

1 364.10 Undue advantage to person or locality
2 prohibited; Lifeline service.--

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

8 (2)(a) The prohibitions of subsection (1)
9 notwithstanding, an eligible telecommunications carrier ~~a~~
10 ~~telecommunications company serving as carrier of last resort~~
11 shall provide a Lifeline Assistance Plan to qualified
12 residential subscribers, as defined in a commission-approved
13 tariff or price list, and a preferential rate to eligible
14 facilities as provided for in part II. For the purposes of
15 this section, the term "eligible telecommunications carrier"
16 means a telecommunications company, as defined by s. 364.02,
17 which is designated as an eligible telecommunications carrier
18 by the commission pursuant to 47 C.F.R. s. 54.201.

19 (b) An eligible telecommunications carrier shall offer
20 a consumer who applies for or receives Lifeline service the
21 option of blocking all toll calls or, if technically capable,
22 placing a limit on the number of toll calls a consumer can
23 make. The eligible telecommunications carrier may not charge
24 the consumer an administrative charge or other additional fee
25 for blocking the service.

26 (c) An eligible telecommunications carrier may not
27 collect a service deposit in order to initiate Lifeline
28 service if the qualifying low-income consumer voluntarily
29 elects toll blocking or toll limitation. If the qualifying
30 low-income consumer elects not to place toll blocking on the
31

1 line, an eligible telecommunications carrier may charge a
2 service deposit.

3 (d) An eligible telecommunications carrier may not
4 charge Lifeline subscribers a monthly number-portability
5 charge.

6 (e)1. An eligible telecommunications carrier must
7 notify a Lifeline subscriber of impending termination of
8 Lifeline service if the company has a reasonable basis for
9 believing that the subscriber no longer qualifies.

10 Notification of pending termination must be in the form of a
11 letter that is separate from the subscriber's bill.

12 2. An eligible telecommunications carrier shall allow
13 a subscriber 60 days following the date of the pending
14 termination letter to demonstrate continued eligibility. The
15 subscriber must present proof of continued eligibility. An
16 eligible telecommunications carrier may transfer a subscriber
17 off of Lifeline service, pursuant to its tariff, if the
18 subscriber fails to demonstrate continued eligibility.

19 3. The commission shall establish procedures for such
20 notification and termination.

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

26 (3)(a) Effective September 1, 2003, any local exchange
27 telecommunications company authorized by the commission to
28 reduce its switched network access rate pursuant to s. 364.164
29 shall have tariffed and shall provide Lifeline service to any
30 otherwise eligible customer or potential customer who meets an
31 income eligibility test at 125 percent or less of the federal

1 poverty income guidelines for Lifeline customers. Such a test
2 for eligibility must augment, rather than replace, the
3 eligibility standards established by federal law and based on
4 participation in certain low-income assistance programs. Each
5 intrastate interexchange telecommunications company shall,
6 effective September 1, 2003, file a tariff providing at a
7 minimum the intrastate interexchange telecommunications
8 carrier's current Lifeline benefits and exemptions to Lifeline
9 customers who meet the income eligibility test set forth in
10 this subsection. The Office of Public Counsel shall certify
11 and maintain claims submitted by a customer for eligibility
12 under the income test authorized by this subsection.

13 (b) Each eligible telecommunications carrier ~~local~~
14 ~~exchange telecommunications company~~ subject to this subsection
15 shall provide to each state and federal agency providing
16 benefits to persons eligible for Lifeline service
17 applications, brochures, pamphlets, or other materials that
18 inform the ~~such~~ persons of their eligibility for Lifeline, and
19 each state agency providing the ~~such~~ benefits shall furnish
20 the materials to affected persons at the time they apply for
21 benefits.

22 (c) Any local exchange telecommunications company
23 customer receiving Lifeline benefits shall not be subject to
24 any residential basic local telecommunications service rate
25 increases authorized by s. 364.164 until the local exchange
26 telecommunications company reaches parity as defined in s.
27 364.164(5) or until the customer no longer qualifies for the
28 Lifeline benefits established by this section or s. 364.105,
29 or unless otherwise determined by the commission upon petition
30 by a local exchange telecommunications company.

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1 (d) An eligible telecommunications carrier may not
2 discontinue basic local exchange telephone service to a
3 subscriber who receives Lifeline service because of nonpayment
4 by the subscriber of charges for nonbasic services billed by
5 the telecommunications company, including long-distance
6 service. A subscriber who receives Lifeline service shall be
7 required to pay all applicable basic local exchange service
8 fees, including the subscriber line charge, E-911, telephone
9 relay system charges, and applicable state and federal taxes.

10 (e) An eligible telecommunications carrier may not
11 refuse to connect, reconnect, or provide Lifeline service
12 because of unpaid toll charges or nonbasic charges other than
13 basic local exchange service.

14 (f) An eligible telecommunications carrier may require
15 that payment arrangements be made for outstanding debt
16 associated with basic local exchange service, subscriber line
17 charges, E-911, telephone relay system charges, and applicable
18 state and federal taxes.

19 (g) An eligible telecommunications carrier may block a
20 Lifeline service subscriber's access to all long-distance
21 service, except for toll-free numbers, and may block the
22 ability to accept collect calls when the subscriber owes an
23 outstanding amount for long-distance service or amounts
24 resulting from collect calls. However, the eligible
25 telecommunications carrier may not impose a charge for
26 blocking long-distance service. The eligible
27 telecommunications carrier shall remove the block at the
28 request of the subscriber without additional cost to the
29 subscriber upon payment of the outstanding amount. An eligible
30 telecommunications carrier may charge a service deposit before
31 removing the block.

1 ~~(h)(d)~~ By December 31, 2003, each state agency that
2 provides benefits to persons eligible for Lifeline service
3 shall undertake, in cooperation with the Department of
4 Children and Family Services, the Department of Education, the
5 commission, the Office of Public Counsel, and
6 telecommunications companies providing Lifeline services, the
7 development of procedures to promote Lifeline participation.

8 ~~(i)(e)~~ The commission shall report to the Governor,
9 the President of the Senate, and the Speaker of the House of
10 Representatives by December 31 each year on the number of
11 customers who are subscribing to Lifeline service and the
12 effectiveness of any procedures to promote participation.

13 ~~(j)~~ The commission shall adopt rules to administer
14 this section.

15 Section 2. By January 15, 2006, and in furtherance of
16 Lifeline educational and promotional efforts, each
17 telecommunications company that has, by July 1, 2005, had a
18 petition granted under section 364.164, Florida Statutes,
19 shall file with the Public Service Commission a report on
20 Lifeline participation in the state. The report shall be
21 produced by the Public Utility Research Center at the
22 University of Florida and shall be conducted under the
23 auspices of the Public Service Commission and the Office of
24 the Public Counsel. The report must, at a minimum, identify
25 the total number of eligible customers, without duplication
26 occasioned by the applicability of multiple eligibility
27 criteria established, as of March 31, 2005, by law, commission
28 order, or approved company agreement. The report may also
29 report on subscribership differences among socioeconomic
30 segments within the population of Lifeline-eligible Floridians
31 to the extent that any identifiable segment's inclination to

1 subscribe to Lifeline services of a local exchange
2 telecommunications company differs. Such report may be filed
3 with the commission jointly or individually by companies
4 covered by this section. By March 1, 2006, the commission
5 shall file the report with the President of the Senate and the
6 Speaker of the House of Representatives, along with
7 supplemental information or commission comment, if any, deemed
8 relevant by the commission.

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

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 1320

14 This committee substitute differs from the bill as filed in
15 that it provides the following:

- 16 - Defines an "eligible communications carrier" and provides
17 the requirements and the prohibitions for eligible
18 communications carriers;
- 19 - Requires eligible telecommunications carriers to offer
20 free toll blocking under certain conditions;
- 21 - Prohibits collection of service deposits from new
22 Lifeline subscribers;
- 23 - Requires timely credit following receipt of notice of
24 eligibility;
- 25 - Prohibits discontinuance of basic local service for
26 nonpayment of nonbasic service or unregulated charges if
27 timely payment is made on basic service;
- 28 - Requires connection even if nonbasic or unregulated
29 charges remain unpaid;
- 30 - Permits payment arrangements for payment of unpaid basic
31 local telecommunications service charges;
- Permits blocking access to certain service and removal of
the block;
- Adds the Department of Education and Office of Public
Counsel to the list of agencies that may aid in the
promotion of Lifeline Assistance; and
- Provides for a report to the Legislature on those
promotional efforts.