

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

NOTICE OF STAFF RULE DEVELOPMENT WORKSHOP

TO

ALL OTHER 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: December 5, 2011

NOTICE is hereby given pursuant to Section 120.54, Florida Statutes, that the Florida Public Service Commission staff has initiated rulemaking to amend Rule 25-4.0665, Florida Administrative Code, to eliminate the requirement of quarterly reporting, to require that a customer's Lifeline local service may not be discontinued if the charges, taxes and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency services such as "911," and relay service are paid, and to clarify eligible telecommunications carrier responsibilities regarding record retention, resale of Lifeline lines, and advertising, including developing outreach materials for specific consumer groups and outreach strategies. Consistent with the 2011 changes made to Chapter 364, Florida Statutes, Rule 25-4.113, Florida Administrative Code, would be repealed.

A staff rule development workshop, to which all persons are invited, will be held at the following time and place:

Wednesday, January 18, 2012, at 1:30 p.m.  
Florida Public Service Commission  
Betty Easley Conference Center, Room 148  
4075 Esplanade Way  
Tallahassee, FL 32399-0862

A copy of the agenda and the draft rules for the workshop are attached. One or more Commissioners may be in attendance and participate in the workshop. The person to be contacted regarding the proposed rule development is Rosanne Gervasi, Office of the General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850) 413-6224,

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[rgervasi@psc.state.fl.us](mailto:rgervasi@psc.state.fl.us). For telephone participation in the workshop, please dial 1-888-808-6959, code 413-6261.

If you wish to comment but cannot attend the workshop, please submit your comments by January 18, 2012, to: Rosanne Gervasi, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850) 413-6224.

In accordance with the Americans with Disabilities Act, persons requiring a special accommodation to participate at this workshop should contact the Office of Commission Clerk no later than five days prior to the workshop at 2540 Shumard Oak Boulevard., Tallahassee, Florida 32399-0850, via 1-800-955-8770 (Voice) or 1-800-955-8771 (TDD), Florida Relay Service.

By DIRECTION of the Florida Public Service Commission this 5th day of December, 2011.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399  
(850) 413-6770  
[www.floridapsc.com](http://www.floridapsc.com)

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FLORIDA PUBLIC SERVICE COMMISSION

AGENDA

STAFF RULE DEVELOPMENT WORKSHOP

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

Undocketed

January 18, 2012, at 1:30 P.M.  
Betty Easley Conference Center, Room 148  
4075 Esplanade Way  
Tallahassee Florida 32399-0850

1. Staff overview of draft rule
2. Comments and alternative suggestions from interested persons
3. Discussion of suggested changes and timeframes for next steps
4. Adjournment

1 **25-4.0665 Lifeline Service.**

2 (1) A subscriber is eligible for Lifeline service if:

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

4 1. Medicaid;

5 2. Food Stamps;

6 3. Supplemental Security Income (SSI);

7 4. Temporary Assistance for Needy Families/Temporary Cash Assistance;

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

9 6. Low-Income Home Energy Assistance Program; or

10 7. The National School Lunch Program – Free Lunch; or

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

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

18 (a) Tribal temporary assistance for needy families (TANF);

19 (b) NSL Program – Free Lunch; or

20 (c) Head Start.

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

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

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

8 (6) Eligible telecommunications carriers shall enroll customers for Lifeline service who  
9 electronically submit Form PSC/RAD 158 (6/10), entitled “Lifeline and Link-Up Florida On-  
10 line Self Certification Form,” which is incorporated into this rule by reference and can be  
11 accessed from the Commission’s website at [www.floridapsc.com](http://www.floridapsc.com), by selecting “Link-Up  
12 Florida and Lifeline,” then selecting “Apply On-line.”

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

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

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

25 (10) All eligible telecommunications carriers shall participate in the Lifeline service  
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existing law.

1 Automatic Enrollment Process. For purposes of this rule, the Lifeline service Automatic  
2 Enrollment Process is an electronic interface between the Department of Children and Family  
3 Services, the Commission, and the eligible telecommunications carrier that allows low-income  
4 individuals to automatically enroll in Lifeline following enrollment in a qualifying public  
5 assistance program.

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

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

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

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

22 (e) Within 20 calendar days of receiving the Commission's e-mail notification that the Lifeline  
23 service application is available for retrieval, the eligible telecommunications carrier shall  
24 provide a facsimile response to the Commission via the Commission's dedicated Lifeline  
25 service facsimile telephone line at (850)413-7142, or an electronic response via the

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1 Commission's Lifeline secure website, identifying the customer name, address, telephone  
2 number, and date of the application for:

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

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

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

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

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

20 (13) An eligible telecommunications carrier must provide written notice to a customer within  
21 30 days of receipt of the application providing the reason for a rejected Lifeline application,  
22 and providing contact information for the customer to get information regarding the  
23 application denial.

24 (14) An eligible telecommunications carrier must provide 60 days written notice prior to the  
25 termination of Lifeline service. The notice of pending termination shall contain the telephone  
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1 | number at which the subscriber can obtain information about the subscriber's Lifeline service  
2 | from the eligible telecommunications carrier. The notice shall also inform the subscriber of the  
3 | availability, pursuant to Section 364.105, F.S., of discounted residential basic local  
4 | telecommunications service.

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

12 | (16) All eligible telecommunications carriers shall provide current Lifeline service company  
13 | information to the Universal Service Administrative Company at [www.lifelinesupport.org](http://www.lifelinesupport.org) so  
14 | that the information can be posted on the Universal Service Administrative Company's  
15 | consumer website.

16 | (17) Eligible telecommunications carriers must advertise the availability of Lifeline service to  
17 | those who may be eligible for the service. At a minimum, if the eligible telecommunications  
18 | carrier publishes a directory, the eligible telecommunications carrier must include in the index  
19 | of the directory a notice of the availability of Lifeline service. If the eligible  
20 | telecommunications carrier generates customer bills, the eligible telecommunications carrier  
21 | must also place an insert in the subscriber's bill or a message on the subscriber's bill at least  
22 | once each calendar year advising subscribers of the availability of Lifeline service.

23 | (18) Eligible telecommunications carriers may not charge a service deposit in order to initiate  
24 | Lifeline service if the subscriber voluntarily elects toll blocking or toll control. If the  
25 | subscriber elects not to place toll blocking or toll control on the line, an eligible

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1 | telecommunications carrier may charge a service deposit.

2 | (19) Eligible telecommunications carriers may not charge Lifeline subscribers a monthly  
3 | number-portability charge.

4 | (20) A company may not discontinue a customer's Lifeline local service if the charges, taxes,  
5 | and fees applicable to dial tone, local usage, dual tone multifrequency dialing, emergency  
6 | services such as "911," and relay service are paid. Eligible telecommunications carriers  
7 | offering Link-Up and Lifeline service must submit quarterly reports to the Commission no  
8 | later than 30 days following the ending of each quarter as follows: First Quarter (January 1  
9 | through March 31); Second Quarter (April 1 through June 30); Third Quarter (July 1 through  
10 | September 30); Fourth Quarter (October 1 through December 31). The quarterly reports shall  
11 | include the following data:

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

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

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

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

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

20 | (21) An eligible telecommunications carrier shall advertise the availability of Lifeline and  
21 | Link-Up services in media of general distribution throughout its service areas.

22 | (a) The outreach materials must target consumer groups that may be in need of Lifeline, such  
23 | as seniors, young adults, consumers who live in remote areas, wireless users, non-English  
24 | speaking populations, the disabled community, users of telecommunications relay services,  
25 | and the unemployed.

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1 (b) Eligible telecommunications carriers must develop outreach materials and methods  
2 designed to reach households that do not currently have telephone service. The outreach  
3 materials must be placed in locations where low-income individuals are likely to visit, such as  
4 shelters, soup kitchens, public assistance agencies, and on public transportation. Multi-media  
5 outreach approaches such as newspaper advertisements, articles in consumer newsletters,  
6 press releases, radio commercials, and radio and television public service announcements are  
7 also acceptable.

8 (22) Eligible telecommunications carriers that resell Lifeline and/or Link-Up services to non-  
9 eligible telecommunications carriers are required to obtain a certification from each reseller  
10 that it is complying with all of the Commission and Federal Communications Commission  
11 Lifeline/Link-Up requirements. The eligible telecommunications carriers shall file a copy of  
12 this certification with the Division of the Commission Clerk by October 1 of each year.

13 (23) Each eligible telecommunications carrier shall retain its eligibility documentation as a  
14 designated eligible telecommunications carrier, as well as for its customers receiving Lifeline  
15 discounts, for a period of three years.

16 *Rulemaking Authority ~~120.80(13)(d)~~, 350.127(2), ~~364.0252~~, 364.10(2)(3)(j) FS. Law*  
17 *Implemented ~~364.0252~~, 364.10, 364.105, 364.183(1) FS. History—New 1-2-07, Amended 12-6-*  
18 *07, 6-23-10, ~~XX-XX-XX~~.*

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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 in~~  
8 ~~the application.~~

9 ~~(c) For failure or refusal to provide the company with a deposit to insure payment of bills in~~  
10 ~~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 company's~~  
14 ~~rules and regulations on file with the Commission, provided 5 working days' written notice is~~  
15 ~~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 adversely~~  
5 ~~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 service~~  
9 ~~is discontinued for fraudulent use of service, the company may, before restoring service,~~  
10 ~~require the customer to make, at his own expense, all changes in facilities or equipment~~  
11 ~~necessary to eliminate illegal use and to pay an amount reasonably estimated as the loss in~~  
12 ~~revenues resulting from such fraudulent use.~~

13 ~~(2) In case of refusal to establish service, or whenever service is discontinued, the company~~  
14 ~~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 been~~  
17 ~~satisfactorily adjusted.~~

18 ~~(4) The following shall not constitute sufficient cause for refusal or discontinuance of service~~  
19 ~~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 another~~  
25 ~~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 number~~  
4 ~~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 364.03, 364.19, 364.604,*  
13 *427.704 FS. History—Revised 12-1-68, Amended 3-31-76, 10-25-84, 10-30-86, 1-1-91, 9-16-*  
14 *92, 1-7-93, 1-25-95, 7-5-00, Repealed XX-XX-XX.*

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