

STATE OF FLORIDA

COMMISSIONERS:
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OFFICE OF THE GENERAL COUNSEL
KEITH C. HETRICK
GENERAL COUNSEL
(850) 413-6199

Public Service Commission

September 6, 2018

Mr. Chris Bailey
Rules Ombudsman in
The Executive Office of the Governor
Reg.Reform@eog.myflorida.com

SENT VIA E-MAIL

Re: Docket No. 20170233-TP, Rule Nos. 25-4.0665, Lifeline Service, and 25-4.113, Refusal or Discontinuance of Service by Company

Dear Mr. Bailey:

The Florida Public Service Commission proposed the above-listed rules at their regular agenda conference on August 29, 2018. The Commission has determined that these rules will affect small businesses. Accordingly, pursuant to Section 120.54(3)(b)2.b.(I), Florida Statutes, enclosed is a copy of the Florida Administrative Register (FAR) notice of the proposed rules, which was published in the September 5, 2018, edition of the FAR. Also enclosed is a copy of the statement of estimated regulatory costs (SERC). The SERC concluded that the proposed rule amendments will not have an adverse effect on small business. Pursuant to your instructions, we have filled out and included a copy of the OFARR rulemaking notification form.

If there are any questions with respect to these rules, please contact me at (850) 413-6224 or rgervasi@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosanne Gervasi".

Rosanne Gervasi
Senior Attorney

Enclosures
cc: Office of the Commission Clerk

RECEIVED-FPSC
2018 SEP -6 PM 1:06
COMMISSION
CLERK

Notice of Proposed Rule

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 accept Federal Communications Commission (FCC) Forms 5629, 5630, and 5631 and PSC Form 1023 (08/18), 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 Consistent with the 2011 changes made to Ch. 364 FS, Rule 25-4.113, F.A.C., would be repealed.

SUMMARY: Among other things, Rule 25-4.0665 identifies certain federal assistance programs, the participation in which determines eligibility for Lifeline assistance. The amendment of Rule 25-4.0665 would instead require eligible telecommunications carriers to offer Lifeline assistance as prescribed by the FCC. Eligible telecommunications carriers would be required to accept FCC Form 5629, "Lifeline Program Application Form," FCC Form 5630, "Lifeline Program Annual Recertification Form," and FCC Form 5631, "Lifeline Program Household Worksheet," as well as Form PSC 1023 (08/18), "Lifeline Florida On-line Application for Recipients of Medicaid or Supplemental Nutrition Assistance Program (SNAP)." Written notice of termination of Lifeline assistance would be as prescribed by CFR §54.405, and advertising the availability of Lifeline assistance would be as prescribed by CFR §54.405(b) and USC § 214(e)(1)(B). Because CFR §54.422(c) prescribes annual reporting requirements for eligible telecommunications carriers that receive low-income support, quarterly reports to the PSC are no longer necessary. Rule 25-4.113 describes the conditions upon which a telecommunications company may refuse or discontinue telephone service. Consistent with the 2011 deregulatory changes made to Ch. 364 FS, Rule 25-4.113 would be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that the rule amendment and rule repeal will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency: The SERC examined the factors required by Section 120.541(2), FS, and concluded that the rule amendment and rule repeal will not have an adverse impact on economic growth or business competitiveness, and minimal impact on eligible telecommunications carriers that are small businesses. Because most eligible telecommunications carriers offer Lifeline discounts in multiple states, any impact in Florida would be shared with other states.

The agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: based upon the information contained in the SERC.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rosanne Gervasi, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6224, rgervasi@psc.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

25-4.0665 Lifeline Assistance Service.

(1) Eligible Telecommunications Companies must offer Lifeline Assistance as prescribed by the Federal Communications Commission in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Sections 54.400 through 54.417, as amended October 1, 2017, which are hereby incorporated into this rule by reference, and which are available at [hyperlink]. A subscriber is eligible for Lifeline service if:

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

1. Medicaid;
2. Food Stamps;
3. Supplemental Security Income (SSI);
4. Temporary Assistance for Needy Families/Temporary Cash Assistance;
5. "Section 8" Federal Public Housing Assistance;
6. Low Income Home Energy Assistance Program; or
7. The National School Lunch Program—Free Lunch; or

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

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

- (a) Tribal temporary assistance for needy families (TANF);
- (b) NSL Program—Free Lunch; or
- (c) Head Start.

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

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

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

(3)(6) When recertifying customers in the Lifeline program, eligible telecommunications carriers shall accept FCC Form 5630, OMB APPROVAL EDITION 3060-0819, entitled "Lifeline Program Annual Recertification Form," which is incorporated into this rule by reference and which is available at [hyperlink] or from the Universal Service Administrative Company's website at https://www.usac.org/res/documents/li/pdf/nv/LI_Recertification_UniversalForms.pdf. The Spanish version of this form is also incorporated into this rule by reference and is available at [hyperlink] or from the Universal Service Administrative Company's website at

https://www.usac.org/_res/documents/li/pdf/nv/LI-SP_Recertification_UniversalForms.pdf.

Eligible telecommunications carriers shall enroll customers for Lifeline service who electronically submit Form PSC/TEL 158 (6/10), entitled "Lifeline and Link-Up Florida On-line Self-Certification Form," which is incorporated into this rule by reference and can be accessed from the Commission's website at www.floridapsc.com, by selecting "Link-Up Florida and Lifeline," then selecting "Apply On-line."

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

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

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

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

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

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

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

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

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

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

1. Misdirected Lifeline service applications; or

2. Applications for customers currently receiving Lifeline assistance service; and
3. ~~Rejected applicants, which shall include the reason(s) why the applicants were rejected.~~

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

~~(e)(f)~~ Pursuant to Section 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph ~~(6)(d)~~ ~~(9)(e)~~ of this rule is confidential and exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For purposes of this rule, the information filed by the eligible telecommunications carrier will be presumed necessary for disclosure to the Commission pursuant to the criteria in Section 364.107(3)(a)4., F.S.

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

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

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

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

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

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

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

~~website to see applicable charges and fees in lieu of listing all charges in an advertisement, to those who may be eligible for the service. At a minimum, if the eligible telecommunications carrier publishes a directory, the eligible telecommunications carrier must include in the index of the directory a notice of the availability of Lifeline service. If the eligible telecommunications carrier generates customer bills, the eligible telecommunications carrier must also place an insert in the subscriber's bill or a message on the subscriber's bill at least once each calendar year advising subscribers of the availability of Lifeline service.~~

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

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

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

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

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

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

~~(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(2)(j) 364.10(3)(g) FS. Law Implemented 364.10, 364.105, 364.183(1) FS. History--New 1-2-07, Amended 12-6-07, 6-23-10, _____.~~

25-4.113 Refusal or Discontinuance of Service by Company.

~~Rulemaking Authority 350.127, 427.704(8) FS. Law Implemented 427.704 FS. History--New 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, Repealed _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Fogleman, Public Utilities Supervisor

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2018

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 23, 2017



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: March 15, 2018

TO: Rosanne Gervasi, Senior Attorney, Office of the General Counsel

FROM: Elisabeth Draper, Economist Supervisor, Division of Economics

RE: Statement of Estimated Regulatory Costs (SERC) for Proposed Amendment to Rule 25-4.0665 and for proposed Repeal of Rule 25-4.113, Florida Administrative Code (F.A.C.)

Rule 25-4.0665, F.A.C., Lifeline Service (Lifeline rule), establishes the requirements eligible telecommunications carriers (ETCs) must follow when they offer Lifeline Service and Link-Up. The rule lists the eligibility criteria for applications, processes and procedures for accepting applications and submitting them to the Department of Children and Family Services, procedures for rejecting applications, timeframes for enrolling applicants, and reporting requirements. The rule is being amended to meet the requirements of new Lifeline rules adopted by the FCC and contained in the Code of Federal Regulations, §54.400 - §54.417, as amended October 1, 2016. The proposed amendment will eliminate Link-Up, eliminate Forms PSC/TEL 157 and 158, clarify ETCs' responsibilities regarding advertising the availability and charges or discounts of Lifeline service, and eliminate the Commission's quarterly reporting requirements.

Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company, outlines the conditions under which a local exchange telecommunications company may discontinue or refuse to provide telephone service. The rule specifically addresses discontinuing service to customers receiving Lifeline Service. Consistent with the 2011 changes made to Chapter 364, Florida Statutes (F.S.), Rule 25-4.113, F.A.C., would be repealed. The language from Rule 25-4.113, F.A.C., applicable to Lifeline subscribers is included in Chapter 364.10, F.S.

Without modification to its Lifeline rule, Florida's requirements will differ from the FCC's requirements. Under the FCC rule, state Lifeline programs can only differ from the FCC's requirements if the states pay for the variations themselves. Florida does not have a fund for Lifeline or program additions; therefore, ETCs must follow the new FCC rules. Any costs to the ETCs are as a result of the change in FCC rules. The majority of work associated with the changes to the FCC's rules has been completed. Most of the ETCs offer Lifeline in other states, so the impact to ETCs in Florida was shared with other states. The proposed amendment eliminates a Commission quarterly reporting requirement, which will save the ETCs money.

The attached SERC addresses the considerations required pursuant to Section 120.541, F.S. A workshop was scheduled for August 15, 2017, and then canceled at the request of an ETC. Subsequently, Commission staff made changes to the draft rule language provided for the August

15 workshop and requested comments; however, no comments were received. No regulatory alternatives were submitted pursuant to Section 120.541(1), F.S. None of the impact/cost criteria established in Section 120.541(2), F.S., will be exceeded as a result of the proposed revisions.

FLORIDA PUBLIC SERVICE COMMISSION
STATEMENT OF ESTIMATED REGULATORY COSTS
Rules 25-4.0665 and 25-4.113, F.A.C.

1. Will the proposed rule have an adverse impact on small business?
[120.541(1)(b), F.S.] (See Section E., below, for definition of small business.)

Yes

No

If the answer to Question 1 is "yes", see comments in Section E.

2. Is the proposed rule likely to directly or indirectly increase regulatory costs in excess of \$200,000 in the aggregate in this state within 1 year after implementation of the rule? [120.541(1)(b), F.S.]

Yes

No

If the answer to either question above is "yes", a Statement of Estimated Regulatory Costs (SERC) must be prepared. The SERC shall include an economic analysis showing:

A. Whether the rule directly or indirectly:

(1) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?
[120.541(2)(a)1, F.S.]

Economic growth Yes No

Private-sector job creation or employment Yes No

Private-sector investment Yes No

(2) Is likely to have an adverse impact on any of the following in excess of \$1 million in the aggregate within 5 years after implementation of the rule?
[120.541(2)(a)2, F.S.]

Business competitiveness (including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets) Yes No

Productivity Yes No

Innovation Yes No

(3) Is likely to increase regulatory costs, including any transactional costs, in excess of \$1 million in the aggregate within 5 years after the implementation of the rule? [120.541(2)(a)3, F.S.]

Yes

No

Economic Analysis:

B. A good faith estimate of: [120.541(2)(b), F.S.]

(1) The number of individuals and entities likely to be required to comply with the rule.

19 Eligible Telecommunications Carriers (ETCs)

(2) A general description of the types of individuals likely to be affected by the rule.

Local Exchange Telephone Companies, Alternative Local Exchange Telephone Companies, and ETCs

C. A good faith estimate of: [120.541(2)(c), F.S.]

(1) The cost to the Commission to implement and enforce the rule.

None. To be done with the current workload and existing staff.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(2) The cost to any other state and local government entity to implement and enforce the rule.

None. The rule will only affect the Commission.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

(3) Any anticipated effect on state or local revenues.

- None.
- Minimal. Provide a brief explanation.
- Other. Provide an explanation for estimate and methodology used.

D. A good faith estimate of the transactional costs likely to be incurred by individuals and entities (including local government entities) required to comply with the requirements of the rule. "Transactional costs" include filing fees, the cost of obtaining a license, the cost of equipment required to be installed or used, procedures required to be employed in complying with the rule, additional operating costs incurred, the cost of monitoring or reporting, and any other costs necessary to comply with the rule.
[120.541(2)(d), F.S.]

- None. The rule will only affect the Commission.
- Minimal. Provide a brief explanation. Transactional costs only apply to ETCs. The majority of the work associated with the changes has been completed. Most ETCs offer discounts in multiple states so any impact in Florida was shared with other states. In addition, the proposed amendment eliminates an FPSC reporting requirement.
- Other. Provide an explanation for estimate and methodology used.

E. An analysis of the impact on small businesses, and small counties and small cities:
[120.541(2)(e), F.S.]

(1) "Small business" is defined by Section 288.703, F.S., as an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments.

- No adverse impact on small business.
- Minimal. Provide a brief explanation. If any of the ETCs are small

businesses, the impact would be minimal. The majority of the work associated with the changes has been completed. Most ETCs offer discounts in multiple states so any impact in Florida was shared with other states. In addition, the proposed amendment eliminates an FPSC reporting requirement.

Other. Provide an explanation for estimate and methodology used.

(2) A "Small City" is defined by Section 120.52, F.S., as any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census. A "small county" is defined by Section 120.52, F.S., as any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census.

No impact on small cities or small counties.

Minimal. Provide a brief explanation.

Other. Provide an explanation for estimate and methodology used.

F. Any additional information that the Commission determines may be useful.
[120.541(2)(f), F.S.]

None.

Additional Information:

G. A description of any regulatory alternatives submitted and a statement adopting the alternative or a statement of the reasons for rejecting the alternative in favor of the proposed rule. [120.541(2)(g), F.S.]

No regulatory alternatives were submitted.

A regulatory alternative was received from

Adopted in its entirety.

Rejected. Describe what alternative was rejected and provide

a statement of the reason for rejecting that alternative.

Office of Fiscal Accountability and Regulatory Reform
Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

To: Chris Bailey, Director

Submitted By: Rosanne Gervasi, Senior Attorney
Florida Public Service Commission
(850) 413-6224

Re: Rulemaking Notification for:

Rule Number	Rule Title
25-4.0665	Lifeline Service
25-4.113	Refusal or Discontinuance of Service by Company

List EACH rule singly. Add lines as needed.

Date: September 6, 2018

Date of anticipated publication:

Does this rule qualify for Rules Ombudsman review in accordance with section 120.54(3)(b), F.S.?
 Yes No

Please complete this form when submitting rulemaking notification to the Office of Fiscal Accountability and Regulatory Reform (OFARR) pursuant to Executive Order 11-211. **If any information or documents are missing, the notification will be returned without review. OFARR will indicate what is missing, and the completed notification must be resubmitted.**

1. Proposed Rulemaking Activity:

- Notice of Development of Rulemaking – Attach the proposed Notice. If no text is available, give a detailed explanation of the rulemaking, including why it is necessary.
- Notice of Proposed Rule – Attach the proposed Notice, “Is a SERC Required” Checklist, and SERC (if required), all materials incorporated by reference, and all forms referenced or required by the rule.
- Notice of Emergency Rule – Attach the proposed Notice. Explain fully why emergency rulemaking is appropriate.
- Notice of Change – Attach the proposed Notice. Be sure the text is coded correctly according to Rule 1B-30.003(5)(f), F.A.C. Explain why a change is required. Attach any correspondence from JAPC or the public. If no documents exist, summarize any public comment the agency has received or public hearings/workshops the agency has held.
- Notice of Withdrawal – Attach the proposed Notice. Explain why it is necessary to withdraw the rulemaking. Include any JAPC correspondence.
- Other – Attach the proposed Notice. Include detailed information about the rulemaking.

Notices should be coded according to Rule 1B-30.003(5)(f), F.A.C.

Office of Fiscal Accountability and Regulatory Reform
Rulemaking Notification

(Executive Order 11-211 requires agencies must submit all rulemaking notices to OFARR at least 1 week prior to publication)

2. Is this rulemaking included in the agency's Annual Regulatory Plan (ARP)? Yes

3. For each rule:

If the rule decreases regulation, explain in detail how it alleviates unnecessary, disproportionate, or adverse effects to business. You should address all relevant considerations, including: restriction on entry into a profession; effect on availability of services to public; effect on job retention; restriction on employment seekers; imposition of burdensome costs; cost-effectiveness vs. economic impact of rule.

If the rule increases regulation, explain in detail what statute or statutes are being implemented and why the rule is necessary to implement the statutory language.

Rule Number	Detailed Explanation

List EACH rule singly. Add lines as needed.

4. Has the agency received any public comment about this rulemaking, since the last rulemaking notification? No

If yes, please summarize the comment and the agency's position regarding the comment (i.e. has made or intends to make changes based on the comment, disagrees with the comment, etc.) and attach any documents.

5. Has the agency received any lower cost regulatory alternatives (LCRA)? No

If yes, describe in detail what action the agency took in response to the LCRA.

6. Has the agency received any comment from JAPC, since the last rulemaking notification? No

If yes, please summarize the comment and attach any documents.

Julie Phillips

From: Rosanne Gervasi
Sent: Thursday, September 06, 2018 11:48 AM
To: Reg.Reform@eog.myflorida.com
Cc: Julie Phillips
Subject: To the Rules Ombudsman
Attachments: 20170233 Rule Ombudsman letter (Bailey).pdf

Please see attached letter and supporting materials re: proposed rules that the Florida Public Service Commission has determined will affect small businesses. If you have any questions, please feel free to contact me.

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Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are considered to be public records and will be made available to the public and the media upon request. Therefore, your e-mail message may be subject to public disclosure.