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January 7, 2009

VIA UPS OVERNIGHT DELIVERY- THURSDAY

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Tallahassee, FL 32399-0850

RE: Docket No. 080673-TX – *Motion for Confidential Treatment & First Supplement to Petition of New Talk, Inc. as an Eligible Telecommunications Carrier*

Dear Clerk,

Enclosed please find the original plus seven copies of Motion for Confidential Treatment or Classification. Also enclosed are the original plus seven copies of First Supplement to Petition of New Talk, Inc. for Designation as an Eligible Telecommunications Carrier.

Very truly yours,



Mark Foster

ENC

cc: Catherine Beard w/ enc (via email)

COM _____
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DOCUMENT NO. DATE
00193-89 01/08/09
FPSC - COMMISSION CLERK

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION**

**In Re: Petition of New Talk, Inc. For)
Designation as an Eligible Telecommunications)
Carrier)**

Docket No. 080673

**FIRST SUPPLEMENT TO PETITION OF NEW TALK, INC.
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER**

TO THE HONORABLE PUBLIC SERVICE COMMISSION:

COMES NOW New Talk, Inc. and provides the following information to supplement its original petition by correcting certain errors therein.

1. The first paragraph of Section V of the Petition should read: On May 13, 2007, Connect Paging, Inc. d/b/a Get a Phone, (Applicant's previous name) filed its application with the Commission seeking designation of status as an ETC in the State of Florida (Docket No. 070178-TX). This application was later withdrawn by Connect Paging following a staff recommendation that identified various concerns with the application. Below is a list of the seven concerns, as well as an explanation of how applicant herein addresses same.

DOCUMENT NUMBER - DATE

00193 JAN-88

FPSC-COMMISSION CLERK

2. New Talk provides the attached Exhibit A – proposed Lifeline and Linkup tariff provisions to be substituted for the Exhibit A which was attached to the original petition.

Respectfully submitted,

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By: 
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SECTION 6 – LIFELINE AND LINK-UP

6.1 Lifeline Program

6.1.1 General

- 1) A qualifying low-income customer subscribing to the Lifeline Program shall receive federal and state reductions to their monthly tariffed residential local exchange access line rate and federal subscriber line charge.
- 2) Nothing in this section shall prohibit a customer who is eligible for the Lifeline Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.
- 3) The Lifeline Program rate reductions do not apply to long distance services, 976 and other information related telecommunications services, custom calling features, or other ancillary services that may or may not be tariffed. Customers may obtain these services, where available, at their discretion.
- 4) The Lifeline Program rate reductions do not apply to service connection charges; however, customers eligible for the Link-Up America Program will receive a 50% reduction on applicable service connection charges (or activation fees) with a maximum reduction of \$30.00 per customer as provided in this tariff. Remaining activation charges after the Linkup reduction may be paid in twelve (12) equal monthly installments at no interest. Customers must submit proof of eligibility by mail or fax to the Company before service can be established to receive this “Linkup credit.”
- 5) A customer eligible for the Lifeline Program is automatically eligible for the Link-Up America Program. However, a customer may qualify and receive assistance under the Link-Up America Program independently of the Lifeline Program.
- 6) The Company may not disconnect the local service of a Lifeline Program customer for the non-payment of toll charges unless the Company has received a waiver from the Commission allowing disconnection of service for this reason. However, the Company reserves the right to implement toll blocking, at no charge, if the customer incurs a significant balance of unpaid toll bills. The Company will inform the customer, by direct mail, of this change to their service due to the customer’s non-payment of all outstanding toll charges, the Company shall remove mandatory blocking at the customer’s request.

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- 7) Upon subscribing to the Lifeline Program, a customer will be offered a subscription, at no charge, to toll blocking service (where technically available) which denies the customer access to the long distance telecommunications network; however, the customer is under no obligation to accept the subscription to toll blocking upon initial subscription to the Lifeline Program.
- 8) One low income credit is available per household and is applicable to the primary residential connection only.
- 9) Toll blocking will be provided at no charge to a Lifeline customer.

6.1.2 Designated Lifeline Program Services

The Company shall offer the following services or functional defined to be qualified, or designated, Lifeline Program Services:

- (A) Single party service
- (B) Local Usage
- (C) Voice-grade access to the public network
- (D) Dual-tone multi-frequency (DTMF) signaling or its functional equivalent
- (E) Access to emergency (9-1-1) services
- (F) Access to operator services
- (G) Access to interexchange services
- (H) Access to directory assistance services
- (I) Toll Blocking service

6.1.3 Eligibility Requirements

6.1.3.1 Qualifying Low-income (Eligible) Customer Criteria

The Lifeline Program rate reductions will be provided per eligible customer. An eligible customer shall be defined as an individual who participates in one of the following programs:

- 1) Medicaid
- 2) Food Stamps
- 3) Supplemental Security Income (SSI)
- 4) Federal Public Housing Assistance (Section 8)
- 5) Low-Income Home Energy Assistance Program (LIHEAP)
- 6) Temporary Assistance for Needy Families (TANF) or
- 7) National School Lunch (NSL) Program's free lunch program.

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In addition, persons living on a federally recognized tribal land and eligible for benefits through the Bureau of Indian Affairs for Tribal Temporary Assistance for Needy Families, Head Start Subsidy or the NSL may be eligible customers.

Additionally, customers not receiving benefits under one of the preceding programs, and whose total gross annual income does not exceed *one hundred and thirty-five percent (135%)* of the federal poverty guidelines, meet the requirements of a State established means test and may apply directly to the Office of Public Counsel (OPC) for eligibility certification.

All applications for service are subject to verification with the state agency responsible for administration of the qualifying program.

6.1.3.2 Certification

Proof of eligibility in any of the qualifying low income assistance programs should be provided to the Company at the time of application for service; or eligible Lifeline subscribers may enroll in the Lifeline program by signing a document certifying under penalty of perjury that the customer participates in one of the Florida Lifeline eligible programs and identifying the qualifying program. The Lifeline credit will not be established until the Company has received such signed document. If the customer requests installation prior to the Company's receipt of such signed document the requested service will be provided without the Lifeline credit. When eligibility documentation is provided subsequent to installation, the Lifeline credit will be provided on a going forward basis. Customers without present phone service shall contact the Company and ask for help in signing up for the Lifeline Assistance Program or apply online at <http://www.floridapsc.com/utilities/telecomm/lifeline>. Customers may print and complete the Link-Up Florida and Lifeline Certification Form and mail or fax it to the Company. If a customer is a new applicant or re-certifying eligibility at the Florida Department of Children and Families (DCF) for Temporary Cash Assistance (TCA), Food Stamps, or Medicaid, then the customer may choose to be automatically enrolled for Link-Up Florida or the Lifeline program when applying at the DCF. The Company working in conjunction with the appropriate agencies will verify subscriber eligibility twice over a period of one year. Information obtained during such verification audit will be treated as confidential information to the extent required under State and Federal laws. The use or disclosure of information concerning enrollees will be limited to purposes directly connected with the administration of the Lifeline plan. When a customer is determined to be ineligible as a result of verification, the Company will

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contact the customer. If the customer cannot provide eligibility documentation, the Lifeline credit will be discontinued and at such time the customer will be transitioned to the Lifeline Transitional Discount (LTD), as set forth in section 6.1.3.3 of this tariff.

6.1.3.3 Discontinuance of Service

If the DCF notifies the Company that a customer no longer qualifies for the Lifeline Program, the Company shall provide a direct mail notice advising the customer that the Lifeline Program discount will be discontinued within 30 days unless the customer notifies the Company that an error has been made. If the customer notifies the Company of a error, the Lifeline Program discount will continue for additional 30 days to allow the customer adequate time to correct records and obtain an affirmation of eligibility from the DCF. If the customer has not obtained an affirmation of eligibility from the DCF by the end of the 60-day period, Lifeline Program discounts may discontinue and the customer's service and billing will continued at applicable rates. However, the Company shall provide a 30% monthly discount off its basic local service rate to customers who no longer qualify for a period of 12 months following the date on which the customer became non-qualifying.

6.1.4 Deposits and Credit Requirements

6.1.4.1 The Company will not charge a service deposit in order to initiate the Lifeline Program if the eligible customer voluntary elects to receive Toll Restriction. If a Lifeline customer removes toll blocking prior to establishing an acceptable credit history, a deposit may be required.

6.1.4.2 The Company may charge a service deposit if:

- 1) The eligible customer denies subscription to toll blocking upon subscribing to the Lifeline Program.
- 2) The Company receives a Commission waiver from having to provide toll blocking due technical limitations.

6.1.4.3 In instances where the Company may require a service deposit, the same credit verification procedures and deposit regulations used for all

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applicants who apply for service with the Company are also applicable to the eligible customers for the Lifeline Program.

6.1.5 Service Connection Charges

6.1.5.1 Service connection charges do not apply to eligible customers with existing, qualifying service converting to the Lifeline Program.

6.1.5.2 Service connection charges do apply when:

- 1) Existing eligible customers requesting additional non-qualifying services at the time Lifeline Program reduced billing is initiated.
- 2) New Customers (those without existing local exchange access service) eligible for the Lifeline Program and establishing qualifying service.
- 3) Any subsequent moves or changes after initial connection to the Lifeline Program.

6.1.5.3 In instances where service connection charges apply, customers qualifying for the Lifeline Program automatically qualifying for the Link-Up America Program and may be eligible to receive a reduction in the applicable service connection charges as provided elsewhere in this tariff.

6.1.6 Amounts

The Company shall apply Lifeline Program rate reductions, per eligible customer, as described below. In no event shall the monthly residential local exchange access line rate for the eligible customer be reduced below \$2.50.

	Monthly Rate Reduction
a. Waiver of Federal Subscriber Line Charge	\$6.50
b. Federal Reduction to Residential Local Exchange	\$1.75
c. State Reduction to Residential Local Exchange Access Line Rate (maximum)	\$3.50

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- d. Federal Matching Reduction to Residential Local Exchange Access Line Rate (maximum) \$1.75
- e. Additional Company-provided reduction \$3.00

6.2 Link-Up America

6.2.1 General

- 6.2.1.1 The Link-Up America Program is a federally sponsored telephone assistance program designed to make basic telephone service accessible to qualifying low-income customers who are currently not on the public switched network.
- 6.2.1.2 The Company shall provide Link-Up America Program assistance to all qualifying low-income customers within its service area.
- 6.2.1.3 A customer eligible for the Lifeline Program is automatically eligible for the Link-Up America Program. However, a customer may qualify and receive assistance under the Link-Up America Program independently of the Lifeline Program.
- 6.2.1.4 Assistance is provided to the qualifying low-income customer by a 50% reduction on applicable service connection charges (or activation fees) with a maximum reduction of \$30.00 per customer as provided in this tariff. Remaining activation charges after the Linkup reduction may be paid in twelve (12) equal monthly installments at no interest.
- 6.2.1.5 Nothing in this section shall prohibit a customer who is otherwise eligible for the Link-Up America Program from obtaining and using telecommunications equipment and services designed to aid such customer in utilizing qualifying telecommunications services.

6.2.2 Eligibility Requirements

6.2.2.1 Qualifying Low-income (Eligible) Customer Criteria

The Link-Up America Program will be provided for a primary single access line at the qualifying customer's principal place of residence. A qualifying customer is an individual whose annual

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household income is at or below 135% of the federal poverty guidelines or who participates in at least one of the following programs:

- 1) Medicaid
- 2) Food Stamps
- 3) Supplemental Security Income (SSI)
- 4) Federal Public Housing Assistance (Section 8)
- 5) Low-Income Home Energy Assistance Program (LIHEAP)
- 6) Temporary Assistance for Needy Families (TANF) or
- 7) National School Lunch (NSL) Program's free lunch program.

In addition, persons living on a federally recognized tribal land and eligible for benefits through the Bureau of Indian Affairs for Tribal Temporary Assistance for Needy Families, Head Start Subsidy or the NSL may be eligible customers.

6.2.2.2 Certification

Customers whose annual household income is at or below 135% of the federal poverty guidelines may be eligible. Customers without present phone service shall contact the Company and ask for help in signing up for the Lifeline Assistance Program or apply online at <http://www.floridapsc.com/utilities/telecomm/lifeline>. Customers may print and complete the Link-Up Florida and Lifeline Certification Form and mail or fax it to the Company. If a customer is a new applicant or re-certifying eligibility at the Florida Department of Children and Families (DCF) for Temporary Cash Assistance (TCA), Food Stamps, or Medicaid, then the customer may choose to be automatically enrolled for Link-Up Florida or the Lifeline program when applying at the DCF.

6.2.2.3 Credit and Billing

- 1) Credit References

The credit verification procedures used for all applicants who apply for service with the Company will also be used for eligible

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customers applying for service under the Link-Up America Program.

2) Deposits

The deposits standards used for all applicants who apply for service with the Company will also be used for eligible customers applying for service under the Link-Up America Program, however deposit requirements will be waived for eligible customers of the Link-Up Program who voluntarily elect to receive toll blocking.

3) Billing Standards

Once service has been established for a Link-Up America Program applicant, the customer will be expected to adhere to the same bill payment policies expected of any other customer.

4) Local Exchange Service

The Company shall inform the Link-Up America Program applicant of the lowest priced options for one-party basic residential service. However, if the Link-Up America Program applicant chooses a higher grade of service, the service order will be issued for that service.

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