff's recommendation for Item #2 of the August 19, 2018 Commission Conference

Approved. Thank you.

Sent from my T-Mobile 4G LTE Device

----- Original message -----

From: Rosanne Gervasi <RGervasi@PSC.STATE.FL.US>
Date: 8/28/18 4:10 PM (GMT-05:00)
To: Braulio Baez <BBaez@PSC.STATE.FL.US>
Cc: Mark Futrell <MFutrell@PSC.STATE.FL.US>, Asha Maharaj-Lucas <AMaharaj@psc.state.fl.us>, Kate Hamrick <KHamrick@psc.state.fl.us>, Keith Hetrick <khetrick@psc.state.fl.us>, Mary Anne Helton <MHelton@PSC.STATE.FL.US>, Samantha Cibula <SCibula@PSC.STATE.FL.US>, Cayce Hinton <CHINTON@PSC.STATE.FL.US>, Greg Fogleman <GFoglema@PSC.STATE.FL.US>

Subject: Request to make oral modification to staff's recommendation for Item #2 of the August 19, 2018 Commission Conference

Staff is requesting approval to make an oral modification to its recommendation filed in Docket No. 20170233-TP, Proposed amendment of Rule 25-4.0665, F.A.C., Lifeline Service, and Proposed Repeal of Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company, currently scheduled for the August 29, 2018 agenda conference (Item 2).

Consistent with the revision to the title of the Lifeline rule, staff would like to remove the word "service" from the Lifeline rule language and replace it with either "assistance" or "program," as appropriate. The specific modifications are as follows:

- Page 10, line 6, delete "service"
- Page 10, line 25, delete "service"
- Page 11, line 19, delete "service" and replace with "assistance"
- Page 12, line 12, delete "service"
- Page 12, line 13, delete "service"
- Page 12, line 19, delete "service"
- Page 13, line 4, delete "service"
- Page 13, line 10, delete "service"
- Page 13, line 12, delete "service"
- Page 13, line 15, delete "service"
- Page 13, line 16, delete "service" and replace with "assistance"
- Page 14, line 14, delete "service"
- Page 14, line 19, delete "service" and replace with "assistance"
- Page 14, line 23, delete "service" and replace with "assistance"
- Page 15, line 8, delete "service"
- Page 15, line 9, add the word "program" to the beginning of the line
- Page 15, line 13, delete "service" and replace with "assistance"
- Page 15, line 15, delete "service" and replace with "assistance"
- Page 15, line 16, delete "service" and replace with "assistance" in two places on this line
- Page 15, line 18, delete "service" and replace with "assistance"

Attached is a word document in type/strike format highlighting the requested changes.

Please let me know if you need any further information.

Rosanne Gervasi, Senior Attorney
Florida Public Service Commission
Office of the General Counsel
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0863
tel: (850) 413-6224
fax: (850) 413-6225

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, 2017, which are hereby incorporated into this rule by
6 reference, and which are available at [hyperlink]. ~~A subscriber is eligible for Lifeline service~~
7 ~~if:~~

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

9 ~~1. Medicaid;~~

10 ~~2. Food Stamps;~~

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

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

13 ~~5. "Section 8" Federal Public Housing Assistance;~~

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

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

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

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

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

24 ~~(b) NSL Program—Free Lunch; or~~

25 ~~(c) Head Start.~~

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions
from existing law.

1 ~~(3)~~ Eligible telecommunications carriers with less than one million access lines are not
2 required to enroll Lifeline applicants through the income eligibility test of 150 percent or less
3 of the federal poverty income guidelines, but may do so voluntarily.

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

6 ~~(2)(5)~~ When enrolling customers in the Lifeline **service** program under paragraph ~~(1)(a)~~ of
7 ~~this rule~~, eligible telecommunications carriers shall accept FCC Form 5629, OMB
8 APPROVAL EDITION 3060-0819, PSC/TEL 157 (6/10), entitled “Lifeline Program
9 Application Form,” “Application for Link Up Florida and Lifeline Assistance,” which is
10 incorporated into this rule by reference and which is available at [hyperlink] or can be
11 accessed from the Universal Service Administrative Company’s Commission’s website at
12 https://www.usac.org/res/documents/li/pdf/nv/LI_Application_UniversalForm.pdf.
13 www.floridapsc.com, by selecting “Link Up Florida and Lifeline Assistance,” then selecting
14 “Need Discounted Phone Service?,” and then selecting “English Link Up and Lifeline
15 Certification Form” (also available in Spanish and Creole). The Spanish version of this form
16 is also incorporated into this rule by reference and is available at [hyperlink] or from the
17 Universal Service Administrative Company’s website at
18 https://www.usac.org/res/documents/li/pdf/nv/LI-SP_Application_UniversalForms.pdf.
19 Eligible telecommunications carriers shall also accept Form PSC 1023 (08/18), entitled
20 “Lifeline Florida On-line Application for Recipients of Medicaid or Supplemental Nutrition
21 Assistance Program (SNAP).” which is incorporated into this rule by reference and which is
22 available at [hyperlink] or from the Commission’s website at www.floridapsc.com, by
23 selecting “Lifeline Assistance,” then selecting “Public Service Commission Secure On-Line
24 Application Form.”

25 ~~(3)(6)~~ When recertifying customers in the Lifeline **service** program, eligible

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1 telecommunications carriers shall accept FCC Form 5630, OMB APPROVAL EDITION
2 3060-0819, entitled “Lifeline Program Annual Recertification Form,” which is incorporated
3 into this rule by reference and which is available at [hyperlink] or from the Universal Service
4 Administrative Company’s website at
5 https://www.usac.org/_res/documents/li/pdf/nv/LI_Recertification_UniversalForms.pdf. The
6 Spanish version of this form is also incorporated into this rule by reference and is available at
7 [hyperlink] or from the Universal Service Administrative Company’s website at
8 https://www.usac.org/_res/documents/li/pdf/nv/LI-SP_Recertification_UniversalForms.pdf.
9 ~~Eligible telecommunications carriers shall enroll customers for Lifeline service who~~
10 ~~electronically submit Form PSC/TEL 158 (6/10), entitled “Lifeline and Link Up Florida On-~~
11 ~~line Self Certification Form,” which is incorporated into this rule by reference and can be~~
12 ~~accessed from the Commission’s website at www.floridapsc.com, by selecting “Link Up~~
13 ~~Florida and Lifeline,” then selecting “Apply On line.”~~

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

18 (4) To obtain information necessary to confirm whether a customer is eligible for Lifeline
19 assistance service in instances where the customer shares an address with another Lifeline
20 recipient, eligible telecommunications carriers shall accept FCC Form 5631, OMB
21 APPROVAL EDITION 3060-0819, entitled “Lifeline Program Household Worksheet,” which
22 is incorporated into this rule by reference and which is available at [hyperlink] or from the
23 Universal Service Administrative Company’s website at
24 https://www.usac.org/_res/documents/li/pdf/nv/LI_Worksheet_UniversalForms.pdf. The
25 Spanish version of this form is also incorporated into this rule by reference and is available at

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1 | [hyperlink] or from the Universal Service Administrative Company's website at
2 | https://www.usac.org/res/documents/li/pdf/nv/LI-SP_Worksheet_UniversalForms.pdf.

3 | ~~(5)~~(8) Eligible telecommunications carriers must allow customers the option to submit
4 | ~~Link Up or Lifeline~~ application and recertification forms applications via U.S. Mail or
5 | facsimile, and may allow applications to be submitted electronically. Eligible
6 | telecommunications carriers must also allow customers the option to submit copies of
7 | supporting documents via U.S. Mail or facsimile.

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

12 | ~~(6)~~(10) All eligible telecommunications carriers shall participate in the Lifeline service
13 | Simplified Automatic Enrollment Process. For purposes of this rule, the Lifeline service
14 | Simplified Automatic Enrollment Process is an electronic interface between the Department of
15 | Children and Family Services, the Commission, and the eligible telecommunications carrier
16 | that allows low-income individuals to ~~automatically~~ enroll in Lifeline following enrollment in
17 | a qualifying public assistance program.

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

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

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

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

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

- 15 1. Misdirected Lifeline **service** applications; or
- 16 2. Applications for customers currently receiving Lifeline **assistance service**; ~~and~~
- 17 3. ~~Rejected applicants, which shall include the reason(s) why the applicants were rejected.~~

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

20 **(e)(f)** Pursuant to Section 364.107(1), F.S., information filed by the eligible
21 telecommunications carrier in accordance with paragraph (6)(d) ~~(9)(e)~~ of this rule is
22 confidential and exempt from Section 119.07(1), F.S. However, the eligible
23 telecommunications carrier may disclose such information consistent with the criteria in
24 Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible
25 telecommunications carrier will be presumed necessary for disclosure to the Commission

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1 pursuant to the criteria in Section 364.107(3)(a)4., F.S.

2 ~~(7)(11)~~ An eligible telecommunications carrier shall not impose additional verification
3 requirements on subscribers beyond those which are required by this rule.

4 ~~(12) If the Office of Public Counsel certifies a subscriber eligible to receive Lifeline~~
5 ~~service under the income test set forth in Section 364.10(3)(a), F.S., an eligible~~
6 ~~telecommunications carrier shall not impose any additional verification requirements on the~~
7 ~~subscriber.~~

8 (8)(13) Within 20 calendar days of rejecting a Lifeline application, an An eligible
9 telecommunications carrier must provide written notice to the a customer ~~within 30 days of~~
10 ~~receipt of the application~~ providing the reason for rejecting the a ~~rejected~~ Lifeline application,
11 and providing contact information for the customer to get information regarding the
12 application denial. Rejected applications received by way of the Simplified Enrollment
13 Process under subsection (6) must also be reported to the Commission via the Commission's
14 dedicated Lifeline ~~service~~ facsimile telephone line at (850) 717-0108 or electronically via the
15 Commission's Lifeline secure website, with the reason why the application was rejected. In
16 lieu of a facsimile or electronic submission, the eligible telecommunications carrier may file
17 the information with the Office of Commission Clerk.

18 (9)(14) An eligible telecommunications carrier or its designee must provide 60 days
19 written notice prior to the termination of Lifeline ~~assistance service~~ pursuant to Title 47, Code
20 of Federal Regulations, Part 54, Subpart E, Section 54.405 Carrier obligation to offer Lifeline,
21 as amended October 1, 2017. The notice of ~~impending~~ pending-termination shall contain the
22 telephone number at which the subscriber can obtain information about the subscriber's
23 Lifeline ~~assistance service~~ from the eligible telecommunications carrier. The notice shall also
24 inform the subscriber of the availability, pursuant to Section 364.105, F.S., of discounted
25 residential basic local telecommunications service.

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1 ~~(15) If a subscriber's Lifeline service is terminated and the subscriber subsequently~~
2 ~~presents proof of Lifeline eligibility, the eligible telecommunications carrier shall reinstate the~~
3 ~~subscriber's Lifeline service as soon as practicable, but no later than 60 days following receipt~~
4 ~~of proof of eligibility. Irrespective of the date on which the eligible telecommunications~~
5 ~~carrier reinstates the subscriber's Lifeline service, the subscriber's bill shall be credited for~~
6 ~~Lifeline service as of the date the eligible telecommunications carrier received the proof of~~
7 ~~continued Lifeline eligibility.~~

8 (10)(16) All eligible telecommunications carriers shall provide current Lifeline **service**
9 **program** company information to the Universal Service Administrative Company at
10 www.lifelinesupport.org so that the information can be posted on the Universal Service
11 Administrative Company's consumer website.

12 (11)(17) Eligible telecommunications carriers must advertise the availability of Lifeline
13 **assistance service**. Pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E,
14 Section 54.405(b), all eligible telecommunications carriers are obligated to publicize the
15 availability of Lifeline **assistance service** in a manner reasonably designed to reach those
16 likely to qualify for the **assistance service**. Only posting the availability of Lifeline **assistance**
17 **service** on an eligible telecommunications carrier's website is insufficient to meet this
18 requirement. Advertising the availability of Lifeline **assistance service** can be achieved by
19 using any of the following media: flyers, local newspaper ads, local TV ads, mail, e-mail, web
20 advertisements, bill inserts and other text-based methods of advertisement or a combination of
21 such media. Pursuant to Title 47 of the United States Code, Section 214(e)(1)(B), as amended
22 December 1, 1997, which is hereby incorporated into this rule by reference, and which is
23 available at [hyperlink], charges must also be included in the Lifeline advertisement. The
24 company may redirect consumers to a 1-800 customer service number and website to see
25 applicable charges and fees in lieu of listing all charges in an advertisement. ~~to those who~~

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1 ~~may be eligible for the service. At a minimum, if the eligible telecommunications carrier~~
2 ~~publishes a directory, the eligible telecommunications carrier must include in the index of the~~
3 ~~directory a notice of the availability of Lifeline service. If the eligible telecommunications~~
4 ~~carrier generates customer bills, the eligible telecommunications carrier must also place an~~
5 ~~insert in the subscriber's bill or a message on the subscriber's bill at least once each calendar~~
6 ~~year advising subscribers of the availability of Lifeline service.~~

7 (12)(18) Eligible telecommunications carriers must file all reports with the Commission in
8 accordance with Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.422(c),
9 Annual reporting for eligible telecommunications carriers that receive low-income support, as
10 amended October 1, 2017, which is hereby incorporated into this rule by reference, and which
11 is available at [hyperlink]. ~~may not charge a service deposit in order to initiate Lifeline service~~
12 ~~if the subscriber voluntarily elects toll blocking or toll control. If the subscriber elects not to~~
13 ~~place toll blocking or toll control on the line, an eligible telecommunications carrier may~~
14 ~~charge a service deposit.~~

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

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

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

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

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

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

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

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

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