

CHAMBER ACTION

1 The Future of Florida's Families Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to Lifeline telecommunications services;
8 amending s. 364.10, F.S.; requiring that Lifeline
9 Assistance Plans be provided by eligible telecommunications
10 carriers; deleting requirement that such plans be provided
11 by telecommunications companies serving as carriers of last
12 resort; defining the term "eligible telecommunications
13 carrier"; requiring such carriers to offer Lifeline service
14 applicants and recipients the option of blocking or
15 limiting toll calls under certain circumstances;
16 prohibiting the carrier from requiring a service deposit
17 from certain consumers electing to block or limit toll
18 calls; prohibiting a number-portability charge to Lifeline
19 subscribers; providing requirements for termination of
20 Lifeline service; requiring the Public Service Commission
21 to establish procedures for notification and termination of
22 Lifeline service; requiring the carrier to timely credit a
23 consumer's bill with Lifeline Assistance credits; providing

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24 criteria for connection, reconnection, and discontinuation
 25 of basic local telecommunications service for Lifeline
 26 Assistance subscribers; providing criteria for blocking
 27 access to long-distance service; adding the Department of
 28 Education and the Office of Public Counsel to those
 29 agencies that are directed to cooperate in developing
 30 procedures for promoting Lifeline participation; requiring
 31 the commission to adopt rules; requiring certain
 32 telecommunications companies to file with the commission a
 33 report on Lifeline participation; requiring the commission
 34 to report to the Legislature; providing an effective date
 35

36 Be It Enacted by the Legislature of the State of Florida:
 37

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

40 364.10 Undue advantage to person or locality prohibited;
 41 Lifeline service.--

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

47 (2)(a) The prohibitions of subsection (1) notwithstanding,
 48 an eligible telecommunications carrier ~~a telecommunications~~
 49 ~~company serving as carrier of last resort~~ shall provide a
 50 Lifeline Assistance Plan to qualified residential subscribers,
 51 as defined in a commission-approved tariff or price list and a

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52 preferential rate to eligible facilities as provided for in part
53 II. For the purposes of this section, the term "eligible
54 telecommunications carrier" means a telecommunications company,
55 as defined by s. 364.02, which is designated as an eligible
56 telecommunications carrier by the commission pursuant to 47
57 C.F.R. s. 54.201.

58 (b) An eligible telecommunications carrier shall offer a
59 consumer who applies for or receives Lifeline service the option
60 of blocking all toll calls or, if technically capable, placing a
61 limit on the number of toll calls a consumer can make. The
62 eligible telecommunications carrier may not charge the consumer
63 an administrative charge or other additional fee for blocking
64 the service.

65 (c) An eligible telecommunications carrier may not collect
66 a service deposit in order to initiate Lifeline service if the
67 qualifying low-income consumer voluntarily elects toll blocking
68 or toll limitation. If the qualifying low-income consumer elects
69 not to place toll blocking on the line, an eligible
70 telecommunications carrier may charge a service deposit.

71 (d) An eligible telecommunications carrier may not charge
72 Lifeline subscribers a monthly number-portability charge.

73 (e)1. An eligible telecommunications carrier must notify a
74 Lifeline subscriber of impending termination of Lifeline service
75 if the company has a reasonable basis to believe that the
76 subscriber no longer qualifies. Notification of pending
77 termination must be in the form of a letter that is separate
78 from the subscriber's bill.

79 2. An eligible telecommunications carrier shall allow a
 80 subscriber 60 days following the date of the pending termination
 81 letter to demonstrate continued eligibility. The subscriber must
 82 present proof of continued eligibility. An eligible
 83 telecommunications carrier may transition off of Lifeline
 84 service, pursuant to its tariff, any subscriber who fails to
 85 demonstrate continued eligibility.

86 3. The commission shall establish procedures for such
 87 notification and termination.

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

93 (3)(a) Effective September 1, 2003, any local exchange
 94 telecommunications company authorized by the commission to
 95 reduce its switched network access rate pursuant to s. 364.164
 96 shall have tariffed and shall provide Lifeline service to any
 97 otherwise eligible customer or potential customer who meets an
 98 income eligibility test at 125 percent or less of the federal
 99 poverty income guidelines for Lifeline customers. ~~The Such a~~
 100 test for eligibility must augment, rather than replace, the
 101 eligibility standards established by federal law and based on
 102 participation in certain low-income assistance programs. Each
 103 intrastate interexchange telecommunications company shall,
 104 effective September 1, 2003, file a tariff providing at a
 105 minimum the intrastate interexchange telecommunications
 106 carrier's current Lifeline benefits and exemptions to Lifeline

107 customers who meet the income eligibility test set forth in this
 108 subsection. The Office of Public Counsel shall certify and
 109 maintain claims submitted by a customer for eligibility under
 110 the income test authorized by this subsection.

111 (b) Each eligible telecommunications carrier ~~local~~
 112 ~~exchange telecommunications company~~ subject to this subsection
 113 shall provide to each state and federal agency providing
 114 benefits to persons eligible for Lifeline service applications,
 115 brochures, pamphlets, or other materials that inform the ~~such~~
 116 persons of their eligibility for Lifeline, and each state agency
 117 providing the ~~such~~ benefits shall furnish the materials to
 118 affected persons at the time they apply for benefits.

119 (c) Any local exchange telecommunications company customer
 120 receiving Lifeline benefits shall not be subject to any
 121 residential basic local telecommunications service rate
 122 increases authorized by s. 364.164 until the local exchange
 123 telecommunications company reaches parity as defined in s.
 124 364.164(5) or until the customer no longer qualifies for the
 125 Lifeline benefits established by this section or s. 364.105, or
 126 unless otherwise determined by the commission upon petition by a
 127 local exchange telecommunications company.

128 (d) An eligible telecommunications carrier may not
 129 discontinue basic local exchange telephone service to a
 130 subscriber who receives Lifeline service because of nonpayment
 131 by the subscriber of charges for nonbasic services billed by the
 132 telecommunications company, including long-distance service. A
 133 subscriber who receives Lifeline service shall be required to
 134 pay all applicable basic local exchange service fees, including

135 the subscriber line charge, E-911, telephone relay system
 136 charges, and applicable state and federal taxes.

137 (e) An eligible telecommunications carrier may not refuse
 138 to connect, reconnect, or provide Lifeline service because of
 139 unpaid toll charges or nonbasic charges other than basic local
 140 exchange service.

141 (f) An eligible telecommunications carrier may require
 142 that payment arrangements be made for outstanding debt
 143 associated with basic local exchange service, subscriber line
 144 charges, E-911, telephone relay system charges, and applicable
 145 state and federal taxes.

146 (g) An eligible telecommunications carrier may block a
 147 Lifeline service subscriber's access to all long-distance
 148 service, except for toll-free numbers and the ability to accept
 149 collect calls, when the subscriber owes an outstanding amount
 150 for long-distance service or amounts resulting from collect
 151 calls. However, the eligible telecommunications carrier may not
 152 impose a charge for blocking long-distance service. The eligible
 153 telecommunications carrier shall remove the block at the request
 154 of the subscriber without additional cost to the subscriber upon
 155 payment of the outstanding amount. An eligible
 156 telecommunications carrier may charge a service deposit before
 157 removing the block.

158 (h)~~(d)~~ By December 31, 2003, each state agency that
 159 provides benefits to persons eligible for Lifeline service shall
 160 undertake, in cooperation with the Department of Children and
 161 Family Services, the Department of Education, the commission,
 162 the Office of Public Counsel, and telecommunications companies

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163 providing Lifeline services, the development of procedures to
164 promote Lifeline participation.

165 (i)~~(e)~~ The commission shall report to the Governor, the
166 President of the Senate, and the Speaker of the House of
167 Representatives by December 31 each year on the number of
168 customers who are subscribing to Lifeline service and the
169 effectiveness of any procedures to promote participation.

170 (j) The commission shall adopt rules pursuant to ss.
171 120.536(1) and 120.54 to administer this section.

172 Section 2. By January 15, 2006, and in furtherance of its
173 Lifeline education and promotional efforts, each
174 telecommunications company that has had a petition granted under
175 s. 364.164, Florida Statutes, by July 1, 2005, shall file with
176 the Public Service Commission a report on Lifeline participation
177 in the state. The report shall be produced by the Public Utility
178 Research Center at the University of Florida and shall be
179 conducted under the auspices of the Public Service Commission
180 and the Office of the Public Counsel. The report must, at a
181 minimum, identify the total number of eligible customers,
182 without duplication occasioned by the applicability of multiple
183 eligibility criteria established, as of March 31, 2005, by law,
184 commission order, or approved company agreement. The report may
185 also report on subscribership differences among socio-economic
186 segments within the population of Lifeline-eligible Floridians
187 to the extent that any identifiable segment's inclination to
188 subscribe to Lifeline services of a local exchange
189 telecommunications company differs. Such report may be filed
190 with the commission jointly or individually by companies covered

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191 | by this section. By March 1, 2006, the commission shall file the
192 | report with the President of the Senate and the Speaker of the
193 | House of Representatives, along with supplemental information or
194 | commission comment, if any, deemed relevant by the commission.

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