

Bill No. CS for CS for SB 2232, 1st Eng.

Barcode 780552

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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2	05/04/2005 06:17 PM	.	
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11 Senator Constantine moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 On page 13, line 18 through page 14, line 9 delete

15 those lines

16

17 and insert:

18 Section 7. Section 364.10, Florida Statutes, is

19 amended to read:

20 364.10 Undue advantage to person or locality

21 prohibited; Lifeline service.--

22 (1) A telecommunications company may not make or give

23 any undue or unreasonable preference or advantage to any

24 person or locality or subject any particular person or

25 locality to any undue or unreasonable prejudice or

26 disadvantage in any respect whatsoever.

27 (2)(a) The prohibitions of subsection (1)

28 notwithstanding, an eligible telecommunications carrier ~~a~~

29 ~~telecommunications company serving as carrier of last resort~~

30 shall provide a Lifeline Assistance Plan to qualified

31 residential subscribers, as defined in a commission-approved

Bill No. CS for CS for SB 2232, 1st Eng.

Barcode 780552

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

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

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

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

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

30 2. An eligible telecommunications carrier shall allow
 31 a subscriber 60 days following the date of the pending

Bill No. CS for CS for SB 2232, 1st Eng.

Barcode 780552

1 termination letter to demonstrate continued eligibility. The
 2 subscriber must present proof of continued eligibility. An
 3 eligible telecommunications carrier may transfer a subscriber
 4 off of Lifeline service, pursuant to its tariff, if the
 5 subscriber 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 135 ~~125~~ percent or less of the
 19 federal poverty income guidelines for Lifeline customers. Such
 20 a 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. CS for CS for SB 2232, 1st Eng.

Barcode 780552

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. CS for CS for SB 2232, 1st Eng.

Barcode 780552

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 may block the
8 ability to accept collect calls when the subscriber owes an
9 outstanding amount for long-distance service or amounts
10 resulting from collect calls. However, the eligible
11 telecommunications carrier may not impose a charge for
12 blocking long-distance service. The eligible
13 telecommunications carrier shall remove the block at the
14 request of the subscriber without additional cost to the
15 subscriber upon payment of the outstanding amount. An eligible
16 telecommunications carrier may charge a service deposit before
17 removing the block.

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

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

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

Bill No. CS for CS for SB 2232, 1st Eng.

Barcode 780552

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(Redesignate subsequent sections.)

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

And the title is amended as follows:

 On page 3, line 13 & 14, delete those lines

and insert:

 transferring applicability from
 telecommunications companies serving as
 carriers of last resort to eligible
 telecommunications carriers; defining the term
 "eligible telecommunications carrier";
 providing requirements for eligible
 telecommunications carriers; requiring the
 Public Service Commission to establish
 procedures for notification and termination of
 the Lifeline Assistance credit; providing
 criteria for connection, reconnection, and
 discontinuation of basic local
 telecommunications service for Lifeline
 Assistance subscribers; providing criteria for
 blocking access to long-distance service;
 adding the Department of Education and the
 Office of Public Counsel to those agencies that
 are directed to cooperate in developing
 procedures for promoting Lifeline
 participation; requiring the commission to
 adopt rules; repealing s. 364.502, F.S.