

# ***EXPRESS PHONE SERVICE, INC.***

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October 8, 2010

**DELIVERED VIA E-MAIL**

State of Florida  
Public Service Commission  
Attn: Bob Casey, Public Utilities Supervisor, Division of Regulatory Analysis  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

## **RE: August 18, 2010 Lifeline Working Group Meeting Written Comments**

Per direction provided via email dated August 20, 2010 from Bob Casey, Public Utilities Supervisor, Division of Regulatory Analysis, the following written comments are provided for the Lifeline Working Group Meeting held on August 18, 2010.

1. Mr. Casey presented a question as to whether only ETC's and state agencies participate in the Workgroup or should other CLEC's be permitted?
  - a. According to the email dated 8/20/10 from Mr. Casey (referenced above), it is the Commission's position that participation in the Workgroup is mandatory per SB 814 for the commission, the Department of Children and Family Services, the Office of Public Counsel and each eligible telecommunications carrier offering Lifeline and Link-Up services. The purpose of the Workgroup is to " discuss how the eligible subscriber information....will be shared, the obligations of each party with respect to the use of that information, and the procedures to be implemented to increase enrollment and verify eligibility in these program." Accordingly, CLEC's that are not designated ETC's by the Commission would most likely not have any meaningful input into the discussions of meeting the requirements set forth by SB 814. Express Phone Service is of the opinion that participation in the Workgroup should be limited to the entities set forth in SB 814 - the commission, the Department of Children and Family Services, the Office of Public Counsel and each eligible telecommunications carrier offering Lifeline and Link-Up services. Workgroup proceedings may need to be open for observation according to any applicable state law but participation should be limited as explained above.
2. Mr. Casey presented a question as to whether the Workgroup is an ongoing group based on the language of SBN 814?
  - a. While SB 814 does not specifically establish whether the intention was to have one scheduled Workgroup meeting or an ongoing schedule of meetings, SB 814 does establish what the purpose and goal of having the Workgroup Meeting. The meeting held on 8/18/10 was just a first step in that direction and did not definitively accomplish any of the goals contained within SB 814. Given the anticipated complexity of complying with those goals completely, Express Phone Service is of the opinion that the Workgroup has to be an ongoing group.
3. Mr. Casey presented the question if the Workgroup is ongoing, how often should it meet?
  - a. Express Phone Service is of the opinion that meeting once quarterly would be sufficient and not overly burdensome to the governmental and private entities required to participate.

4. AT&T presented that they have submitted proposal comments to the FCC pertaining to the creation of national database in an effort to prevent “double dipping” by end users. According to AT&T’s representation, the database would generate a PIN number to the applicant at the agency where benefits are applied for, self-certification would no longer be needed and indicate what benefits the applicant was applying for and/or receiving while not indicating what telecom services were being sought.
  - a. While a database, whether on the federal or state level, would most likely be a strong step towards preventing “double dipping” by end users, the magnitude of such a database itself brings into question the effectiveness of such a procedure. 2009 data statistics demonstrate that there were 25.7 million end users eligible for Lifeline benefits but only 8.2 million households participating or roughly a 32 percent national participation rate. Historically, databases created on a national basis to monitor and control a specific group have not proven to be effective on a timely basis such as would be necessary to enable the continued efforts to get Lifeline benefits without undue delays and administrative burdens placed on the end users.
  - b. Participation in Florida’s Lifeline Assistance Program has increased significantly from 2007 to 2010, with the number of eligible households enrolled in the program increasing from 14% to more than 56% during that period. Commission officials have stated their belief that the increased enrollment is primarily due to implementing automatic enrollment and designating Safelink Wireless and Easy Telephone Service as eligible telecommunications carriers. Creating a national database that would then remove the ability of the state to continue its efforts to increase the awareness and participation in Lifeline Assistance by removing the ability to allow for self-certification.
  - c. The FCC has clearly established the authority and responsibility that each state has to regulate and administer the Lifeline Assistance programs within that state. It is very unlikely that all 50 states would elect to participate in a federal database program such as the one posed by AT&T and for the FCC to mandate such would be in conflict with previous rules established by the FCC and contrary to rulings made by regulatory and judicial authorities.
  - d. AT&T presented additional information that would essentially establish the burden of providing national database information that would be required by the ETC on the end user. Conversely, any efforts on the state or national level need to continue to make the process of qualifying for and obtaining Lifeline Assistance by the end user as uncomplicated as possible. As Mr. Casey discussed during the meeting, Express agrees that eliminating self-certification and requiring a database/PIN process for the end user to follow will create a “more hoops scenario” for end users to have to navigate with 90-100 agencies providing benefits and result in the end user not bothering to apply for Lifeline Assistance.
5. It was noted that the current DCF portal contains only 3 of the 8 qualifying programs for Lifeline Assistance. DCF personnel presented that while a secure website did exist, there was CLEC end work was required to supposedly establish connection with the database.
  - a. The efforts by DCF and other agencies to provide applicable information to all ETC’s needs to be addressed by the Commission. Currently the default environment appears that the agencies are only addressing the need to communicate with ETC’s that are incumbent ILEC’s. Back in June, commission staff members made contact with Express Phone Service requesting information to assist DCF with a project. After providing the requested information to staff, Express has not received any additional correspondence or instruction in how to proceed with establishing a connection between Express and DCF. Comments made by DCF in the Workgroup meeting give the impression that this accessibility has been established for the ILEC’s. If this is

the case, this selective effort by DCF would seem to be in conflict with the 1996 Telecom Act requirements of establishing fair competition between all LEC's, incumbent and competitive.

6. The issue of CPNI was brought up during the meeting and whether the exchange of the information mandated by SB 814 would or could result in violation of CPNI rules.
  - a. CPNI does not entail the type of information that is applicable to the requirements of SB 814, which states "person's name, date of birth, service address, and telephone number...remains confidential...and may be used for purposes of determining eligibility and enrollment..." CPNI (Customer Proprietary Network Information) to include what services they use, the amount and type of usage, optional services subscribed to, current charges, directory assistance charges, usage data, and calling patterns.
  - b. CPNI rules do not prohibit the gathering and publishing of aggregate customer information nor the use of customer information for the purpose of creating directories. More specifically, the FCC, in Docket No. 96-115 dated May 21, 1998, clearly states "A customer's name, address, and telephone number are not CPNI." Since the other information that required by the ETC to verify eligibility (last 4 of SSN, qualifying program, etc.) are not the type of information described in paragraph a. immediately above, CPNI is a non-issue for the discussions of this Workgroup.
7. A discussion point was presented during the meeting regarding how to increase enrollment along with verifying eligibility.
  - a. Despite the significant increase in Lifeline Assistance achieved in the State of Florida over the past few years, there remains an critical area that demands attention. During a CLEC's request for ETC designation, the Commission requires the CLEC to certify to the Commission that it is not seeking ETC designation in "rural areas" served by Sprint aka Embarq aka CenturyLink soon to be joined by Qwest.
  - b. CenturyLink and AT&T currently service approximately the same number of Florida counties. CenturyLink provides service in 33 states with over 1.3 million lines in the State of Florida. The Commission needs to review its restrictions on allowing ETC designated CLEC's from offering services to end users in the CenturyLink service footprint.

Respectfully submitted,

Thomas M. Armstrong  
President