

Bill No. SB 1320

Barcode 324988

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 324988

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 324988

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 terminate a subscriber
5 who fails to demonstrate continued eligibility.

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

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

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

31 (b) Each eligible telecommunications carrier local

Bill No. SB 1320

Barcode 324988

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

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

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

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

31 (f) An eligible telecommunications carrier may require

Bill No. SB 1320

Barcode 324988

1 that payment arrangements be made for outstanding debt
2 associated with basic local exchange service, subscriber line
3 charges, E-911, telephone relay system charges, and applicable
4 state and federal taxes.

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

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

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

29 (j) The commission shall adopt rules to administer
30 this section.

31 Section 2. By January 15, 2006, and in furtherance of

Bill No. SB 1320

Barcode 324988

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

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

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

29 And the title is amended as follows:

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

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Bill No. SB 1320

Barcode 324988

1 and insert:

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

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