

Ruth Nettles

090000-0T

From: Scobie, Teresa A (TERRY) [terry.scobie@verizon.com]
Sent: Monday, September 14, 2009 4:04 PM
To: Filings@psc.state.fl.us
Cc: O'Roark, Dulaney L; Clark, Demetria Germaine; David Christian
Subject: Undocketed - Proposed Amendment of Rule 25-4.066X, Eligible Telecommunications Carriers - Verizon Florida LLC's Post-Workshop Comments
Attachments: VZ FL Post Workshop Comments-ETC Proposed Rulemaking-9-14-09.pdf



The attached is submitted for filing on behalf of Verizon Florida LLC in the undocketed matter of Proposed Amendment of Rule 25-4.066X, Eligible Telecommunications Carriers by

Dulaney L. O'Roark III
P. O. Box 110, MC FLTC0007
Tampa, Florida 33601-0110
(678) 259-1449
de.oroark@verizon.com

The attached document consists of a total of 6 pages - cover letter (1 page), Comments (4 pages), and Certificate of Service (1 page).

Terry Scobie
Legal Secretary II
Verizon Legal Department
P. O. Box 110 - MC FLTC0007
Tampa, Florida 33601-0110
813-483-2610 (tel)
813-204-8870 (fax)
terry.scobie@verizon.com

DOCUMENT NUMBER-DATE

09515 SEP 14 8

FPSC-COMMISSION CLERK

9/14/2009

Dulaney L. O'Roark III
Vice President & General Counsel, Southeast Region
Legal Department



5055 North Point Parkway
Alpharetta, Georgia 30022

Phone 678-259-1449
Fax 678-259-1589
de.oroark@verizon.com

September 14, 2009 – **VIA ELECTRONIC MAIL**

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Undocketed
Proposed Amendment of Rule 25-4.066X, Eligible Telecommunications Carriers

Dear Ms. Cole:

Enclosed are Verizon Florida LLC's Post-Workshop Comments for filing in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions concerning this filing, please contact me at 678-259-1449.

Sincerely,

s/ Dulaney L. O'Roark III

Dulaney L. O'Roark III

tas

Enclosures

DOCUMENT NUMBER - DATE
09515 SEP 14 8
FPSC - COMMISSION CLERK

Comments on Specific Provisions

Verizon respectfully submits that the Proposed Rule is unnecessary and should not be adopted. If Staff moves forward with an ETC rulemaking, however, the Proposed Rule could be substantially improved by eliminating portions that substantially duplicate the federal ETC rules. Verizon provides the following additional comments on certain other provisions of the Proposed Rule.

Section (1)

This section addresses filing requirements for carriers requesting to be designated as ETCs. This section should be clarified to state that it does not apply to carriers that previously have been designated as ETCs.

Section (4)

This section would specify the methodology that must be used for the annual verification of Lifeline customer eligibility. Under current practice, carriers have flexibility in performing the verification and may recertify their entire base of customers if they choose to do so. The Commission should not adopt a rule that would preclude carriers from ensuring that all customers receiving the Lifeline discount are eligible for it.

Section (5)

Section (5)(a) would require ETCs to notify new customers in writing of the availability of Lifeline. Such a rule is unnecessary for wireline carriers like Verizon. Verizon representatives receive training about Lifeline and Link-Up assistance and appropriately inform new customers of their options. Moreover, Verizon and other

wireline carriers are required to provide Lifeline information in an annual bill stuffer.¹ Subsection (5)(a) is therefore unnecessary for Verizon and other wireline carriers.

Section (5)(b) would require ETCs to develop outreach materials and methods to reach households without telephone service and would specify the types of places where ETCs must place these materials and the media outlets that may be used. Under federal law, ETCs must advertise the availability of supported services and prices using media of general distribution.² By Florida statute, ETCs are required to “provide to each state and federal agency providing benefits to persons eligible for Lifeline service applications, brochures, pamphlets, or other materials that inform the persons of their eligibility for Lifeline.”³ The statute goes on to provide that “*each state agency* providing the benefits shall furnish the materials to affected persons at the time they apply for benefits.”⁴ Subsection (5)(b) would go beyond these statutory requirements and direct carriers not only to distribute these materials, but to do so in specific ways. Enforcement of such a rule would require the Commission to micromanage the advertisement of carriers’ Lifeline programs. For these reasons, subsection (5)(b) should not be included in the Proposed Rule.

Section (6)

This section would require ETCs that resell Lifeline and/or Link-Up services to non-ETCs to obtain and file a certification from each reseller that it is complying with all of the Commission and FCC Lifeline and Link-Up requirements. Such a requirement would be unnecessary and duplicative because this information is already provided on a

¹ See Order No. PSC-97-1262-FOF-TP.

² 47 C.F.R. § 54.201(d)(2).

³ Fl. Stat. § 364.10(3)(b).

⁴ *Id.* (emphasis added).

national basis to the FCC. Rather than imposing a blanket rule, the Commission should obtain such information on an as-needed basis.

Section (8)

Section (8) would require an ETC to provide 12 months advance notice to the Commission before it could relinquish its ETC status in an area served by multiple ETCs. In contrast, FCC regulations require only “advance notice” and provide that a state commission may require the ETC to continue providing service for up to one year after the relinquishment is approved, to give other ETCs time to provide service to all customers served by the relinquishing carrier.⁵ The federal rule thus provides more flexibility and provides a more sensible approach. This conflict illustrates why the Commission would be better served by relying on the federal rules rather than adopting state rules that address the same subject.

For the foregoing reasons, Verizon respectfully requests that Staff not pursue an ETC rulemaking or in the alternative that the Proposed Rule be revised as recommended in these comments.

Respectfully submitted on September 14, 2009.

By: s/ Dulaney L. O’Roark III
Dulaney L. O’Roark III
5055 North Point Parkway
Alpharetta, Georgia 30022
Phone: (678) 259-1449
Fax: (678) 259-1589
Email: de.oroark@verizon.com

Attorney for Verizon Florida LLC

⁵ 47 C.F.R. § 54.205.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent via U.S. mail on
September 14, 2009 to:

Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

s/ Dulaney L. O'Roark III