

By Senator Siplin

19-186-06

1 A bill to be entitled
2 An act relating to Lifeline telecommunications
3 service; amending s. 364.10, F.S.; directing
4 eligible telecommunications carriers to provide
5 specified Lifeline service information to
6 members of the Legislature; requiring each
7 carrier providing Lifeline services to prepare
8 a report each month; providing for the contents
9 of the report; directing each carrier to send
10 the monthly report to the Public Service
11 Commission and the Office of Public Counsel
12 within a specified time period; providing an
13 effective date.

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

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17 Section 1. Section 364.10, Florida Statutes, is
18 amended to read:

19 364.10 Undue advantage to person or locality
20 prohibited; Lifeline service; monthly reporting.--

21 (1) A telecommunications company may not make or give
22 any undue or unreasonable preference or advantage to any
23 person or locality or subject any particular person or
24 locality to any undue or unreasonable prejudice or
25 disadvantage in any respect whatsoever.

26 (2)(a) ~~Notwithstanding~~ ~~The prohibitions of~~ subsection
27 (1) ~~notwithstanding~~, an eligible telecommunications carrier
28 shall provide a Lifeline Assistance Plan to qualified
29 residential subscribers, as defined in a commission-approved
30 tariff or price list, and a preferential rate to eligible
31 facilities as provided for in part II. For the purposes of

1 | this section, the term "eligible telecommunications carrier"
2 | means a telecommunications company, as defined by s. 364.02,
3 | which is designated as an eligible telecommunications carrier
4 | by the commission under ~~pursuant to~~ 47 C.F.R. s. 54.201.

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

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

19 | (d) An eligible telecommunications carrier may not
20 | charge Lifeline subscribers a monthly number-portability
21 | charge.

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

28 | 2. An eligible telecommunications carrier shall allow
29 | a subscriber 60 days following the date of the pending
30 | termination letter to demonstrate continued eligibility. The
31 | subscriber must present proof of continued eligibility. An

1 eligible telecommunications carrier may transfer a subscriber
2 off of Lifeline service, pursuant to its tariff, if the
3 subscriber fails to demonstrate continued eligibility.

4 3. The commission shall establish procedures for such
5 notification and termination.

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

11 (3)(a) Effective September 1, 2003, any local exchange
12 telecommunications company authorized by the commission to
13 reduce its switched network access rate under ~~pursuant to~~ s.
14 364.164 shall have tariffed and shall provide Lifeline service
15 to any otherwise eligible customer or potential customer who
16 meets an income eligibility test at 135 percent or less of the
17 federal poverty income guidelines for Lifeline customers. Such
18 a test for eligibility must augment, rather than replace, the
19 eligibility standards established by federal law and based on
20 participation in certain low-income assistance programs. Each
21 intrastate interexchange telecommunications company shall,
22 effective September 1, 2003, file a tariff providing at a
23 minimum the intrastate interexchange telecommunications
24 carrier's current Lifeline benefits and exemptions to Lifeline
25 customers who meet the income eligibility test set forth in
26 this subsection. The Office of Public Counsel shall certify
27 and maintain claims submitted by a customer for eligibility
28 under the income test authorized by this subsection.

29 (b) Each eligible telecommunications carrier subject
30 to this subsection shall provide to each state and federal
31 agency providing benefits to persons eligible for Lifeline

1 service and to members of the Legislature applications,
2 brochures, pamphlets, or other materials that contain
3 information concerning the ~~inform the persons of their~~
4 eligibility criteria for Lifeline, and each state agency
5 providing the benefits shall furnish the materials to affected
6 persons at the time they apply for benefits.

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

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

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

29 (f) An eligible telecommunications carrier may require
30 that payment arrangements be made for outstanding debt
31 associated with basic local exchange service, subscriber line

1 charges, E-911, telephone relay system charges, and applicable
2 state and federal taxes.

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

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

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

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

30 (4)(a) Each eligible telecommunications carrier
31 providing Lifeline Assistance services shall prepare a report

1 each month describing participation by the carrier's customers
2 in the Lifeline Assistance program. The report must detail the
3 number of:

- 4 1. Subscribers meeting the income eligibility test.
- 5 2. Applications received for new Lifeline service.
- 6 3. New Lifeline subscribers enrolled.
- 7 4. Subscriber applications rejected by the carrier and
8 the reasons for each rejection.
- 9 5. Subscribers removed from the Lifeline Assistance
10 program and the reasons for their removal.

11 (b) By the 15th day of each month, the carrier shall
12 deliver the report for the preceding month to the Public
13 Service Commission and the Office of Public Counsel.

14 Section 2. This act shall take effect July 1, 2006.

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17 SENATE SUMMARY

18 Requires each eligible telecommunications carrier to
19 provide specified Lifeline telecommunication service
20 information to members of the Legislature. Requires each
21 carrier providing Lifeline services to prepare a report
22 each month. Directs each carrier to send the monthly
23 report to the Public Service Commission and the Office of
24 Public Counsel by a specified date.
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