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From: Rowell, Stephen B [Stephen.Rowell@VerizonWireless.com]
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Enclosed for filing in the above docket are comments of Verizon Wireless.

If you have any questions please call Stephen Rowell 501 905 8460.

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendment of Rule 25-4.0665
F.A.C., Lifeline Service

Docket No. 090504-TP

VERIZON WIRELESS COMMENTS AND SUGGESTIONS REGARDING
PROPOSED AMENDMENTS TO RULE 25-4.0665 F.A.C., LIFELINE SERVICE

Cellco Partnership, d/b/a Verizon Wireless ("Verizon Wireless") submits these comments and suggestions in response to the proposed amendments to the Lifeline rules proposed by Order No. PSC-09-0817-NOR-TP issued December 11, 2009 (the "Order" or "Proposed Amendments"). As the Commission is aware, Alltel Communications, LLC (now a subsidiary of and doing business as Verizon Wireless), among others, has taken the position and demonstrated to the Commission that wireless carriers are not included within the scope of the Commission's statutory authority¹. However, as that issue remains unresolved, Verizon Wireless, without waiving those arguments, believes it appropriate to address certain discrete aspects of the Proposed Amendments that, if determined to be lawfully applicable to wireless carriers, should be clarified.

Verizon Wireless' comments are limited to narrow but important aspects of the Proposed Amendments, specifically 25-4.0665 (4)-(5), (6), (8), (10)-(11), and (17). Verizon Wireless believes that the precise wording of the Commission' Proposed Amendments would have consequences that the Commission did not intend and are easily avoided with minor rewording of the Proposed Amendments and additional

¹ See Post Hearing Brief of Alltel Communications, LLC, *In re: Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers*, Florida Public Service Commission DOCKET NO. 080234-TP (the "Lifeline on all Plans Proceeding"). Only those state requirements mandated by federal law should be applied to wireless carriers. These include state Lifeline/Link Up eligibility criteria, certification and verification procedures, and Lifeline termination notice requirements. Likewise, CMRS providers are exempt from the requirement to provide transitional Lifeline service pursuant to Fl. Stat. § 364.105 as that program applies only to customers of landline local exchange carriers and is further preempted as rate regulation under 47 U.S.C. § 332(c)(3)(A).

amendments to the Commission Lifeline/Link Up application form and On-Line Self-Certification Form. The proposed revisions are summarized below.

Paragraphs (4) and (5) would mandate use of the Commission's Lifeline/Link Up application form or On-Line Self-Certification Form for purpose of certifying an applicant's eligibility for the programs. The Commission's application forms presently omit certain information critical to the administration of the Lifeline/Link Up programs and, therefore, should be amended in conjunction with the Commission's Proposed Amendments.

Paragraph (6) would appear to permit a Lifeline/Link Up applicant that does not enroll online, or otherwise complete the Commission's Lifeline/Link Up application form, to present alternative documentation demonstrating receipt of public assistance. Because the Commission has adopted an applicant's "self-certification" as adequate proof of program-based eligibility, all applicants should simply be required to complete the Commission's Lifeline/Link Up application form or On-Line Self-Certification Form to enroll in Lifeline/Link Up. Telecommunications carriers are ill-equipped to receive and interpret unfamiliar public assistance documentation. Thus, the least burdensome approach is to simply mandate self-certification via the on-line enrollment process or by completion of the Commission's Lifeline/Link Up application form in all cases.

Paragraph (8) would proscribe that eligible telecommunications carriers ("ETCs") may only require a customer to provide the last four digits of the customer's social security number for application for Lifeline/Link Up service and to verify continued eligibility for the programs. However, the Commission's rules also recognize that an ETC may impose a service deposit in the ordinary course of business if a

Lifeline/Link Up applicant does not elect toll limitation service. For purposes of determining whether to impose such a service deposit, an ETC must be permitted to collect a customer's complete social security number. A service deposit should not be imposed simply because a customer is low-income; rather, it should only be imposed if the customer is determined to be a credit risk. That objective determination can only be made by collecting a complete social security number and running a credit check.

Paragraphs (10) and (11) would proscribe that an ETC may not impose any additional verification requirements on the subscriber. As drafted, these paragraphs suggest that an ETC could not subsequently require a Lifeline/Link Up subscriber to verify continued eligibility. Because annual verification is mandated by Commission order, the Proposed Amendments should be revised to avoid this unintentional conflict.

Paragraph (17) appropriately recognizes that an ETC cannot impose a service deposit if the Lifeline/Link Up applicant voluntarily elects "toll blocking or toll limitation."² However, the second sentence of the paragraph inadvertently specifies that an ETC may only charge a service deposit if the Lifeline/Link Up applicant elects "toll blocking." The Federal Communications Commission (FCC) has clarified that the service deposit restriction does not apply if the applicant chooses either "toll blocking" or "toll control" (*i.e.*, collectively "toll limitation"). *See* 47 C.F.R. 54.401(c). Thus, the second sentence of paragraph (17) should be revised to either expressly reference "toll control," or simply use the all-inclusive term "toll limitation."

² The term "toll limitation" denotes either "toll blocking" or "toll control." "Toll blocking" is a service that lets consumers elect not to allow the completion of outgoing toll calls. "Toll control" is a service that allows consumers to specify a certain amount of toll usage that may be incurred per month or per billing cycle. 47 C.F.R. 54.400(b)-(d). Accordingly, Verizon Wireless understands that the Commission must have intended to refer to "toll blocking or toll control" in the first sentence of paragraph (17) as reference to "toll blocking or toll limitation" would be redundant as toll limitation is inclusive of both toll blocking and toll control.

The Commission's Lifeline/Link Up application form and On-Line Self-Certification Form should be amended to ensure compliance with all state and federal requirements.

Paragraphs (4) and (5) would mandate use of the Commission's Lifeline/Link Up application form or On-Line Self-Certification Form for purpose of certifying an applicant's eligibility for the programs. The Commission's application forms presently omit certain information required under state or federal law. The forms should be amended to ensure compliance with these requirements, as well as to streamline the administration of the Lifeline/Link Up programs.

Important items currently omitted from the Commission's application forms include:

(1) a certification that the applicant will not receive more than one Lifeline-subsidized phone line at the customer's residence; (2) a certification that the applicant has not previously received a Link Up discount at the customer's present address;³ (3) notice to the applicant that they may be required to verify their continued eligibility to receive the Lifeline subsidy in the future (*e.g.*, subject to the Commission's annual verification requirement); (4) proof of identification (because the Commission has adopted applicant self-certification under penalty of criminal prosecution, a copy of picture ID should be required); (5) where applicable, a certification that the applicant is a resident of federally-recognized Tribal lands as required by 47 C.F.R. 54.409(c);⁴ and (6) a

³ 47 C.F.R. 54.411(c) ("A carrier's Link Up program shall allow a consumer to receive the benefit of the Link Up program for a second or subsequent time only for a principal place of residence with an address different from the residence address at which the Link Up assistance was provided previously.")

⁴ Section 54.409(c) provides in pertinent part: "To receive Lifeline support under this paragraph for the eligible resident of Tribal lands, the eligible telecommunications carrier offering the Lifeline service to such consumer must obtain the consumer's signature on a document certifying under penalty of perjury that the consumer receives benefits from at least one of the programs mentioned in this paragraph or paragraph (b) of this section, and lives on or near a reservation, as defined in Sec. 54.400(e). In addition to identifying in that document the program or programs from which that consumer receives benefits, an eligible resident of Tribal lands also must agree to notify the carrier if that consumer ceases to participate in the program or programs." (Emphasis added). The Commission's application forms currently require certification of participation in a qualifying program and require notice to the ETC when the customer is no longer receiving public assistance benefits, but fail to require certification as to a residence on Tribal lands.

reference to "Bureau of Indian Affairs General Assistance" as a permissible program-based eligibility criterion for residents of Tribal lands as required by 47 C.F.R. 54.409(c).⁵

Clarify that a Lifeline/Link Up applicant should always be required to complete the Commission's Lifeline/Link Up application form or On-Line Self-Certification Form, because alternative forms of public assistance documentation would be too difficult for ETCs to administer.

Paragraph (6) appears to permit a Lifeline/Link Up applicant that does not enroll online, or otherwise complete the Commission's Lifeline/Link Up application form, to present alternative documentation demonstrating receipt of public assistance. Verizon Wireless respectfully submits that paragraph (6) should be stricken as unnecessary and unduly burdensome. The Commission has adopted an applicant's "self-certification" as adequate proof of program-based eligibility. Accordingly, all Lifeline/ Link Up applicants should simply be required to complete the Commission's Lifeline/Link Up application form or On-Line Self-Certification Form to enroll in Lifeline/Link Up. Telecommunications carriers are ill-equipped to receive and interpret unfamiliar public assistance documentation. For example, paragraph (6) references receipt of "public housing lease agreements." Public housing lease agreements may come in various shapes and forms, and not all such documentation may readily reflect the applicant's receipt of Section 8 federal public housing assistance (the defined eligibility criterion in the

⁵ Section 54.409(c) provides in pertinent part: "A consumer that lives on a reservation or near a reservation, but does not meet the qualifications for Lifeline specified in paragraphs (a) and (b) of this section, nonetheless shall be a 'qualifying low-income consumer' as defined in Sec. 54.400(a) and thus an 'eligible resident of Tribal lands' as defined in Sec. 54.400(e) and shall qualify to receive Tiers One, Two, and Four Lifeline service if the individual participates in one of the following federal assistance programs: Bureau of Indian Affairs general assistance; Tribally administered Temporary Assistance for Needy Families; Head Start (only those meeting its income qualifying standard); or National School Lunch Program's free lunch program." (Emphasis added). The Commission's application forms currently reference Tribal TANF, Head Start and NSLP-Free Lunch, but omit reference to "BIA General Assistance."

Commission's rules). Thus, an ETC may be placed in the position of having to interpret documentation that is completely unfamiliar and outside its normal business operations for purposes of independently assessing a Lifeline/Link Up applicant's eligibility.

Verizon Wireless believes that this is not intended result of the Commission's Proposed Amendment. Thus, Verizon Wireless urges the Commission to adopt the least burdensome approach of simply mandating self-certification via the Commission's on-line enrollment process or by completion of the Commission's Lifeline/Link Up application form in all instances.

The Social Security Number restriction should be deleted or clarified that ETCs may properly obtain a full social security number to conduct a credit check for purposes of determining whether to impose a security deposit or whether and on what terms to sell non-Lifeline services.

Paragraph (8) states that ETCs "shall only require a customer to provide the last four digits of the customer's social security number for application for Lifeline and Link-Up service and to verify continued eligibility for the programs as part of the annual verification process." As drafted, this new paragraph may be read as an absolute prohibition from requiring the full social security number of prospective customers for purposes of completing a necessary credit check. However, in contradiction, the Commission's rules expressly recognize that an ETC may impose a service deposit in the ordinary course of business if a Lifeline/Link Up applicant, for example, does not elect toll limitation service.

For purposes of determining whether to require a service deposit, an ETC must be permitted to collect a customer's complete social security number. It does not seem fair

that a service deposit should be required simply because a customer is low-income. However, a service deposit is appropriate if the customer is determined to be a credit risk. That determination can only be made, however, by collecting a complete social security number and running a credit check. Any other result may have the unintended effect of requiring the discriminatory application of service deposits on any Lifeline/Link Up applicant who does not elect toll limitation services, not just on those identified as a credit risk through objective inquiry. Verizon Wireless does not believe that this is the result the Commission intended by its Proposed Amendments. This contradiction in the Proposed Rules can easily be alleviated by either striking paragraph 8 or otherwise amending it to allow for the collection of a complete social security number for purposes of a credit check that unrelated to determining Lifeline or Link-up eligibility.

The Verification Requirements do not Repeal the Commission's Annual Statistical Verification Process.

Paragraphs (10) and (11) would, respectively, specify that "An eligible telecommunications carrier shall not impose additional verification requirements on subscribers beyond those which are required by this rule", and that "If the Office of Public Counsel certifies a subscriber eligible to receive Lifeline service under the income tests ..., an eligible telecommunications carrier shall not impose any additional verification requirements on the subscriber." These paragraphs arguably repeal the Commission required annual statistical verification requirements⁶. Again, this appears to be an unintended consequence and not the intent of the Proposed Amendments. Indeed, paragraph (8) of the Proposed Amendments presently refers to the "annual verification

⁶ In *Re: Adoption of the National School Lunch Program*, Florida PSC Docket No. 040604-TL, Order No PSC-04-0781-PAA-TL (August 10, 2004).

process." Therefore, the apparent prohibition of further verification by the ETC described in paragraphs (10) and (11) seems to conflict with the continued requirement of additional annual verification as referenced in paragraph (8).

Clarification is easily accomplished by amending paragraph (10) to refer to "additional eligibility certification requirements," amending paragraph (11) to refer to "additional income-verification requirements," and inserting an exception in both paragraphs (10) and (11) for the Commission's annual verification requirement.

Paragraph (17) should be amended to clarify that a service deposit may be imposed if the Lifeline/Link Up applicant does not elect *either* "toll blocking" or "toll control" (collectively defined as "toll limitation").

Paragraph (17) appropriately recognizes that an ETC cannot impose a service deposit if the Lifeline/Link Up applicant voluntarily elects "toll blocking or toll limitation." However, the second sentence of the paragraph inadvertently specifies that an ETC may only charge a service deposit if the Lifeline/Link Up applicant elects "toll blocking." The FCC has clarified that the service deposit restriction does not apply if the applicant chooses either toll blocking or toll control (*i.e.*, collectively toll limitation). *See* 47 C.F.R. 54.401(c). Thus, the second sentence of paragraph (17) should be revised to either reference "toll control," or simply use the all-inclusive term "toll limitation."

Verizon Wireless appreciates the opportunity to participate in this rulemaking and to provide these comments and suggestions to the Commission for its consideration.

Respectfully submitted,

Cellco Partnership d/b/a Verizon Wireless



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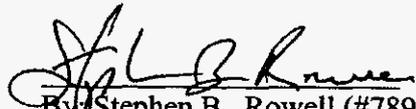
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