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**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** April 8, 2010

**TO:** Office of Commission Clerk (Cole)

**FROM:** Office of the General Counsel (Gervasi) *py smc.*  
Division of Economic Regulation (Hewitt) *CBA*  
Division of Regulatory Analysis (Casey, Williams) *CH* *PH* *WNS* *EW*

**RE:** Docket No. 090504-TP – Proposed amendment of Rule 25-4.0665, F.A.C., Lifeline Service.

**AGENDA:** 04/20/10 – Regular Agenda – Rule Adoption – Participation is Limited to Commissioners and Staff

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Klement

**RULE STATUS:** Adoption Should Not Be Deferred – F.A.W. notice issued stating item will be considered at this agenda conference.

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\090504.RCM.DOC

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**Case Background**

The Commission promulgated Rule 25-4.0665, Florida Administrative Code (F.A.C.), effective January 2, 2007, to implement a procedure for the notification and termination of Lifeline service. The Rule was amended effective December 6, 2007, to implement procedures for the Lifeline service Automatic Enrollment Process, in compliance with Section 364.10(3)(h)2, Florida Statutes (F.S). That section requires any state agency that determines a person is eligible for Lifeline service to immediately forward the information to the Commission

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for automatic enrollment, and required the Commission to adopt rules no later than December 31, 2007, creating procedures to automatically enroll eligible customers in Lifeline service.

Since the inception of the Florida Lifeline program, the Commission has issued various orders addressing specific Lifeline requirements. Further, various state and federal laws have been adopted addressing Lifeline service. This docket was opened in order to develop and promulgate rule amendments to consolidate various Lifeline and Link-Up requirements for eligible telecommunications carriers (ETCs).

On October 2, 2008, and November 13, 2009, the Commission issued Notices of Development of Rulemaking in the Florida Administrative Weekly, to implement eligibility requirements for Lifeline service and to amend the requirements ETCs must follow when offering Lifeline service. Specific requirements designed to strengthen the program address certification, verification, data reporting, and other key issues related to Lifeline.

On November 5, 2008, Commission staff held a rule development workshop to allow interested persons to provide input regarding the proposed amendment of Rule 25-4.0665, F.A.C. Various interested persons participated in the workshop, including ETCs and the Office of Public Counsel (OPC). Following the workshop, staff considered written comments submitted on December 12, 2008, and further refined the draft rule.<sup>1</sup>

The Commission approved staff's draft rule proposal at its December 1, 2009, agenda conference. No interested persons spoke at the agenda conference. Thereafter, the Commission proposed the rule amendments to Rule 25-4.0665, F.A.C., to codify the requirements for participation in the Lifeline service program.

The Commission published its Notice of Rulemaking in the December 18, 2009, Florida Administrative Weekly (F.A.W.). The Notice required that any comments or requests for hearing must be filed with the Commission within 21 days of the Notice, by January 8, 2010. The Commission did not receive a request for a rule hearing on the proposed rule. However, on January 8, 2010, two ETCs, Cellco Partnership, d/b/a Verizon Wireless (Verizon Wireless) and NPCR, Inc. d/b/a Nextel Partners and Sprint Corporation n/k/a Sprint Nextel Corporation d/b/a Sprint PCS (Sprint Nextel), timely filed comments to the proposed rule. In addition, the Commission received two letters from the staff of the Joint Administrative Procedures Committee (JAPC), dated December 23, 2009, and January 21, 2010, with questions about the proposed rule changes.

This recommendation addresses whether the Commission should make changes to the proposed rule based on the comments filed by Verizon Wireless and Sprint Nextel and the letters submitted by JAPC staff. The Commission has jurisdiction pursuant to sections 120.80(13)(d), 364.0252, 364.10, 364.105, and 364.183(1), F.S, and rulemaking authority pursuant to sections 120.54, 350.127(2), 364.0252, and 364.10(3)(j), F.S.

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<sup>1</sup> Post-workshop comments were submitted by the Florida Telecommunications Industry Association (FTIA), Verizon Florida LLC (Verizon), Sprint Nextel Corp. (Sprint Nextel), and Nexus Communications, Inc. (Nexus).

### **Discussion of Issues**

**Issue 1:** Should the Commission adopt any changes to proposed Rule 25-4.0665, Florida Administrative Code, as a result of questions posed by the Joint Administrative Procedures Committee staff?

**Recommendation:** Yes, the Commission should adopt certain changes to proposed Rule 25-4.0665, Florida Administrative Code, and to the two Lifeline forms referenced in the proposed rule, as set forth in Attachment A. (Gervasi, Williams, Casey)

**Staff Analysis:** By letter dated December 23, 2009, JAPC staff asked whether a person receiving assistance from a Bureau of Indian Affairs program qualifies for Lifeline service and whether it is necessary to incorporate by reference in subsection (1) of the proposed rule a citation to 42USC §1437f (Section 8 housing). In the letter, JAPC noted that Form PSC/RAD 157, the Application for Link-Up Florida and Lifeline Assistance form referenced in the proposed rule, indicated that Lifeline service was available to persons who participate in Bureau of Indian Affairs public assistance programs. In response to JAPC's comments, staff recommends that the proposed rule and both forms referenced therein (Forms PSC/RAD 157 and 158) should include language indicating that persons who participate in Bureau of Indian Affairs public assistance programs are eligible for Lifeline. The recommended additional language is contained on Attachment A, at page 1, lines 21-25 through page 2, lines 1-3 of the proposed rule, and on Forms PSC/RAD 157 and 158, which are attached to the proposed rule as part of Attachment A. Moreover, staff recommends that the citation to 42 USC §1437f (Section 8 housing) on page 1, lines 8-9 of the proposed rule is unnecessary and should be stricken, as shown on Attachment A.

By letter dated January 21, 2010, JAPC asked why subsection 25-4.0665(1)(b) of the proposed rule provides that a subscriber is eligible for Lifeline service if his or her eligible telecommunications carrier has more than one million access lines and the household income is at or below 150% of the poverty line, while the forms provided only that this person "may be able to qualify." JAPC also inquired about the Office of Public Counsel's role in this process, and the procedures to be followed by carriers with less than one million access lines that voluntarily elect to enroll Lifeline applicants based on their household income under the newly renumbered 25-4.0665(3) of the proposed rule.

By letter dated March 11, 2010, staff explained to JAPC that subsection 364.10(3)(a), F.S., provides that eligible telecommunications carriers that have more than one million access lines shall provide Lifeline service to persons who meet an income eligibility test at 150 percent or less of the federal poverty income guidelines for Lifeline customers. Staff further explained that subsection 364.10(3)(a) also provides that "[t]he Office of Public Counsel shall certify and maintain claims submitted by a customer for eligibility under the income test authorized by this subsection," and that the statute does not authorize the Commission to require carriers with less than one million access lines to provide Lifeline service using the income-based eligibility standard. Therefore, the proposed rule does not place any limitations on those carriers that elect to provide Lifeline service using the income-based eligibility standard on a voluntary basis.

In consideration of the foregoing, JAPC suggests that Forms PSC/RAD 157 and 158, referenced in the proposed rule, include language to clarify that: 1) customers who are at or below 150% of the federal poverty level and who receive service from AT&T Florida, CenturyLink, or Verizon, which carriers have more than one million access lines at this time, do qualify for Lifeline service; 2) those customers may demonstrate their eligibility for Lifeline service to the Office of Public Counsel; and 3) customers of other service providers who are at or below 150% of the federal poverty level should contact their service provider to see if their service provider is voluntarily enrolling Lifeline applicants through the income eligibility test. Staff recommends that Forms PSC/RAD 157 and 158 should be modified to include this clarifying language, as shown on Attachment A.

Staff recommends that the Commission adopt the above-described changes to proposed Rule 25-4.0665, F.A.C., and to the two Lifeline forms referenced therein. These recommended changes will satisfy JAPC's concerns about the proposed rule.

**Issue 2:** Should the Commission adopt the changes to proposed Rule 25-4.0665, Florida Administrative Code, as suggested by the ETCs?

**Recommendation:** The Commission should adopt the proposed rule with one change as suggested by Verizon Wireless, to revise paragraph (18) to include the term “toll control,” as set forth in Attachment A. The Commission should reject the other changes suggested by the ETCs in their comments. (Gervasi, Williams, Casey)

**Staff Analysis:** The Commission received comments from Sprint Nextel and from Verizon Wireless, as discussed below.

#### Sprint Nextel

##### Necessity for Rule Amendments

In its comments, Sprint Nextel suggests that the Commission may want to consider whether additional Lifeline rules are necessary, given the dramatic increases in Lifeline subscribership reported in the Commission’s December 2009 Report to the Governor, President of the Senate and Speaker of the House, which indicated that the number of Lifeline participants grew 236% from July 2008 through June 2009. Sprint Nextel suggests that the Commission consider whether the existing Lifeline process under existing rules is a sufficient and less costly alternative to accomplish the objective.

Staff recommends that it is necessary for the proposed rule to be adopted with the changes as set forth in this recommendation because there is a need to consolidate the various Lifeline and Link-Up requirements for ETCs. By doing so, ETCs will have the benefit of referring to one source to obtain information and guidance regarding Lifeline and Link-Up program requirements.

##### Commission Authority to Make Rules Applicable to Wireless ETCs

Sprint Nextel argues that Chapter 364, F.S., provides the Commission with very limited statutory authority to make rules applicable to wireless ETCs, and that section 364.011, F.S., expressly provides that “wireless telecommunications, including commercial mobile radio service providers” (CMRS providers) are “exempt from oversight by the commission, except to the extent delineated in this chapter or specifically authorized by federal law.” Sprint Nextel argues that Chapter 364, F.S., does not provide the Commission with jurisdiction over wireless ETCs, and that the statutory definition of “eligible telecommunications carriers” in Section 364.10(2)(a) expressly excludes wireless providers. That section provides that “[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.” The definition of “telecommunications company” in Section 364.02(14)(c) expressly excludes CMRS providers. Sprint Nextel argues that 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.

Sprint Nextel argues that NPCR, Inc. and Sprint Corporation were designated as ETCs by the Federal Communications Commission (FCC), and that 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 carriers previously designated under § 214(e)(6) to submit all of the information required of new applicants under FCC Rule 54.202(a). 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. Thus, according to Sprint Nextel, it is the FCC, not the Commission, that has jurisdiction over carriers previously designated under 47 U.S.C. § 214(e)(6).

Sprint Nextel argues that federal law provides 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, as follows:

- 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.
- 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.”

Sprint Nextel argues that 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. Sprint Nextel further argues that a statement buried in a footnote of the FCC's designating orders for both Sprint 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. That footnote specifies that "ETCs must comply with state requirements in states that have Lifeline programs."<sup>2</sup> According to Sprint Nextel, the footnote 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.

Staff disagrees that the Commission lacks the authority to make the Lifeline rule applicable to wireless ETCs. By Order No. PSC-07-0288-PAA-TP, issued April 3, 2007, in Docket Nos. 060581-TP and 060582-TP,<sup>3</sup> the Commission noted that section 364.011, F.S., allows the Commission oversight over wireless telecommunications, including CMRS providers, to the extent "specifically authorized by federal law." In a footnote to the orders granting ETC status to the wireless carriers, the FCC specifically stated that the ETCs "must comply with state requirements in states that have Lifeline programs."<sup>4</sup> Sprint Nextel reads that statement narrowly, to mean that ETCs must only comply with state requirements pertaining to state-specific procedures for certification of income-based eligibility. However, that is not what the footnote says. Florida has a Lifeline program, as set forth in section 364.10, F.S. The proposed Lifeline rule implementing Florida's Lifeline program is applicable to all ETCs and does not distinguish wireline from wireless ETCs. Should Sprint Nextel believe that it meets the requirements for obtaining a variance or rule waiver under section 120.542, F.S., it may petition the Commission for such relief from complying with those portions of the rule.

#### Enrollment Based on Commission Lifeline Application Forms

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 ensure they consent to the terms of the Lifeline plan before enrollment. Staff disagrees. Staff points out that self-certification has been ordered by the Commission, and the use of the current forms has served the enrollment process well. In addition, ETCs have the opportunity to request additional information from Lifeline customers during the verification process.

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<sup>2</sup> 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, 19 FCC Rcd 22663; 2004 FCC LEXIS 6504, footnote 27 (November 18, 2004) (Sprint Application for ETC Designation); In the Matter of Federal-State Joint Board on Universal Service; NPCR, Inc. d/b/a Nextel Partners; Petition for Designation as an Eligible Telecommunications Carrier in the State of Alabama, Florida, Georgia, New York, Pennsylvania, Tennessee, and Virginia, 19 FCC Rcd 16530; 2004 FCC LEXIS 4770, footnote 30 (August 25, 2004) (Nextel Petition for ETC Designation).

<sup>3</sup> In Re: Petition of Alltel Communications, Inc. for designation as eligible telecommunications carrier (ETC) in certain rural telephone company study areas located partially in Alltel's licensed area and for redefinition of those study areas; and In Re: Petition of Alltel Communications, Inc. for designation as eligible telecommunications carrier (ETC) in certain rural telephone company study areas located entirely in Alltel's licensed area. Order No. PSC-07-0288-PAA-TP was consummated by Order No. PSC-07-0481-CO-TP, issued June 7, 2007.

<sup>4</sup> See fn 2, *supra*.

### The Necessity for Program-Based Eligibility Letters for Self-Certification

Sprint Nextel requests that the Commission clarify that ETCs are not required to seek or review eligibility determination letters or other documentation of program-based eligibility. Staff acknowledges that the self-certification application and the on-line application should be the primary vehicle for enrollment. However, consistent with the process that was established by the Commission prior to the use of the self-certification application and on-line application, public assistance eligibility documents should be accepted as proof of eligibility. Staff further points out that these documents are currently accepted for initial certification and for annual verification purposes.

### Social Security Numbers

Sprint Nextel argues that the customer's complete social security number is useful in identifying existing customer accounts and matching them to Lifeline applications. Staff disagrees. Requiring the last four digits of the social security number has worked well in the identification of Lifeline customers, as well as serving to address privacy and security concerns.

### Creole Language

Sprint Nextel argues that 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 bilingual staff, engaging translation services, and any additional costs associated with processing applications in Creole.

Staff disagrees. Spanish and Creole Lifeline applications and brochures are currently being used, and are effective tools in educating and enrolling consumers. Use of Spanish and Creole applications and brochures was widely supported by interested parties when initially implemented, and the Commission has not received any comments or complaints by other ETCs regarding cost. The rule does not require ETCs to publish applications or brochures in Spanish or Creole. Moreover, staff notes that the Lifeline applications do not elicit any narrative information that would require translation from Creole or Spanish into English. The application forms require applicants to fill out their name, address, telephone number, date, date of birth, last four digits of social security number, and to place check marks next to their service provider and public assistance programs(s). This information is easily decipherable on the Creole or Spanish application forms even to non-Creole or non-Spanish speakers. Thus, there should be no additional costs to the ETCs.

### Verizon Wireless

#### Enrollment Based on Commission Lifeline Application Forms

Consistent with Sprint Nextel's argument, Verizon takes issue with allowing a Lifeline applicant to present alternative documentation demonstrating receipt of public assistance. Verizon argues that telecommunications carriers are ill-equipped to receive and interpret unfamiliar public assistance documentation. Staff disagrees. Consistent with our response to Sprint Nextel's argument, staff acknowledges that the self-certification application and the on-



line application should be the primary vehicle for enrollment, However, consistent with the process that was established by the Commission prior to the use of the self-certification application and on-line application, public assistance eligibility documents should be accepted as proof of eligibility. Staff further points out that these documents are currently accepted for initial certification and for annual verification purposes.

#### Social Security Numbers

Like Sprint Nextel, Verizon also argues that the customer's complete social security number should be required. Verizon argues that ETCs must be able to collect complete social security numbers to determine credit risk. Staff disagrees. Requiring the last four digits of the social security number has worked well in the identification of Lifeline customers, and has served to address privacy and security concerns. Further, ETCs can require customers to subscribe to toll limitation service or pay a deposit to address credit risk.

#### Toll

Verizon argues that the second sentence of paragraph (18) should be revised to expressly reference "toll control" or use the all-inclusive term "toll limitation." Staff agrees and recommends the use of the term "toll control" for clarification purposes in both sentences of paragraph (18), as shown on Attachment A.

Based upon the foregoing analysis, staff recommends that the Commission accept one change to proposed Rule 25-4.0665, F.A.C., as suggested by Verizon, to revise paragraph (18) to include the term "toll control."

Docket No. 090504-TP

Date: April 8, 2010

**Issue 3:** Should proposed Rule 25-4.0665 be filed for adoption with the Secretary of State and the docket be closed?

**Recommendation:** Yes, the rule as approved by the Commission should be filed for adoption with the Secretary of State and the docket should be closed after a Notice of Change is published in the F.A.W. (Gervasi)

**Staff Analysis:** If the Commission approves staff's recommendation in Issues 1 and 2, a Notice of Change must be published in the F.A.W. before the rule is filed for adoption with the Secretary of State. Once the rule is filed for adoption with the Secretary of State, the docket should be closed.

1 25-4.0665 Lifeline Service

2 (1) A subscriber is eligible for Lifeline service if:

3 (a) the subscriber is a participant in one of the following federal assistance programs:

4 1. Medicaid;

5 2. Food Stamps;

6 3. Supplemental Security Income (SSI);

7 4. Temporary Assistance for Needy Families/Temporary Cash Assistance;

8 5. “Section 8” Federal Public Housing Assistance (42 U.S.C. sec. 1437f (2009), which  
9 is incorporated herein by reference);

10 6. Low-Income Home Energy Assistance Program; or

11 7. The National School Lunch Program – Free Lunch; or

12 (b) the subscriber’s eligible telecommunications carrier has more than one million

13 access lines and the subscriber’s household income is at or below 150 percent of the federal  
14 poverty income guidelines.

15 ~~An eligible telecommunications carrier must provide 60 days written notice prior to the~~  
16 ~~termination of Lifeline service. The notice of pending termination shall contain the telephone~~  
17 ~~number at which the subscriber can obtain information about the subscriber’s Lifeline service~~  
18 ~~from the eligible telecommunications carrier. The notice shall also inform the subscriber of the~~  
19 ~~availability, pursuant to Section 364.105, F.S., of discounted residential basic local~~  
20 ~~telecommunications service.~~

21 (2) A subscriber living on federally recognized Tribal lands who does not satisfy the  
22 eligibility requirements for Lifeline service in subsection (1) of this rule is nevertheless  
23 eligible for Lifeline service if the subscriber receives benefits from one of the following  
24 Bureau of Indian Affairs programs:

25 CODING: Words underlined are additions; words in ~~struck through~~ type are deletions  
from existing law; words highlighted are revisions to the November 17, 2009, staff  
recommendation.

1           (a) Tribal temporary assistance for needy families (TANF);

2           (b) NSL Program – Free Lunch; or

3           (c) Head Start.

4   ~~If a subscriber's Lifeline service is terminated and the subscriber subsequently presents proof~~  
5   ~~of Lifeline eligibility, the eligible telecommunications carrier shall reinstate the subscriber's~~  
6   ~~Lifeline service as soon as practicable, but no later than 60 days following receipt of proof of~~  
7   ~~eligibility. Irrespective of the date on which the eligible telecommunications carrier reinstates~~  
8   ~~the subscriber's Lifeline service, the subscriber's bill shall be credited for Lifeline service as~~  
9   ~~of the date the eligible telecommunications carrier received the proof of continued Lifeline~~  
10 ~~eligibility.~~

11           (3) Eligible telecommunications carriers with less than one million access lines are not  
12 required to enroll Lifeline applicants through the income eligibility test of 150 percent or less  
13 of the federal poverty income guidelines, but may do so voluntarily. All eligible  
14 telecommunications carriers shall participate in the Lifeline service Automatic Enrollment  
15 Process. For purposes of this rule, the Lifeline service Automatic Enrollment Process is an  
16 electronic interface between the Department of Children and Family Services, the  
17 Commission, and the eligible telecommunications carrier that allows low-income individuals  
18 to automatically enroll in Lifeline following enrollment in a qualifying public assistance  
19 program.

20           ~~(a) The Commission shall send an e-mail to the eligible telecommunications carrier~~  
21 ~~informing the eligible telecommunications carrier that Lifeline service applications are~~  
22 ~~available for retrieval for processing.~~

23           ~~(b) The eligible telecommunications carrier shall enroll the subscriber in the Lifeline~~  
24 ~~service program as soon as practicable, but no later than 60 days from the receipt of the e-mail~~

25           CODING: Words underlined are additions; words in ~~struck-through~~ type are deletions  
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recommendation.

1 notification. Upon completion of initial enrollment, the eligible telecommunications carrier  
2 shall credit the subscriber's bill for Lifeline service as of the date the eligible  
3 telecommunications carrier received the e-mail notification from the Commission.

4 (c) The eligible telecommunications carrier shall maintain a current e-mail address  
5 with the Commission, which the Commission will use to inform the eligible  
6 telecommunications carrier that new Lifeline service applications are available for retrieval for  
7 processing.

8 (d) The eligible telecommunications carrier shall maintain with the Commission the  
9 names, e-mail addresses and telephone numbers of one primary and one secondary company  
10 representative who will manage the user accounts on the Commission's secure website.

11 (e) Within 20 calendar days of receiving the Commission's e-mail notification that the  
12 Lifeline service application is available for retrieval, the eligible telecommunications carrier  
13 shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline  
14 service facsimile telephone line at (850)413-7142, identifying the customer name, address,  
15 telephone number, and date of the application for:

- 16 1. Misdirected Lifeline service applications;  
17 2. Applications for customers currently receiving Lifeline service; and  
18 3. Rejected applicants, which shall include the reason(s) why the applicants were  
19 rejected.

20 In lieu of a facsimile, the eligible telecommunications carrier may file the information with the  
21 Office of Commission Clerk.

22 (f) Pursuant to Section 364.107(1), F.S., information filed by the eligible  
23 telecommunications carrier in accordance with paragraph (3)(e) of this rule is confidential and  
24 exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may

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recommendation.

1 ~~disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For~~  
2 ~~purposes of this rule, the information filed by the eligible telecommunications carrier will be~~  
3 ~~presumed necessary for disclosure to the Commission pursuant to the criteria in Section~~  
4 ~~364.107(3)(a)4., F.S.~~

5 (4) Eligible telecommunications carriers that charge an initial connection charge must  
6 offer Link-Up service to subscribers who are eligible for Lifeline service pursuant to this rule.

7 ~~All eligible telecommunications carriers shall provide current Lifeline service company~~  
8 ~~information to the Universal Service Administrative Company (USAC) at~~  
9 ~~www.lifelinesupport.org so that the information can be posted on the USAC's consumer~~  
10 ~~website.~~

11 (5) When enrolling customers in the Lifeline service program under subsection (1)(a)  
12 of this rule, eligible telecommunications carriers shall accept Form PSC/RAD 157 (XX/XX),  
13 entitled "Application for Link-Up Florida and Lifeline Assistance," which is incorporated into  
14 this rule by reference and can be accessed from the Commission's website at  
15 www.floridapsc.com, by selecting "Link-Up Florida and Lifeline," then selecting "Need  
16 Discounted Phone Service?," and then selecting "English Link-Up and Lifeline Certification  
17 Form" (also available in Spanish and Creole).

18 (6) Eligible telecommunications carriers shall enroll customers for Lifeline service  
19 who electronically submit Form PSC/RAD 158 (XX/XX), entitled "Lifeline and Link-Up  
20 Florida On-line Self Certification Form," which is incorporated into this rule by reference and  
21 can be accessed from the Commission's website at www.floridapsc.com, by selecting "Link-  
22 Up Florida and Lifeline," then selecting "Apply On-line."

23 (7) For Lifeline applicants who do not use On-line enrollment or simplified  
24 certification enrollment, the eligible telecommunications carrier must accept Public Assistance

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1 eligibility determination letters, including those provided for food stamps, Medicaid, and  
2 public housing lease agreements, as proof of eligibility for Link-Up and Lifeline enrollment.

3 (8) Eligible telecommunications carriers must allow customers the option to submit  
4 Link-Up or Lifeline applications via U.S. Mail or facsimile, and may allow applications to be  
5 submitted electronically. Eligible telecommunications carriers must also allow customers the  
6 option to submit copies of supporting documents via U.S. Mail or facsimile.

7 (9) Eligible telecommunications carriers shall only require a customer to provide the  
8 last four digits of the customer's social security number for application for Lifeline and Link-  
9 Up service and to verify continued eligibility for the programs as part of the annual  
10 verification process.

11 (10) All eligible telecommunications carriers shall participate in the Lifeline service  
12 Automatic Enrollment Process. For purposes of this rule, the Lifeline service Automatic  
13 Enrollment Process is an electronic interface between the Department of Children and Family  
14 Services, the Commission, and the eligible telecommunications carrier that allows low-income  
15 individuals to automatically enroll in Lifeline following enrollment in a qualifying public  
16 assistance program.

17 (a) The Commission shall send an e-mail to the eligible telecommunications carrier  
18 informing the eligible telecommunications carrier that Lifeline service applications are  
19 available for retrieval for processing.

20 (b) The eligible telecommunications carrier shall enroll the subscriber in the Lifeline  
21 service program as soon as practicable, but no later than 60 days from the receipt of the e-mail  
22 notification. Upon completion of initial enrollment, the eligible telecommunications carrier  
23 shall credit the subscriber's bill for Lifeline service as of the date the eligible  
24 telecommunications carrier received the e-mail notification from the Commission.

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1           (c) The eligible telecommunications carrier shall maintain a current e-mail address  
2 with the Commission, which the Commission will use to inform the eligible  
3 telecommunications carrier of the Commission's Lifeline secure website address and that new  
4 Lifeline service applications are available for retrieval for processing.

5           (d) The eligible telecommunications carrier shall maintain with the Commission the  
6 names, e-mail addresses and telephone numbers of one primary and one secondary company  
7 representative who will manage the user accounts on the Commission's Lifeline secure  
8 website.

9           (e) Within 20 calendar days of receiving the Commission's e-mail notification that the  
10 Lifeline service application is available for retrieval, the eligible telecommunications carrier  
11 shall provide a facsimile response to the Commission via the Commission's dedicated Lifeline  
12 service facsimile telephone line at (850)413-7142, or an electronic response via the  
13 Commission's Lifeline secure website, identifying the customer name, address, telephone  
14 number, and date of the application for:

- 15           1. Misdirected Lifeline service applications;  
16           2. Applications for customers currently receiving Lifeline service; and  
17           3. Rejected applicants, which shall include the reason(s) why the applicants were  
18 rejected.

19 In lieu of a facsimile or electronic submission, the eligible telecommunications carrier may  
20 file the information with the Office of Commission Clerk.

21           (f) Pursuant to Section 364.107(1), F.S., information filed by the eligible  
22 telecommunications carrier in accordance with paragraph (9)(e) of this rule is confidential and  
23 exempt from Section 119.07(1), F.S. However, the eligible telecommunications carrier may  
24 disclose such information consistent with the criteria in Section 364.107(3)(a), F.S. For

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recommendation.



1 purposes of this rule, the information filed by the eligible telecommunications carrier will be  
2 presumed necessary for disclosure to the Commission pursuant to the criteria in Section  
3 364.107(3)(a)4., F.S.

4 (11) An eligible telecommunications carrier shall not impose additional verification  
5 requirements on subscribers beyond those which are required by this rule.

6 (12) If the Office of Public Counsel certifies a subscriber eligible to receive Lifeline  
7 service under the income test set forth in Section 364.10(3)(a), F.S., an eligible  
8 telecommunications carrier shall not impose any additional verification requirements on the  
9 subscriber.

10 (13) An eligible telecommunications carrier must provide written notice to a customer  
11 within 30 days of receipt of the application providing the reason for a rejected Lifeline  
12 application, and providing contact information for the customer to get information regarding  
13 the application denial.

14 (14) An eligible telecommunications carrier must provide 60 days written notice prior  
15 to the termination of Lifeline service. The notice of pending termination shall contain the  
16 telephone number at which the subscriber can obtain information about the subscriber's  
17 Lifeline service from the eligible telecommunications carrier. The notice shall also inform the  
18 subscriber of the availability, pursuant to Section 364.105, F.S., of discounted residential basic  
19 local telecommunications service.

20 (15) If a subscriber's Lifeline service is terminated and the subscriber subsequently  
21 presents proof of Lifeline eligibility, the eligible telecommunications carrier shall reinstate the  
22 subscriber's Lifeline service as soon as practicable, but no later than 60 days following receipt  
23 of proof of eligibility. Irrespective of the date on which the eligible telecommunications  
24 carrier reinstates the subscriber's Lifeline service, the subscriber's bill shall be credited for

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1 Lifeline service as of the date the eligible telecommunications carrier received the proof of  
2 continued Lifeline eligibility.

3 (16) All eligible telecommunications carriers shall provide current Lifeline service  
4 company information to the Universal Service Administrative Company at  
5 www.lifelinesupport.org so that the information can be posted on the Universal Service  
6 Administrative Company's consumer website.

7 (17) Eligible telecommunications carriers must advertise the availability of Lifeline  
8 service to those who may be eligible for the service. At a minimum, if the eligible  
9 telecommunications carrier publishes a directory, the eligible telecommunications carrier must  
10 include in the index of the directory a notice of the availability of Lifeline service. If the  
11 eligible telecommunications carrier generates customer bills, the eligible telecommunications  
12 carrier must also place an insert in the subscriber's bill or a message on the subscriber's bill at  
13 least once each calendar year advising subscribers of the availability of Lifeline service.

14 (18) Eligible telecommunications carriers may not charge a service deposit in order to  
15 initiate Lifeline service if the subscriber voluntarily elects toll blocking or toll control. If the  
16 subscriber elects not to place toll blocking or toll control on the line, an eligible  
17 telecommunications carrier may charge a service deposit.

18 (19) Eligible telecommunications carriers may not charge Lifeline subscribers a  
19 monthly number-portability charge.

20 (20) Eligible telecommunications carriers offering Link-Up and Lifeline service must  
21 submit quarterly reports to the Commission no later than 30 days following the ending of each  
22 quarter as follows: First Quarter (January 1 through March 31); Second Quarter (April 1  
23 through June 30); Third Quarter (July 1 through September 30); Fourth Quarter (October 1  
24 through December 31). The quarterly reports shall include the following data:

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- 1           (a) The number of Lifeline subscribers, excluding resold Lifeline subscribers, for each  
2 month during the quarter;
- 3           (b) The number of subscribers who received Link-Up for each month during the  
4 quarter;
- 5           (c) The number of new Lifeline subscribers added each month during the quarter;
- 6           (d) The number of transitional Lifeline subscribers who received discounted service for  
7 each month during the quarter; and
- 8           (e) The number of residential access lines with Lifeline service that were resold to  
9 other carriers each month during the quarter.

10           Specific Authority 120.80(13)(d), 350.127(2), 364.0252, 364.10(3)(j), FS  
11 Law Implemented 364.0252, 364.10, 364.105, 364.183(1), FS  
12 History New 1-2-07, Amended 12-6-07, Amended XX-XX-XX.

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15 Rule 25-4.0665 – 3-9-09  
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            from existing law; words highlighted are revisions to the November 17, 2009, staff  
            recommendation.



## Application for Link-Up Florida and Lifeline Assistance

Billing Name \_\_\_\_\_

Service Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Last Four Digits of Social Security Number \_\_\_\_\_ Date of Birth \_\_\_\_\_

Telephone Number (     ) \_\_\_\_\_ **(NOTE: If you do not currently have local phone service, please contact a local phone provider in your area to establish service.)**

I hereby certify that I participate in the following public assistance program(s): **(Check all that apply)**

- Temporary Cash Assistance
- Food Stamps
- Medicaid
- Low-Income Home Energy Assistance Program (LIHEAP)
- Supplemental Security Income (SSI)
- Federal Public Housing Assistance (Section 8)
- National School Lunch Program (NSLP) – Free Lunch
- Bureau of Indian Affairs Programs (Tribal Temporary Assistance for Needy Families, Head Start Subsidy, NSLP)

**I certify that I am a current recipient of the above program(s) and will notify my local telephone company when I am no longer participating in any of the above-designated program(s). I give permission to the duly authorized official(s) administering the above programs to provide to the local telephone company my participation status in any of the above program(s). I give this permission on the condition that the information in this form and any information about my participation in the above programs provided by officials be maintained by the company as confidential customer account information. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree.**

\_\_\_\_\_  
**Customer's signature**

\_\_\_\_\_  
**Date**

Customers of AT&T Florida, CenturyLink, or Verizon who are at or below 150% of the federal poverty income guidelines, but are not currently receiving benefits from one of the listed programs, do qualify for Lifeline service. Those customers may demonstrate their eligibility for Lifeline service to the Florida Office of Public Counsel. Please contact the Florida Office of Public Counsel at **1-800-540-7039**. Customers of other telephone companies who are at or below 150% of the federal poverty income guidelines, but are not currently receiving benefits from one of the listed programs, should contact their telephone company to see if their telephone company is voluntarily enrolling Lifeline applicants through the income eligibility test of 150% or less of the federal poverty income guidelines.

Form PSC/RAD 157 (XX/XX)

<b>Please mail or fax this application to the telephone company that provides your service.</b>			
<p><b>AT&amp;T Florida</b> 304 Pine Avenue - 4<sup>th</sup> Floor Albany, GA 31702 Fax: 1-888-726-3223</p>	<p><b>Alltel Wireless</b> Please visit a local Alltel retail store to determine if Alltel offers Lifeline in your area and complete an application.</p>	<p><b>American Dial Tone</b> P. O. Box 2203 Dunedin, FL 34698-2203 Fax: (727)669-9451</p>	<p><b>Budget Phone, Inc.</b> Please call 1-888-424-5588 to be referred to a local Budget Phone store to apply.</p>
<p><b>CenturyLink</b> P. O. Box 7086 London, KY 40742 Fax: 1-800-473-2017</p>	<p><b>dPi Teleconnect</b> 2997 LBJ Freeway, Suite 225 Dallas, TX 75234 Fax: 1-800-610-9557</p>	<p><b>Express Phone Service</b> 1803 W. Fairfield Drive Pensacola, FL 32501 Fax: (850)308-1151</p>	<p><b>FairPoint Communications</b> Offline Services Group 30 East Main Street Westfield, NY 14787 Fax: 1-877-321-3166</p>
<p><b>FLATEL/Florida Telephone Co.</b> 2300 Palm Beach Lakes Blvd., Suite 100 West Palm Beach, FL 33409 Fax: 1-877-593-9723 Phone: 1-888-777-6561</p>	<p><b>Frontier Communications</b> P. O. Box 1038 Fort Dodge, IA 50501 Fax: (515)573-1241</p>	<p><b>ITS Telecommunications</b> Attn: Customer Service P. O. Box 277 Indiantown, FL 34956 Fax: (772)597-4155</p>	<p>(Bay County Address) <b>Knology, Inc.</b> 235 W. 15<sup>th</sup> Street Panama City, FL 32401 Fax: (850)215-5800</p>
<p>(Pinellas County Address) <b>Knology, Inc.</b> 3001 Gandy Boulevard North Pinellas Park, FL 33782 Fax: (727)576-4800</p>	<p><b>Midwestern Telecommunications</b> P. O. Box 1401 Chicago Heights, IL 60411 Fax: (708)756-7721</p>	<p><b>NEFCOM</b> P. O. Box 485 Macclenny, FL 32063 Fax: (904)259-1200</p>	<p><b>Nexus Communications TSI</b> P. O. Box 247168 Columbus, Ohio 43224-7168 Fax: (614)883-6496</p>
<p><b>SafeLink Wireless/TracFone</b> Lifeline/Free Cell Phone Dept. P. O. Box 220009 Milwaukie, OR 97269-0009 Fax: 1-800-834-7713 Phone: 1-800-977-3768</p>	<p><b>Smart City Telecom</b> Attn: Customer Care P. O. Box 22555 Lake Buena Vista, FL 32830 Fax: (407)828-6701</p>	<p><b>Sprint Nextel</b> See Sprint Nextel's Web site at <a href="http://www.sprint.com/lifeline">http://www.sprint.com/lifeline</a> for more information and to download an application, or call 1-888-408-3306.</p>	<p><b>TDS Telecom - Lifeline</b> P. O. Box 608 Lancaster, WI 53813 Fax: 1-877-271-2861</p>
<p><b>Verizon - SRC</b> MC: FLSP2193/P.O. Box 11328 St. Petersburg, FL 33733-9656 Fax: 1-888-806-7026</p>	<p><b>Windstream Florida</b> 1720 Galleria Blvd. Charlotte, NC 28270 Fax: (704)849-7000</p>		

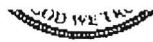
March 9, 2010

## Lifeline and Link-Up Florida On-line Self Certification Form

- English

Español

Creole



**Secured**

ABOUT SSL  
 CERTIFICATES

**Section 364.107(1), Florida Statutes provides that personal identifying information concerning a participant in a telecommunications carrier's Lifeline Assistance Plan held by the Public Service Commission is confidential.**

Customers of AT&T Florida, CenturyLink, or Verizon who are at or below 150% of the federal poverty income guidelines, but are not currently receiving benefits from one of the listed programs, do qualify for Lifeline service. Those customers may demonstrate their eligibility for Lifeline service to the [Florida Office of Public Counsel](#). Please contact the Florida Office of Public Counsel at 1-800-540-7039. Customers of other telephone companies who are at or below 150% of the federal poverty income guidelines, but are not currently receiving benefits from one of the listed programs, should contact their telephone company to see if their telephone company is voluntarily enrolling Lifeline applicants through the income eligibility test of 150% or less of the federal poverty income guidelines.

### Contact Information

*Last Name	<input type="text"/>	*First Name	<input type="text"/>
*Address Line 1	<input type="text"/>		
Address Line 2	<input type="text"/>		
*City	<input type="text"/>	*State FL <input type="button" value="v"/>	*Zip Code <input type="text"/>
*Telephone (###-###-####)	<input type="text"/>	Date (mm/dd/yyyy)	<input type="text" value="03/31/2010"/>
		* Date of Birth (mm/dd/yyyy)	<input type="text" value="03/31/2010"/>

<p>* Last 4 digits of Social Security Number</p>	<input type="text"/>	<p>The last four digits of your Social Security Number are required to complete this application. If you do not wish to provide this information here, please apply for Lifeline directly through your Service Provider.</p>																														
<p><b>Service Provider</b></p> <table border="0"> <tr> <td><input type="radio"/> Alltel Wireless</td> <td><input type="radio"/> Knology, Inc.</td> </tr> <tr> <td><input type="radio"/> American Dial Tone</td> <td><input type="radio"/> Midwestern Communications (MTI)</td> </tr> <tr> <td><input type="radio"/> AT&amp;T/BellSouth</td> <td><input type="radio"/> NEFCOM</td> </tr> <tr> <td><input type="radio"/> Budget Phone, Inc.</td> <td><input type="radio"/> Nexus Communications (TSI)</td> </tr> <tr> <td><input type="radio"/> CenturyLink</td> <td><input type="radio"/> Safelink/TracFone</td> </tr> <tr> <td><input type="radio"/> dPi Teleconnect</td> <td><input type="radio"/> Smart City Telecom</td> </tr> <tr> <td><input type="radio"/> Express Phone Service</td> <td><input type="radio"/> Sprint/Nextel</td> </tr> <tr> <td><input type="radio"/> FLATEL/Florida Telephone Co.</td> <td><input type="radio"/> TDS Telecom</td> </tr> <tr> <td><input type="radio"/> Frontier Communications</td> <td><input type="radio"/> Verizon</td> </tr> <tr> <td><input type="radio"/> GTC FairPoint Communications</td> <td><input type="radio"/> Windstream</td> </tr> <tr> <td><input type="radio"/> ITS Telecommunications Systems</td> <td></td> </tr> </table>		<input type="radio"/> Alltel Wireless	<input type="radio"/> Knology, Inc.	<input type="radio"/> American Dial Tone	<input type="radio"/> Midwestern Communications (MTI)	<input type="radio"/> AT&T/BellSouth	<input type="radio"/> NEFCOM	<input type="radio"/> Budget Phone, Inc.	<input type="radio"/> Nexus Communications (TSI)	<input type="radio"/> CenturyLink	<input type="radio"/> Safelink/TracFone	<input type="radio"/> dPi Teleconnect	<input type="radio"/> Smart City Telecom	<input type="radio"/> Express Phone Service	<input type="radio"/> Sprint/Nextel	<input type="radio"/> FLATEL/Florida Telephone Co.	<input type="radio"/> TDS Telecom	<input type="radio"/> Frontier Communications	<input type="radio"/> Verizon	<input type="radio"/> GTC FairPoint Communications	<input type="radio"/> Windstream	<input type="radio"/> ITS Telecommunications Systems		<p>I hereby certify that I participate in the following public assistance program(s):</p> <table border="0"> <tr><td><input type="checkbox"/> Medicaid</td></tr> <tr><td><input type="checkbox"/> Food Stamps</td></tr> <tr><td><input type="checkbox"/> Temporary Cash Assistance (TCA)</td></tr> <tr><td><input type="checkbox"/> Supplemental Security Income (SSI)</td></tr> <tr><td><input type="checkbox"/> Federal Public Housing Assistance (Section 8)</td></tr> <tr><td><input type="checkbox"/> Low-Income Home Energy Assistance Program (LIHEAP)</td></tr> <tr><td><input type="checkbox"/> National School Lunch Free Lunch Program</td></tr> <tr><td><input type="checkbox"/> Bureau of Indian Affairs Programs (Tribal Temporary Assistance for Needy Families, Head Start Subsidy, NSLP)</td></tr> </table>	<input type="checkbox"/> Medicaid	<input type="checkbox"/> Food Stamps	<input type="checkbox"/> Temporary Cash Assistance (TCA)	<input type="checkbox"/> Supplemental Security Income (SSI)	<input type="checkbox"/> Federal Public Housing Assistance (Section 8)	<input type="checkbox"/> Low-Income Home Energy Assistance Program (LIHEAP)	<input type="checkbox"/> National School Lunch Free Lunch Program	<input type="checkbox"/> Bureau of Indian Affairs Programs (Tribal Temporary Assistance for Needy Families, Head Start Subsidy, NSLP)
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Form PSC/RAD 158 (XX/XX)