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

Public Service Commission

March 27, 2023

Ms. Jamie L. Jackson
Chief Attorney
Joint Administrative Procedures Committee
111 West Madison Street
Room 680, Pepper Building
Tallahassee, Florida 32399-1400

SENT VIA EMAIL

**RE: Public Service Commission
Rule 25-4.0665**

Dear Ms. Jackson:

This letter is the Commission's response to your letter dated March 1, 2023, offering your comments regarding the above-referenced proposed rule. Accordingly, after discussions with the Department of State, Florida Administrative Code and Register, the proposed rule will be changed in the following manner:

25-4.0665(1) The proposed rule text indicates an effective date inconsistent with the official version of the regulations incorporated by reference, and the copy of the unofficial eCFR version of the material provided for review. Currently, the most up to date officially codified version of title [47] of the Code of Federal Regulations features a date of October 1, 2021. Please review and revise for consistency with the official version of the Code of Federal Regulations. If amendments to these regulations have subsequently been enacted since the last official codified version, these amendments should be incorporated in their official format (i.e. through the additional incorporation of the relevant Federal Register(s)).

Additionally, rule 1-1.013(2)(c), F.A.C., requires an incorporation by reference to contain a statement describing how an affected person can obtain the incorporated material, which cannot solely rely on the Department of State for provision. Please include directions in this rule how an affected person can obtain the incorporated materials from the Commission.

Ms. Jamie Jackson
March 24, 2023
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RESPONSE The proposed text will be changed to include the current official codified date of October 1, 2021, so as to be consistent with the official version of the federal regulations incorporated by reference.

Additionally, a secondary method describing how an affected person can obtain the incorporated material will be added to the proposed rule text.

25-4.0665(4) Rule 1-1.013(2)(c), F.A.C., requires an incorporation by reference to contain a statement describing how an affected person can obtain the incorporated material, which cannot solely rely on the Department of State for provision. Please include directions in this rule how an affected person can obtain the incorporated materials from the Commission.

RESPONSE A secondary method describing how an affected person can obtain the incorporated material will be added to the proposed rule text.

During my discussions with the Department of State, I was advised that these proposed changes would be considered as technical changes to the proposed rule not necessitating the filing of a notice of change. As such, the changes will be incorporated into the proposed rule when it is filed for adoption. I have enclosed a copy of the proposed rule text incorporating the above-referenced technical changes, as well as the official codified version of the materials incorporated by reference for your consideration.

We intend to file the proposed rule, with the technical changes, for adoption with the Department of State on April 4, 2023.

If you have any questions, please do not hesitate to contact me.

Sincerely,

/s/ Douglas D. Sunshine, B.C.S.
Douglas D. Sunshine, B.C.S.
Senior Attorney

cc: Commission Clerk

Enclosures

DDS/dds

25-4.0665 Lifeline Assistance.

(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 54.423, as codified on October 1, 2021 in effect as of September 8, 2022, which are hereby incorporated into this rule by reference, and which are available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXX> and may also be obtained from the Office of Industry & Market Analysis, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

(2) Eligible telecommunications carriers may assist customers with enrolling in the Lifeline program through the provider portal with the National Lifeline Eligibility Verifier, as defined in Title 47, Code of Federal Regulations, Part 54, Subpart E, Universal Service Support for Low-Income Consumers, Section 54.400(o).

(3) All eligible telecommunications carriers must participate in the Lifeline Promotion Process. For purposes of this rule, the Lifeline Promotion Process is an electronic interface between the Department of Children and Families, the Commission, and the eligible telecommunications carrier to provide eligible consumers information on how to apply for Lifeline assistance following enrollment in a qualifying public assistance program.

(a) The eligible telecommunications carrier must maintain with the Commission the name(s), email address(es), and telephone number(s) of at least one company representative who will manage the user accounts on the Commission's Lifeline secure website.

(b) The Commission shall send an email to the eligible telecommunications carrier informing the eligible telecommunications carrier that a list of customers enrolled in a Lifeline qualifying public assistance program is available for retrieval from the Commission's Lifeline secure website.

(c) Eligible telecommunications carriers must contact customers on the list to whom they provide service and that do not already participate in Lifeline, to inform them of the Lifeline application process with the National Lifeline Eligibility Verifier. For customers on the list that are not contacted by the eligible telecommunications carrier, within 20 calendar days of receiving the Commission's email notification, the eligible telecommunications carrier must provide to the Commission the customer identification number, name, address, telephone number, and the Department of Children and Families application date. This information can be provided via the Commission's dedicated Lifeline facsimile telephone line at (850) 717-0108, an electronic response via the Commission's Lifeline secure website, or file the information with the Office of Commission Clerk.

(d) Pursuant to Section 364.107(1), F.S., information filed by the eligible telecommunications carrier in accordance with paragraph (3)(c) 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.

(4) Eligible telecommunications carriers must advertise the availability of Lifeline assistance. 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, email, 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 <http://www.flrules.org/Gateway/reference.asp?No=Ref-10057> and may also be obtained from the Office of Industry & Market Analysis, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850 charges must also be included in the Lifeline advertisement. The company may redirect consumers to a toll free customer service number and website to see applicable charges and fees in lieu of listing all charges in an advertisement.

(5) An eligible telecommunications carrier or its designee must provide written notice prior to the termination of Lifeline assistance pursuant to Title 47, Code of Federal Regulations, Part 54, Subpart E, Section 54.405(e) Carrier obligation to offer Lifeline, De-enrollment. The notice of impending termination shall contain the telephone number at which the subscriber can obtain information about the subscriber's Lifeline assistance 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.

(6) All eligible telecommunications carriers shall provide current Lifeline program 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.

(7) 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. *Rulemaking Authority 120.80(13)(d), 350.127(2), 364.10(2)(i) FS. Law Implemented 364.10, 364.105, 364.183(1) FS. History—New 1-2-07, Amended 12-6-07, 6-23-10, 11-21-18, _____.*