

Bill No. SB 1320

Barcode 220820

CHAMBER ACTION

Senate

House

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The Committee on Commerce and Consumer Services (Crist) recommended the following **substitute for amendment** (432854):

Senate Amendment (with title amendment)

On page 1, line 22, through
page 2, line 14, delete those lines

and insert:

Section 1. Section 364.10, Florida Statutes, is amended to read:

364.10 Undue advantage to person or locality prohibited; Lifeline service.--

(1) A telecommunications company may not make or give any undue or unreasonable preference or advantage to any person or locality or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

(2)(a) The prohibitions of subsection (1) notwithstanding, an eligible telecommunications carrier a ~~telecommunications company serving as carrier of last resort~~ shall provide a Lifeline Assistance Plan to qualified

Bill No. SB 1320

Barcode 220820

1 residential subscribers, as defined in a commission-approved
 2 tariff or price list and a preferential rate to eligible
 3 facilities as provided for in part II. For the purposes of
 4 this section, the term "eligible telecommunications carrier"
 5 means a telecommunications company, as defined by s. 364.02,
 6 which is designated as an eligible telecommunications carrier
 7 by the commission pursuant to 47 C.F.R. s. 54.201.

8 (b) An eligible telecommunications carrier shall offer
 9 a consumer who applies for or receives Lifeline service the
 10 option of blocking all toll calls or, if technically capable,
 11 placing a limit on the number of toll calls a consumer can
 12 make. The eligible telecommunications carrier may not charge
 13 the consumer an administrative charge or other additional fee
 14 for blocking the service.

15 (c) An eligible telecommunications carrier may not
 16 collect a service deposit in order to initiate Lifeline
 17 service if the qualifying low-income consumer voluntarily
 18 elects toll blocking or toll limitation. If the qualifying
 19 low-income consumer elects not to place toll blocking on the
 20 line, an eligible telecommunications carrier may charge a
 21 service deposit.

22 (d) An eligible telecommunications carrier may not
 23 charge Lifeline subscribers a monthly number-portability
 24 charge.

25 (e)1. An eligible telecommunications carrier must
 26 notify a Lifeline subscriber of impending termination of
 27 Lifeline service if the company has reasonable basis to
 28 believe that the subscriber no longer qualifies. Notification
 29 of pending termination must be in the form of a letter that is
 30 separate from the subscriber's bill.

31 2. An eligible telecommunications carrier shall allow

Bill No. SB 1320

Barcode 220820

1 a subscriber 60 days following the date of the pending
 2 termination letter to demonstrate continued eligibility. The
 3 subscriber must present proof of continued eligibility. An
 4 eligible telecommunications carrier may transition off of
 5 Lifeline service, pursuant to its tariff, a subscriber who
 6 fails to demonstrate continued eligibility.

7 3. The commission shall establish procedures for such
 8 notification and termination.

9 (f) An eligible telecommunications carrier shall
 10 timely credit a consumer's bill with the Lifeline Assistance
 11 credit as soon as practicable, but no later than 60 days
 12 following receipt of notice of eligibility from the Office of
 13 Public Counsel or proof of eligibility from the consumer.

14 (3)(a) Effective September 1, 2003, any local exchange
 15 telecommunications company authorized by the commission to
 16 reduce its switched network access rate pursuant to s. 364.164
 17 shall have tariffed and shall provide Lifeline service to any
 18 otherwise eligible customer or potential customer who meets an
 19 income eligibility test at 125 percent or less of the federal
 20 poverty income guidelines for Lifeline customers. ~~The Such a~~
 21 test for eligibility must augment, rather than replace, the
 22 eligibility standards established by federal law and based on
 23 participation in certain low-income assistance programs. Each
 24 intrastate interexchange telecommunications company shall,
 25 effective September 1, 2003, file a tariff providing at a
 26 minimum the intrastate interexchange telecommunications
 27 carrier's current Lifeline benefits and exemptions to Lifeline
 28 customers who meet the income eligibility test set forth in
 29 this subsection. The Office of Public Counsel shall certify
 30 and maintain claims submitted by a customer for eligibility
 31 under the income test authorized by this subsection.

Bill No. SB 1320

Barcode 220820

1 (b) Each eligible telecommunications carrier local
 2 ~~exchange telecommunications company~~ subject to this subsection
 3 shall provide to each state and federal agency providing
 4 benefits to persons eligible for Lifeline service
 5 applications, brochures, pamphlets, or other materials that
 6 inform the ~~such~~ persons of their eligibility for Lifeline, and
 7 each state agency providing the ~~such~~ benefits shall furnish
 8 the materials to affected persons at the time they apply for
 9 benefits.

10 (c) Any local exchange telecommunications company
 11 customer receiving Lifeline benefits shall not be subject to
 12 any residential basic local telecommunications service rate
 13 increases authorized by s. 364.164 until the local exchange
 14 telecommunications company reaches parity as defined in s.
 15 364.164(5) or until the customer no longer qualifies for the
 16 Lifeline benefits established by this section or s. 364.105,
 17 or unless otherwise determined by the commission upon petition
 18 by a local exchange telecommunications company.

19 (d) An eligible telecommunications carrier may not
 20 discontinue basic local exchange telephone service to a
 21 subscriber who receives Lifeline service because of nonpayment
 22 by the subscriber of charges for nonbasic services billed by
 23 the telecommunications company, including long-distance
 24 service. A subscriber who receives Lifeline service shall be
 25 required to pay all applicable basic local exchange service
 26 fees, including the subscriber line charge, E-911, telephone
 27 relay system charges, and applicable state and federal taxes.

28 (e) An eligible telecommunications carrier may not
 29 refuse to connect, reconnect, or provide Lifeline service
 30 because of unpaid toll charges or nonbasic charges other than
 31 basic local exchange service.

Bill No. SB 1320

Barcode 220820

1 (f) An eligible telecommunications carrier may require
 2 that payment arrangements be made for outstanding debt
 3 associated with basic local exchange service, subscriber line
 4 charges, E-911, telephone relay system charges, and applicable
 5 state and federal taxes.

6 (g) An eligible telecommunications carrier may block a
 7 Lifeline service subscriber's access to all long-distance
 8 service, except for toll-free numbers, and may block the
 9 ability to accept collect calls when the subscriber owes an
 10 outstanding amount for long-distance service or amounts
 11 resulting from collect calls. However, the eligible
 12 telecommunications carrier may not impose a charge for
 13 blocking long-distance service. The eligible
 14 telecommunications carrier shall remove the block at the
 15 request of the subscriber without additional cost to the
 16 subscriber upon payment of the outstanding amount. An eligible
 17 telecommunications carrier may charge a service deposit before
 18 removing the block.

19 (h)(d) By December 31, 2003, each state agency that
 20 provides benefits to persons eligible for Lifeline service
 21 shall undertake, in cooperation with the Department of
 22 Children and Family Services, the Department of Education, the
 23 commission, the Office of Public Counsel, and
 24 telecommunications companies providing Lifeline services, the
 25 development of procedures to promote Lifeline participation.

26 (i)(e) The commission shall report to the Governor,
 27 the President of the Senate, and the Speaker of the House of
 28 Representatives by December 31 each year on the number of
 29 customers who are subscribing to Lifeline service and the
 30 effectiveness of any procedures to promote participation.

31 (j) The commission shall adopt rules to administer

Bill No. SB 1320

Barcode 220820

1 this section.

2 Section 2. By January 15, 2006, and in furtherance of
3 their Lifeline education and promotional efforts, each
4 telecommunications company that has, by July 1, 2005, had a
5 petition granted under section 364.164, Florida Statutes,
6 shall file with the Public Service Commission a report on
7 Lifeline participation in the state. The report shall be
8 produced by the Public Utility Research Center at the
9 University of Florida and shall be conducted under the
10 auspices of the Public Service Commission and the Office of
11 the Public Counsel. The report must, at a minimum, identify
12 the total number of eligible customers, without duplication
13 occasioned by the applicability of multiple eligibility
14 criteria established, as of March 31, 2005, by law, commission
15 order, or approved company agreement. The report may also
16 report on subscribership differences among socio-economic
17 segments within the population of Lifeline-eligible Floridians
18 to the extent that any identifiable segment's inclination to
19 subscribe to Lifeline services of a local exchange
20 telecommunications company differs. Such report may be filed
21 with the commission jointly or individually by companies
22 covered by this section. By March 1, 2006, the commission
23 shall file the report with the President of the Senate and the
24 Speaker of the House of Representatives, along with
25 supplemental information or commission comment, if any, deemed
26 relevant by the commission.

27 Section 3. This act shall take effect July 1, 2005.

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30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

Bill No. SB 1320

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1 On page 1, lines 4-17, delete those lines

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3 and insert:

4 transferring applicability from
5 telecommunications companies serving as
6 carriers of last resort to eligible
7 telecommunications carriers; defining the term
8 "eligible telecommunications carrier";
9 providing requirements for eligible
10 telecommunications carriers; requiring the
11 Public Service Commission to establish
12 procedures for notification and termination of
13 the Lifeline Assistance credit; providing
14 criteria for connection, reconnection, and
15 discontinuation of basic local
16 telecommunications service for Lifeline
17 Assistance subscribers; providing criteria for
18 blocking access to long-distance service;
19 adding the Department of Education and the
20 Office of Public Counsel to those agencies that
21 are directed to cooperate in developing
22 procedures for promoting Lifeline
23 participation; requiring the commission to
24 adopt rules; requiring the commission to report
25 to the Legislature; providing an

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