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

The name of the parties on whose behalf the document is filed:

NPCR, Inc. d/b/a Nextel Partners and Sprint Corporation n/k/a Sprint Nextel Corporation d/b/a Sprint PCS (collectively "Sprint Nextel")

The total number of pages in the attached document: 19

A brief but complete description of each attached document:

Sprint Nextel's Comments on Proposed Rule Amendments

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DOCUMENT NUMBER-DATE

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FPSD-COMMISSION CLERK

1/8/2010

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed Amendment of Rule 25-4.0665)
F.A.C., Lifeline Service) DOCKET NO. 090504-TP
)
)

COMMENTS OF SPRINT NEXTEL

Pursuant to the Commission’s Notice of Rulemaking (“Notice”) in Order No. PSC-09-0817-NOR-TP issued on December 11, 2009, NPCR, Inc. d/b/a Nextel Partners and Sprint Corporation n/k/a Sprint Nextel Corporation d/b/a Sprint PCS (“Sprint Nextel”) hereby submit their Comments on the rule amendments proposed in the above-captioned docket. Sprint Nextel does not request a hearing in this matter.

I. Introduction

The rule amendments under consideration were first proposed for rule development in October of 2008 and were the subject of a Staff Workshop on November 5, 2008.¹ Post-Workshop Comments were filed on December 12, 2008 by Sprint Nextel and others. The proposed amendments would create new rules in Rule 25-4.0665 F.A.C., “Lifeline Service,” applicable to “eligible telecommunications carriers” (“ETCs”) and Lifeline Service.²

¹ See Notice of Proposed Rule Development In Re: Lifeline Service (Undocketed), October 22, 2008.
² For example, the proposed rules include requirements that address: Lifeline service and Linkup (e.g. 25-4.0665(3), Linkup must be offered to subscribers eligible for Lifeline); eligibility for Lifeline (e.g. 25-4.0665(1), program-based eligibility criteria); certification (e.g. 25-4.0665(4), requiring ETCs to accept a particular PSC application form); verification requirements (e.g. 25-4.0665(10), prohibiting ETCs from imposing additional verification requirements), advertising and outreach requirements (e.g. 25-4.0665(16), requiring that ETCs provide an annual bill insert or billing message promoting Lifeline); and Lifeline-related reporting requirements (e.g. 25-4.0665(19), requiring ETCs to submit quarterly reports).

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While Sprint Nextel supports the intent of these proposed requirements, which is to make applying for Lifeline and Link-Up easier and to increase subscribership, the Commission may want to consider whether additional rules are required given the dramatic increases in Lifeline subscribership reported in the most recent Commission report.³ It appears that the Florida Lifeline enrollment process, including the automatic enrollment process, is having the desired effect overall and it may not be necessary to add additional rules at this time. Given this recent upward trend in subscribership, the Commission should consider whether the rules and associated costs are still necessary or whether the existing Lifeline process under existing rules is a sufficient and less costly alternative to accomplish the objective.

Sprint Nextel does not oppose the adoption of the proposed rules in their current form so long as it is clearly stated and understood that except as to consumer eligibility and qualification for Lifeline and Linkup, they apply only to local exchange telecommunications companies that meet the definition of "eligible telecommunications carrier" under Florida law. There are limitations in the applicability of Commission rules with respect to wireless ETCs that are not local exchange telecommunications companies, and thus not "eligible telecommunications carriers" under Florida law. Wireless ETCs such as Sprint Nextel are subject only to Commission rules that are specifically authorized by federal law. In these comments, Sprint Nextel also reiterates some of the practical concerns with the proposed rules that were discussed in Sprint Nextel's December 12, 2008 Post-Workshop Comments and which have not been addressed in the final version of the proposed rules. Finally, a new concern is discussed regarding the

³ According to the Commission's December 2008 Report to the Governor, President of the Senate and Speaker of the House of Representatives on Florida Link-Up and Lifeline Assistance, the number of Lifeline participants grew 236% during the period from July 2008 through June 2009.

new parenthetical clause “(also available in Spanish and Creole)” in proposed Rule 25-4.0665(4). This clause was not included in earlier versions of the proposed rules and raises the question of whether ETCs will be required to accommodate multiple language applications.

II. Applicability of Proposed Rules

The Commission may only adopt rules applicable to wireless ETCs if it is specifically authorized to do so by federal law. Section 120.536, Florida Statutes permits the Commission to adopt only those rules for which it has been granted specific statutory authority:

An agency may adopt only rules that implement or interpret the specific powers and duties granted by the enabling statute. No agency shall have authority to adopt a rule only because it is reasonably related to the purpose of the enabling legislation and is not arbitrary and capricious or is within the agency's class of powers and duties, nor shall an agency have the authority to implement statutory provisions setting forth general legislative intent or policy.

Chapter 364, Florida Statutes, provides the Commission with very limited statutory authority to make rules applicable to wireless ETCs. Section 364.011, Florida Statutes, expressly provides that “wireless telecommunications, including commercial mobile radio service providers” are “exempt from oversight by the commission, except to the extent delineated in this chapter *or specifically authorized by federal law* (emphasis added).” Thus, consistent with § 364.011, Florida Statutes, the Commission may promulgate rules affecting wireless providers *only* to the extent that its authority to do so is delineated in Chapter 364, Florida Statutes, or to the extent “specifically authorized by federal law.”

Chapter 364, Florida Statutes, does not provide the Commission with jurisdiction over wireless ETCs. The statutory definition of “eligible telecommunications carriers” in Section 364.10(2)(a) expressly excludes wireless providers: “[f]or the purposes of this section, the term ‘eligible telecommunications carrier’ means a telecommunications company, *as defined by Section 364.02*, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. § 54.201.” (emphasis added). The definition of “telecommunications company” in Section 364.02(14)(c) expressly excludes CMRS providers. Chapter 364’s Lifeline provisions therefore apply only to “eligible telecommunications carriers” as defined in Section 364.10(2)(a) and thus expressly exclude wireless providers. Accordingly, neither Section 364.10 nor any other section of Chapter 364 extends the Commission’s jurisdiction to include wireless ETCs.

As the Commission is aware, NPCR, Inc. and Sprint Corporation were designated as ETCs by the Federal Communications Commission (“FCC”).⁴ Under federal law those existing designations will continue to be administered solely under the FCC’s jurisdiction. At the time the FCC established additional ETC designation and annual reporting requirements in 2005, the federal agency reasserted its ongoing regulatory authority and oversight over those carriers previously designated as ETCs pursuant to the FCC’s authority under 47 U.S.C. § 214(e)(6). Among other things, the FCC required all

⁴ *In the Matter of Federal-State Joint Board on Universal Service; Sprint Corporation; Application for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Florida, Georgia, New York, North Carolina, Tennessee and Virginia*, CC Docket No. 96-45, Order, DA 04-3617 (rel. Nov. 18, 2004) (“Sprint Designation Order”); *In the Matter of Federal-State Joint Board on Universal Service; NPCR, Inc. d/b/a Nextel Partners; Application for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Florida, Georgia, New York, Pennsylvania, Tennessee and Virginia*, CC Docket No. 96-45, Order, DA 04-2667 (rel. Aug. 25, 2004), corrected by Erratum (Sept. 13, 2004) (“NPCR Designation Order”); see also 47 C.F.R. § 54.401.

carriers previously designated under § 214(e)(6) to submit all of the information required of new applicants under FCC Rule 54.202(a). See 47 C.F.R. § 54.202(b). Likewise, the FCC required all carriers previously designated under § 214(e)(6) to annually file with the FCC information demonstrating their continued compliance with the federal ETC requirements. See 47 C.F.R. § 45.209. Thus, as set forth in the FCC's regulations, it is the FCC, not this Commission, that has jurisdiction over carriers previously designated under 47 U.S.C. § 214(e)(6).

Federal law does provide that in states such as Florida that have established their own Lifeline program, ETCs must comply with certain limited state-specific types of Lifeline rules or regulations:

- Pursuant to 47 C.F.R. § 54.409(a), “[t]o qualify to receive Lifeline service in a state that mandates state Lifeline support, a consumer must meet the eligibility criteria established by the state commission for such support.” Thus, Sprint Nextel would be required to use the eligibility criteria set forth in proposed Rule 25-4.0665(1)(a).
- Pursuant to 47 C.F.R. § 54.415(a), “[i]n a state that mandates state Lifeline support, the consumer qualification criteria for Link Up shall be the same as the criteria that the state established for Lifeline qualification in accord with 47 C.F.R. § 54.409(a).”
- Pursuant to 47 C.F.R. § 54.410(a)(1), “eligible telecommunications carriers in states that mandate state Lifeline support must comply with state certification procedures to document consumer income-based

eligibility for Lifeline prior to that consumer's enrollment if the consumer is qualifying under an income-based criteria."

- Pursuant to 47 C.F.R. § 54.410(c)(1), "eligible telecommunications carriers in states that mandate state Lifeline support must comply with state verification procedures to validate consumers' continued eligibility for Lifeline."
- Pursuant to 47 C.F.R. § 54.405(c)-(d), "[a] carrier providing Lifeline service in a state that has dispute resolution procedures applicable to Lifeline termination, that requires, at a minimum, written notification of impending termination, must comply with applicable state requirements."
- Finally, pursuant to 47 C.F.R. § 54.417(a), ETCs "must maintain records to document compliance with all [FCC] and state requirements governing the Lifeline/Link-Up programs for the three full preceding calendar years and provide that documentation to the [FCC] or Administrator upon request."

To the extent a particular proposed rule amendment is not specifically authorized by federal law, the Commission has no authority to adopt it as to wireless ETCs and it would not be applicable to Sprint Nextel. While federal rules and regulations do require ETCs to comply with certain state rules in states such as Florida that mandate state Lifeline support, it is not true that simply because Sprint Nextel has been designated an ETC in Florida (by the FCC) it must comply with all state rules regarding Lifeline or other ETC matters regardless of the state's jurisdiction over wireless providers. A statement buried in a footnote of the FCC's designating orders for both Sprint

Corporation and NPCR, Inc. has been misconstrued by Staff in the past to support the notion that Sprint Nextel is subject to all Florida ETC rules. This is not correct. The footnote in the Sprint and NPCR Designation orders pertains only to state-specific procedures for certification of income-based eligibility and does not give blanket authority for states to require Sprint Nextel to comply with every ETC-related state rule and regulation regardless of the state commission's lack of jurisdiction over wireless ETCs.⁵

III. Specific Practical Concerns Identified in Sprint Nextel's Post-Workshop Comments

Although many of the points made in Sprint Nextel's December 12, 2008 Post-Workshop Comments are restated below, for ease of reference, those prior Comments are attached hereto as Exhibit 1.

A. Enrollment Based on Commission Lifeline Application Forms

Proposed Rules 25-4.0665(4) and (5) would require ETCs to accept Form PSC/RAD 157, "Application for Link-Up Florida and Lifeline Assistance," for enrollment purposes and to enroll applicants for Lifeline services who electronically submit PSC/RAD 158, "Lifeline and Link-Up Florida On-Line Self Certification Form."

⁵ In both the Sprint Designation Order (see footnote 27) and the NPCR Designation Order (see footnote 30), the FCC confirmed that the state requirements discussed in paragraph 29 of the FCC's April 29, 2004 *Lifeline and Link-Up Report and Order* and Further Notice of Proposed Rulemaking, WC Docket No. 03-109 were to be followed. ("We note that ETCs must comply with state requirements in states that have Lifeline programs.") Paragraph 29 of that order appears under the heading "Certification of Income-based Eligibility" and states that "[w]e agree with the Joint Board that states that operate their own Lifeline/Link-Up programs should maintain the flexibility to develop their own certification procedures other than self-certification, including acceptable documentation to certify consumer eligibility under an income-based criterion, and to determine the certifying entity, whether it is a state agency or an ETC." (emphasis added). The paragraph also requires ETCs to be able to document that they are complying with state regulations and recordkeeping requirements related to certification of income-based eligibility.

At the time Sprint Nextel filed its December 12, 2008 Post-Workshop Comments, the draft of Rule 25-4.0665(4) said an ETC "may use" PSC/RAD 157, so Sprint Nextel's comments did not address that proposed rule. The concern with both of these proposed rules as they are now written is that there appears to be an expectation that an ETC must accept the forms as the only documentation necessary in order to begin the customer's Lifeline service.

Pursuant to 47 CFR § 54.403(b), wireless ETCs are to apply the Lifeline discount to the lowest tariffed or otherwise generally-available residential rate. A Lifeline applicant must be informed of and consent to the details of the Lifeline plan before being enrolled in Lifeline. As Sprint pointed out in its Post-Workshop Comments, a Lifeline applicant who does not already subscribe to the lowest generally available rate plan to which the Lifeline discount would be applied would have to switch plans. Before doing so, the customer must be given an opportunity to review the features of the plan and must consent to switch. Likewise, a Lifeline applicant who is establishing a new Sprint account must be provided with the materials needed to establish an account.⁶ Therefore, the Commission forms in and of themselves do not include all of the information needed for Sprint Nextel to enroll most Lifeline subscribers and Sprint Nextel must distribute additional materials to the applicant before commencing Lifeline service. Sprint Nextel believes the Commission should clarify that although ETCs must accept the Commission's forms as a method of application to certify that the applicant qualifies for Lifeline, it may be necessary to distribute additional materials to the applicant in order to

⁶ Based on comments by Staff during the November 5, 2008 workshop, Staff appears to agree that if a Lifeline applicant does not currently have service and applies by one of the Commission's forms, the carrier may seek additional information from the customer. (See workshop transcript, p. 33.)

ensure they consent to the terms of the Lifeline plan before they are enrolled. This should be noted in both proposed Rules 25-4.0665(4) and 25-4.0665(5).

Sprint Nextel also is concerned with the potential effect of the new parenthetical language added to proposed Rule 25-4.0665(4) that Form PSC/RAD 157 is "(also available in Spanish and Creole)." This parenthetical was not included in the workshop drafts during rule development. If the intent of the rule is to require ETCs to handle and process Creole language applications, the Commission should conduct an analysis of the additional costs that could be associated with doing so, including hiring bi-lingual staff, engaging translation services, and any additional cost associated with processing applications in Creole. This could substantially change the regulatory cost analysis of the rule. Presently, Sprint Nextel's Lifeline program does not have Staff that speaks (and reads) Creole and any requirement that applications in that language be accommodated or that any other part of the enrollment process accommodate Creole would necessitate either the addition of staff or additional costs for translation services. Assuming that only translation services would be required, it is likely the cost of those services would be approximately \$35 per hour and potentially higher depending on the availability of translation services in Creole. Depending on the number of hours of translation needed, the annual estimated cost impact varies widely. For instance if the number of hours of translation services required were relatively low (e.g. 20 hours per year or less), the cost would be approximately \$700 per year based on an estimate of \$35 per hour. If the number of translation hours were much higher (e.g. 20 hours per week), the cost would be substantial (approximately \$36,400 per year). If an additional staff member speaking Creole were required, the annual cost would be much higher.

B. Program-Based Eligibility Letters are Unnecessary for Self-Certification

Proposed Rule 25-4.0665(6) would require ETCs to accept "Public Assistance eligibility determination letters" for the programs that qualify an applicant for Lifeline as proof of eligibility. This requirement is superfluous. As pointed out by Sprint Nextel in its Post-Workshop Comments, self-certification of program-based eligibility is all that is required of Lifeline applicants in Florida, whether they utilize Commission application forms or application forms provided by ETCs. Under self-certification, no documentation of program-based eligibility is required. The Commission should clarify that ETCs are not required to seek or review eligibility determination letters or other documentation of program-based eligibility.

C. Social Security Numbers

Proposed Rule 25-4.0665(8) would prohibit carriers from requiring applicants to provide the full Social Security number, instead limiting carriers to requesting only the last four digits. As noted in Sprint Nextel's Post-Workshop Comments, the customer's Social Security number is useful in identifying existing customer accounts and matching them to Lifeline applications. This is particularly true when the Lifeline applicant identifies the ETC as his carrier and seeks Lifeline, but provides information on the application that is incorrect, does not match carrier records (e.g., address that does not match), or is related to accounts with other providers (e.g., a Lifeline applicant seeking service with Sprint Nextel provides a landline home number provided by the local

exchange carrier instead of the Sprint Nextel telephone number.) In such cases, the Sprint Nextel account number, the Sprint Nextel telephone number, or the Social Security number may be the only means of identifying the account with certainty. If the account cannot be identified, the application cannot be processed and would have to be returned as misdirected. As noted by Sprint Nextel in its Post-Workshop Comments, telecommunications providers have implemented methods for protecting confidential personal information such as Social Security numbers and Lifeline applicants' personal information is afforded the same protection. Sprint Nextel respectfully suggests that permitting ETCs to seek full Social Security numbers from applicants would improve subscribership by providing ETCs with better information to identify those Lifeline applicants who may already be customers.

IV. Conclusion

Sprint Nextel appreciates the opportunity to provide the foregoing Comments.

Respectfully submitted this 8th day of January, 2010.

/s/ Douglas C. Nelson

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Exhibit 1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Proposed Amendment of Rule 25-4.0665)
F.A.C., Lifeline Service) Undocketed
)
)

POST-WORKSHOP COMMENTS OF SPRINT NEXTEL

Sprint Nextel Corporation on behalf of its two operating entities that have been designated as eligible telecommunications carriers ("ETCs") in portions of Florida by the Federal Communications Commission ("FCC"), NPCR, Inc. ("Nextel Partners") and Sprint Corporation n/k/a Sprint Nextel Corporation ("Sprint PCS") (collectively "Sprint Nextel"),¹ provide the following brief Post-Workshop Comments on the draft Lifeline rules prepared by Florida Public Service Commission ("Commission") Staff and discussed during the November 5, 2008 Rule Development Workshop.

A. Online Self-Certification Form

25-4.0665 (5)(a) - ETCs shall accept the "Lifeline and Link-Up Florida On-Line Self Certification Form" as proof of a subscriber's eligibility for Lifeline and Link-Up Service.

Sprint Nextel supports self-certification and already accepts self-certification from Lifeline applicants in Florida and other jurisdictions, so it does not oppose a requirement that ETCs accept self-certification. The purpose of this comment is merely to point out that the "Lifeline and Link-Up Florida On-Line Self Certification Form" is not the sole form necessary for ETCs to enroll applicants in Lifeline service based on the lowest

¹ *In the Matter of Federal-State Joint Board on Universal Service; Sprint Corporation; Application for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Florida, Georgia, New York, North Carolina, Tennessee and Virginia*, CC Docket No. 96-45, Order, DA 04-3617 (rel. Nov. 18, 2004); *In the Matter of Federal-State Joint Board on Universal Service; NPCR, Inc. d/b/a Nextel Partners; Application for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Florida, Georgia, New York, Pennsylvania, Tennessee and Virginia*, CC Docket No. 96-45, Order, DA 04-2667 (rel. Aug. 25, 2004), corrected by Erratum (Sept. 13, 2004); see also 47 C.F.R. § 54.401.

generally available rate plan. [The issue regarding whether the Lifeline discount must be applied to services other than the lowest generally available rate service is the subject of the Commission's pending Docket No. 080234-TP.] It is also worth mentioning that unless the information collected from the applicant through the "Lifeline and Link-Up Florida On-Line Self Certification Form" is sufficient to permit the ETC to identify existing customers, it may not be effective in enrolling Lifeline subscribers who are already customers of the ETC. (See comment on Social Security Number below.)

B. Documentation

25-4.0665 (6) – ETCs must accept federal assistance eligibility determination letters for the federal assistance programs enumerated in subsection (1)(a) of this rule as proof of the subscriber's eligibility for Link-Up and Lifeline enrollment and verification.

This rule references the acceptance of federal assistance approval letters for purposes of Lifeline "enrollment." As Staff has affirmed, self-certification of program participation is all that is required for Lifeline enrollment and no documentation is required. This section should be changed and moved to the annual verification requirements section in order to make it clear that documentation of program eligibility is required for verification only.

C. Social Security Number Requirements

25-4.0665 (8) - 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.

Sprint Nextel recognizes that consumers may be reluctant to provide a social security number when applying for Lifeline service due to concerns over identity theft

and fraud. However, having a social security number is extremely valuable in identifying existing customers for Lifeline purposes when other information that is provided is incorrect, does not match carrier records, or relates to accounts held by other individuals or with other providers. As previously noted, oftentimes, the information an applicant provides is not sufficient to match the applicant to an existing Sprint Nextel account. For instance, an applicant could provide a landline telephone number and not the Sprint Nextel assigned number that would match the existing Sprint Nextel service account. Similarly, the address given may not match the account information. In these cases, the account number itself, the Sprint Nextel telephone number or the full social security number are the only means of identifying the account with certainty. Without this information, applications may be returned as misdirected. Sprint Nextel and other ETCs have implemented measures to protect the confidentiality of sensitive information provided by applicants for service and those same procedures apply to information provided by Lifeline applicants.

D. Application Receipt

25-4.0665 (9) - ETCs shall provide the subscriber with an application receipt. The receipt must include the date the ETC received the subscriber's application along with a list of the documents, if any, that were provided with the application. The receipt shall be provided within three days of the ETC receiving the application.

Sprint Nextel supports striking this rule, as agreed by the participants during the recent workshop.

E. Toll Blocking and Toll Limitation

25-4.0665 (18) - ETCs shall offer the subscriber the no-charge option of blocking all toll calls or, if technically feasible, placing a limit on the number of toll calls the subscriber can make.

25-4.0665 (19) -ETCs may not charge a service deposit in order to initiate Lifeline service if the subscriber voluntarily elects toll blocking or toll limitation. If the subscriber elects not to place toll blocking on the line, an ETC may charge a service deposit.

The rules should be changed to be consistent with FCC rules and definitions with respect to "toll limitation," "toll blocking," and "toll control." (47 C.F.R. Section § 54.400) This would not change the effect of the rules with respect to permitting consumers to avoid a deposit if they accept toll limitation or prohibiting ETCs from charging for toll limitation. Sprint Nextel's Lifeline calling scope is all of the United States and does not include additional per minute charges for calls that are traditionally considered long distance and incur toll charges from a landline phone. Thus Sprint Nextel complies with the FCC rules through "toll limitation" and not through "blocking all toll calls" or "placing a limit on the number of toll calls the subscriber can make."

F. Reporting Requirements

25-4.0665 (21) ETCs offering Link-Up and Lifeline service must submit quarterly reports to the Commission's Director of Regulatory Compliance no later than two weeks following the ending of each quarter as follows: First Quarter (January 1 through March 31); Second Quarter (April 1 through June 30); Third Quarter (July 1 through September 30); Fourth Quarter (October 1 through December 31). The quarterly reports shall include the following data:

- (a) The number of Lifeline subscribers for each month during the quarter;**

- (b) The number of subscribers denied Lifeline service for each month during the quarter, including the reasons the subscribers were denied;
- (c) The number of subscribers who received Link-Up for each month during the quarter;
- (d) The number of new Lifeline subscribers added each month during the quarter;
- (e) The number of Lifeline subscribers removed from Lifeline service for each month during the quarter;
- (f) The number of Lifeline subscribers who had bundled service offerings during the quarter;
- (g) The number of subscribers who received discounted service pursuant to Section 364.105, F.S., for each month during the quarter;
- (h) The number of subscribers who had Link-Up and Lifeline pursuant to subsection (2) of this rule during the quarter;
- (i) The number of residential access lines with Lifeline service that were resold to other carriers each month during the quarter; and
- (j) The name of the entity that submitted each Lifeline application to the ETC during the quarter and whether the application was accepted or denied.

The detailed reporting requirements set forth in this draft rule present a significant cost burden for all ETCs in terms of the hours needed to create each report on a quarterly basis. Further, the rule would require Sprint Nextel and likely other ETCs to create new recordkeeping processes solely for the purpose of complying with the rule, adding further significant costs. The Commission must balance the benefits and utility of having the information available with the added costs of greater and more frequent reporting. The Commission must also consider whether its goals can be met at lower cost, including whether existing information is available that substantially accomplishes the statutory purpose, as required by §120.54(1)(d), Florida Statutes. Sprint Nextel urges the Commission to identify and adopt the lowest cost alternative by identifying the specific need and use for each piece of data rather than simply casting as broad a net as possible because the data could be useful at some point. Once a specific use for the piece of data

under consideration is identified, its value must be balanced with the cost of collecting and remitting the data.

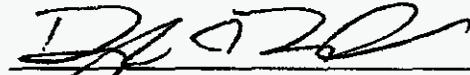
Sprint Nextel believes that the information provided to the FCC by ETCs on a quarterly basis through Form 497 provides sufficient data for the Commission to monitor periodically the progress in increasing Lifeline subscribership and meets the least-cost requirement imposed by §120.54(1)(d). The rationale for providing additional data on a quarterly basis is not sufficiently developed to justify the cost. More detailed reporting is provided presently on an annual basis and that practice should continue.

Staff indicated during the January 10, 2007 informal meeting that it is not the Commission's intent to require ETCs to create new reporting/recordkeeping processes to collect data that they do not collect already in the course of administering Lifeline programs. Consistent with that statement, Sprint Nextel believes the draft rules should be changed to reflect that ETCs are required to report only the information requested if they collect it in the course of administering their Lifeline program. This would provide most of the information the Commission seeks and avoid creating additional reporting burdens.

III. Conclusion

Sprint Nextel appreciates the opportunity to participate in the workshop and provide the foregoing Comments.

Respectfully submitted this 12th day of December, 2008.



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