

CHAMBER ACTION

1 The Commerce Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

39

40 Be It Enacted by the Legislature of the State of Florida:

41

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

44 364.10 Undue advantage to person or locality prohibited;
 45 Lifeline service.--

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

51 (2)(a) The prohibitions of subsection (1) notwithstanding,
 52 an eligible telecommunications carrier ~~a telecommunications~~
 53 ~~company serving as carrier of last resort~~ shall provide a
 54 Lifeline Assistance Plan to qualified residential subscribers,
 55 as defined in a commission-approved tariff or price list, and a
 56 preferential rate to eligible facilities as provided for in part
 57 II. For the purposes of this section, the term "eligible
 58 telecommunications carrier" means a telecommunications company,
 59 as defined by s. 364.02, which is designated as an eligible
 60 telecommunications carrier by the commission pursuant to 47
 61 C.F.R. s. 54.201.

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

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

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

77 (e)1. An eligible telecommunications carrier must notify a
 78 Lifeline subscriber of impending termination of Lifeline service

79 | if the company has a reasonable basis for believing that the
 80 | subscriber no longer qualifies. Notification of pending
 81 | termination must be in the form of a letter that is separate
 82 | from the subscriber's bill.

83 | 2. An eligible telecommunications carrier shall allow a
 84 | subscriber 60 days following the date of the pending termination
 85 | letter to demonstrate continued eligibility. The subscriber must
 86 | present proof of continued eligibility. An eligible
 87 | telecommunications carrier may transfer a subscriber off of
 88 | Lifeline service, pursuant to its tariff, if the subscriber
 89 | fails to demonstrate continued eligibility.

90 | 3. The commission shall establish procedures for such
 91 | notification and termination.

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

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

107 intrastate interexchange telecommunications company shall,
 108 effective September 1, 2003, file a tariff providing at a
 109 minimum the intrastate interexchange telecommunications
 110 carrier's current Lifeline benefits and exemptions to Lifeline
 111 customers who meet the income eligibility test set forth in this
 112 subsection. The Office of Public Counsel shall certify and
 113 maintain claims submitted by a customer for eligibility under
 114 the income test authorized by this subsection.

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

123 (c) Any local exchange telecommunications company customer
 124 receiving Lifeline benefits shall not be subject to any
 125 residential basic local telecommunications service rate
 126 increases authorized by s. 364.164 until the local exchange
 127 telecommunications company reaches parity as defined in s.
 128 364.164(5) or until the customer no longer qualifies for the
 129 Lifeline benefits established by this section or s. 364.105, or
 130 unless otherwise determined by the commission upon petition by a
 131 local exchange telecommunications company.

132 (d) An eligible telecommunications carrier may not
 133 discontinue basic local exchange telephone service to a
 134 subscriber who receives Lifeline service because of nonpayment

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135 by the subscriber of charges for nonbasic services billed by the
136 telecommunications company, including long-distance service. A
137 subscriber who receives Lifeline service shall be required to
138 pay all applicable basic local exchange service fees, including
139 the subscriber line charge, E-911, telephone relay system
140 charges, and applicable state and federal taxes.

141 (e) An eligible telecommunications carrier may not refuse
142 to connect, reconnect, or provide Lifeline service because of
143 unpaid toll charges or nonbasic charges other than basic local
144 exchange service.

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

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

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162 ~~(h)(d)~~ By December 31, 2003, each state agency that
163 provides benefits to persons eligible for Lifeline service shall
164 undertake, in cooperation with the Department of Children and
165 Family Services, the Department of Education, the commission,
166 the Office of Public Counsel, and telecommunications companies
167 providing Lifeline services, the development of procedures to
168 promote Lifeline participation.

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

174 (j) The commission shall adopt rules to administer this
175 section.

176 Section 2. By January 15, 2006, and in furtherance of its
177 Lifeline educational and promotional efforts, each
178 telecommunications company that has, by July 1, 2005, had a
179 petition granted under s. 364.164, Florida Statutes, shall file
180 with the Public Service Commission a report on Lifeline
181 participation in the state. The report shall be produced by the
182 Public Utility Research Center at the University of Florida and
183 shall be conducted under the auspices of the Public Service
184 Commission and the Office of the Public Counsel. The report
185 must, at a minimum, identify the total number of eligible
186 customers, without duplication occasioned by the applicability
187 of multiple eligibility criteria established, as of March 31,
188 2005, by law, commission order, or approved company agreement.
189 The report may also report on subscribership differences among

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190 socioeconomic segments within the population of Lifeline-
191 eligible Floridians to the extent that any identifiable
192 segment's inclination to subscribe to Lifeline services of a
193 local exchange telecommunications company differs. Such report
194 may be filed with the commission jointly or individually by
195 companies covered by this section. By March 1, 2006, the
196 commission shall file the report with the President of the
197 Senate and the Speaker of the House of Representatives, along
198 with supplemental information or commission comment, if any,
199 deemed relevant by the commission. By January 15, 2006, a copy
200 of the report shall be provided to the Office of Program Policy
201 Analysis and Government Accountability and the Public Service
202 Commission, which shall provide comment, if any, on the report's
203 findings to the President of the Senate and the Speaker of the
204 House of Representatives by March 1, 2006.

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