

BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. UNDOCKETED

INITIATION OF RULEMAKING TO  
AMEND RULE 25-4.0665, FLORIDA  
ADMINISTRATIVE CODE, LIFELINE  
SERVICE, AND TO REPEAL RULE  
25-4.113, FLORIDA ADMINISTRATIVE  
CODE, REFUSAL OR DISCONTINUANCE  
OF SERVICE BY COMPANY.

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COMMISSION  
CLERK

PROCEEDINGS: RULE DEVELOPMENT WORKSHOP

TAKEN AT THE  
INSTANCE OF: The Staff of the Florida  
Public Service Commission

DATE: Wednesday, September 19, 2012

TIME: Commenced at 1:30 p.m.  
Concluded at 2:41 p.m.

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR, CRR  
Official FPSC Reporter  
(850) 413-6734

## P R O C E E D I N G S

1  
2           **MS. GERVASI:** I think we're ready to go ahead  
3 and get started, and we will endeavor to start on time.  
4 And we'll begin by reading the notice of the workshop.  
5 This time and place has been noticed for an undocketed  
6 staff rule workshop, rule development workshop on the  
7 initiation of rulemaking to amend Rule 25-4.0665, FAC,  
8 Lifeline service, and to repeal Rule 25-4.113, FAC,  
9 refusal or discontinuance of service by company.

10           I'm Rosanne Gervasi, I'm with the  
11 Commission legal staff. And with me I have all of our  
12 experts on this docket, on this undocket from the  
13 telecommunications staff: Bob Casey, to my right; and  
14 Laura King; and Catherine Beard; and also our Director  
15 of Telecommunications, Beth Salak, is here. And we  
16 appreciate you all being here as well and participating  
17 in the workshop. Your participation is very helpful and  
18 important to us in formulating our recommendation on  
19 whether to draft -- on whether the Commission should  
20 propose a rule and on, on this draft. So we're glad  
21 you're here. We have copies of the draft rule on the  
22 ledge behind you over here on the side, if anybody needs  
23 them.

24           Also, for anybody who may be listening in on  
25 the Commission's website, the materials are available to

1 you from the Commission's website as well. If you --  
2 just bear with me for a minute, for a moment in case  
3 anybody needs this information who is listening in.

4 If you roll over the conference and meeting  
5 agenda tab towards the top left of your screen, you will  
6 see that a window will pop up there and there will be  
7 some options to click on. You click on the option that  
8 says notice of staff workshops, and then there will be a  
9 list of workshops. This one should probably be at the  
10 very top of the list. And if you click on notice of  
11 staff rule development workshop, you will see that it is  
12 hyperlinked, the materials are hyperlinked from there in  
13 .pdf format.

14 Let's move into an overview of the draft  
15 amendments or changes to the Lifeline rule. And with  
16 that, let me just say that the purpose of the draft rule  
17 changes is as stated in the notice of workshop that we  
18 issued, which is to require the eligible  
19 telecommunications carriers to comply with the  
20 subscriber eligibility determinations and certifications  
21 set forth by the FCC in the Code of Federal Regulations  
22 to eliminate Link-Up, to update the forms that are  
23 referenced in the Lifeline rule, to eliminate quarterly  
24 reporting requirements, and to clarify certain carrier  
25 responsibilities regarding record retention, resale of

1 Lifeline lines and advertising, including developing  
2 outreach materials for specific consumer groups and  
3 outreach strategies.

4 But the primary purpose of the workshop is to  
5 discuss and seek your input on these draft changes. And  
6 we will seek your comments on these changes as we walk  
7 through the paragraphs of the rule, and we'll go through  
8 them one paragraph at a time.

9 We are also looking at repealing Rule  
10 25-4.113, and that is in keeping with the 2011 changes  
11 to Chapter 364 of the *Florida Statutes*. There is one  
12 provision in that rule that concerns Lifeline which we  
13 have reworked for inclusion in the Lifeline rule, and  
14 then we are thinking of just repealing the rest of that  
15 rule or repealing it in its entirety and just moving  
16 that one provision over. And that one provision is on  
17 page 15 of your workshop handout starting at Line 22.  
18 And it says that a company shall not discontinue a  
19 customer's Lifeline local service if the charges, taxes,  
20 and fees applicable to dial tone, local usage, dual tone  
21 multifrequency dialing, emergency services such as 911,  
22 and relay service are paid. Well, we've shortened that,  
23 and you'll see when we go through the Lifeline rule in  
24 keeping with Section 364.10(2)(d), *Florida Statutes*, it  
25 now says, A company may not discontinue a customer's

1 Lifeline local service because of nonpayment of charges  
2 for nonbasic service and toll charges. And that is now  
3 the new paragraph (17) of the Lifeline rule. And if you  
4 have any comments about that, please state them as we go  
5 through when we get to paragraph (17) of the Lifeline  
6 rule.

7 This is a statutory requirement, but we think  
8 it makes sense to include it in the Lifeline rule as  
9 well just to try and make the rule comprehensive or as  
10 comprehensive as possible.

11 Let's see what else. Does staff have anything  
12 to add to the overview?

13 Please be mindful that we have a court  
14 reporter here to make a transcript of the, of the  
15 workshop, so we can only have one person speaking at a  
16 time. Please speak directly into the microphone when  
17 you do speak and speak clearly. And also please  
18 identify yourself, state your name before you give your  
19 comments each time. And the first time it would be very  
20 helpful to spell your name, unless it's Smith or Jones  
21 or Brown or something.

22 And that concludes my overview. So I guess  
23 with that, we can start going through the draft changes  
24 to the Lifeline rule paragraph by paragraph. And,  
25 staff, please interject any time you have more

1 information than what is available in my head.

2 Starting then on page 4, I think it is, of  
3 your materials, it says page 4 anyway at the top,  
4 paragraph 1, paragraphs 1, 2, and 3 don't really have  
5 any changes other than to include the Supplemental  
6 Nutrition Assistance Program, SNAP, on line 5.

7 **MR. HATCH:** Rosanne, before you get too far,  
8 just one generic comment that sort of applies to the  
9 whole draft rule, and that is that you talk in  
10 various -- oh, sorry. Tracy Hatch with AT&T.

11 **MS. GERVASI:** Thank you.

12 **MR. HATCH:** There -- it's not consistent even  
13 within the draft, but frequently you use the term  
14 Lifeline service. And there is no such -- and at least  
15 at one point in the draft it could very well be very  
16 confusing because there's a Lifeline assistance credit  
17 but there is no such thing as Lifeline service, because  
18 the way it works is you get a credit off your bill  
19 regardless of what you buy. So when you go to a tariff  
20 and say what's my Lifeline service, there is no service  
21 that says Lifeline service like a 1FR or Complete Choice  
22 or any of those sorts of things that are otherwise  
23 tariff services.

24 Now, I realize we all sort of have defaulted  
25 to this for a very long period of time. It's just going

1 through this draft now and this language has been around  
2 for a long time, some of it, but you might want to keep  
3 in mind that there is no such creature as Lifeline  
4 service, per se, and talk about it in the Lifeline  
5 assistance or Lifeline assistance eligibility, that sort  
6 of thing, just as a thought.

7 **MS. GERVASI:** Thank you. And that's, I guess,  
8 because it's programs, it's a program really, it's not  
9 really a service?

10 **MR. HATCH:** Exactly.

11 **MS. GERVASI:** Thank you.

12 **MS. RULE:** As an aside -- this is Marsha Rule  
13 of Rutledge, Ecenia, and I'm here today, excuse me, for  
14 Assurance Wireless.

15 I certainly agree with Mr. Hatch. However, I  
16 think there are providers that do refer to their service  
17 as a Lifeline service. So I think my suggestion would  
18 be as we go through, we be mindful to make sure that  
19 however a term is used, that it applies equally well to  
20 both, say, prepaid providers as the postpaid providers,  
21 because I think that's where the confusion comes in.

22 **MR. HATCH:** Just a question, Marsha. I don't  
23 know, are you referring to the scenarios where a company  
24 who labels a Lifeline service as this is it and this is  
25 all you can get because that's our Lifeline product, so

1 it's a service wrapped up with the credit versus you can  
2 buy any service but you can apply the credit to any  
3 service?

4 **MS. RULE:** Correct. I think most -- I can't  
5 speak for most prepaid providers, but my understanding  
6 is there is a prepaid product that many providers offer  
7 through one part of their business and that's it. It's  
8 not a menu of options. There is the Lifeline service.  
9 You may have some add-ons. But I believe that there are  
10 providers that offer it as a Lifeline service.

11 I don't think it makes a difference to what  
12 the rules say. It's just a matter of making sure that  
13 as we go through, we make sure they apply correctly and  
14 perhaps differently to postpaid versus prepaid  
15 providers.

16 **MS. GERVASI:** Thank you. The first change  
17 that we have is paragraph 4 of the current draft, it  
18 starts on line 24 of page 4.

19 **MR. FOLLENSBEE:** This is Greg Follensbee with  
20 AT&T, F-O --

21 **MS. GERVASI:** Could you --

22 **MR. FOLLENSBEE:** F-O-L-L-E-N-S-B-E-E.

23 **MS. GERVASI:** Thank you.

24 **MR. FOLLENSBEE:** The question we've got is on  
25 (1) (b) you talk about certain companies have to give an



1 income eligibility requirement if it's 150%. The  
2 question is you're silent on everybody else. It's now,  
3 what, 135% for all other providers? Are you just  
4 presuming it just defaults to that without needing to  
5 mention it or --

6 **MR. CASEY:** Well, down in number (3) we kind  
7 of handle that where were we say ETCs with less than one  
8 million access lines are not required to use the 150%,  
9 but may do so voluntarily.

10 **MR. HATCH:** But it's silent on the 135%. For  
11 example, all ETCs less than a million have to do it 135.  
12 That's, that's the only question is it appears as though  
13 we have a requirement, but someone reading this may not  
14 understand that they also have a requirement.

15 **MS. GERVASI:** And this is not changed  
16 language. This is what's in the current rule.

17 **MR. HATCH:** Oh, I agree with that. But the  
18 FCC has now come out and changed the circumstances of  
19 the existing rule.

20 **MR. CASEY:** Right. Right. The new order  
21 requires income eligibility. So would you say that goes  
22 best under subsection 3, we'll put in something about  
23 135?

24 **MR. FOLLENSBEE:** That would be fine.

25 **MR. CASEY:** Less than one million lines you

1 have to do 135, something like that?

2 **MR. FOLLENSBEE:** That would be fine.

3 **MR. CASEY:** Okay.

4 **MS. GERVASI:** Thank you. Are there any other  
5 comments to sections (1), (2), or (3)?

6 **MR. McCABE:** Excuse me. This is Tom McCabe  
7 with TDS.

8 I guess I'm not sure in terms of the 150, that  
9 just applies to the three local exchange companies. It  
10 doesn't apply to, say, Sprint Wireless, which is an ETC,  
11 and they certainly have over a million customers.

12 So I think you need to kind of work out the  
13 135% for all carriers into this, into these rules in  
14 addition to, I guess, (3). You know, perhaps there's --  
15 under (3) maybe do (3)(a) and (3)(b) or, you know, all  
16 carriers, all ETCs are required to provide the 135%  
17 income eligibility, and then (b) being those with 150 --  
18 those that have over a million would be, you know, the  
19 150%.

20 **MR. CASEY:** Required by statute --

21 **MR. McCABE:** Yeah.

22 **MR. CASEY:** -- to use 150%? Okay.

23 And as you're making these comments, would you  
24 please include them in your postworkshop comments too?

25 **MR. FOLLENSBEE:** Yes, sir.

1           **MR. CASEY:** Thank you.

2           **MS. GERVASI:** Moving on then to paragraph (4).  
3 This is actually, was the old paragraph (5). So this  
4 really doesn't change other than the form will now have  
5 a new title. These paragraphs are renumbered because of  
6 getting rid of certain provisions from the old rule such  
7 as what was the old (4). That does not appear in the  
8 new draft.

9           The language that appears on page 5, lines  
10 4 through 6, we are striking on the draft rule obviously  
11 to eliminate references to Link-Up, which is gone.

12           Any comments on (4)?

13           **MR. McCABE:** Tom McCabe. If I understand,  
14 this is just, you're just changing the title on the  
15 Commission's form. You're not asking us to put the  
16 identical title on application forms that we may provide  
17 to customers.

18           **MR. CASEY:** No. We're just changing the  
19 revision date because we had to update our applications  
20 to include all the attestations and acknowledgments.

21           **MS. GERVASI:** And a copy of that form is  
22 attached to your materials at the end of the materials  
23 so you can see what it looks like. Any changes that we  
24 may have made to either of the two forms that are  
25 referenced in the rule are in type and strike format. I

1 don't think there are any to this form.

2           **MR. CASEY:** Well, on number (5) we did change  
3 the title because we changed the application. That  
4 application is strictly for applicants who are on  
5 Medicaid, food stamps, or TANF. And we have a tie-in  
6 with the DCF computer where as soon as they fill out  
7 that application and hit enter, we automatically do a  
8 query over at DCF to verify that they are participating  
9 in the program presently. So we did change that. It  
10 was just for those three programs.

11           **MS. GERVASI:** I see that now, Bob. Thank you.  
12 That's on page 18, which is the copy of the form, and  
13 that language is underlined so that you can see the  
14 additional language there.

15                   Anything else on (4), paragraph (4)?

16           Paragraph (5) is, well, when I say the old  
17 (6), it's the current (6) in the current rule we've  
18 moved up to paragraph (5). It also includes a new form  
19 title and then otherwise it's paragraph, current  
20 paragraph (6), except that there's some new language  
21 starting at line 12 that's a new sentence I believe  
22 that's not in the current rule: Applicants who  
23 presently participate in those programs can complete the  
24 form electronically online. Any comments to that?

25                   Okay. Moving on to paragraph (6), which is,

1 in the current rule it's paragraph (8). And I think  
2 that's the, that's the same language as -- that's not  
3 changing. It's just the paragraph number that has  
4 changed. And the language that is crossed off from the  
5 new paragraph (6) is now new paragraph (5). Any changes  
6 or suggestions to that?

7 Moving on to (7), this is new language. It  
8 references the CFRs and that the ETCs shall comply with  
9 the subscriber eligibility determination and  
10 certification requirements contained in the CFRs and  
11 requiring that a copy of the annual certification be  
12 provided to the -- that is provided to the administrator  
13 shall be filed with the Commission. The old language or  
14 the current, rather, language that is crossed off is, is  
15 gone or would be gone under the new draft. Any  
16 comments?

17 Okay. Moving on to new paragraph (8), which  
18 is the current paragraph (10) of the rule. It's being  
19 reworked somewhat. What you see that's crossed off from  
20 paragraph (8), lines 19 through 22, that's the new  
21 paragraph (6). And then subparagraphs (a) through (f)  
22 were subparagraphs (a) through (f) of paragraph (10),  
23 are the current paragraph (a) through (f) of paragraph  
24 (10).

25 **MR. FOLLENSBEE:** This is Greg Follensbee with

1 AT&T. We've got a couple of questions on (b) and (c) to  
2 make -- (b) and (e), I guess it is, to make sure we  
3 understand the inner workings that you're talking about  
4 there.

5 As I understand what you're proposing here is  
6 that when you send us the e-mail from people that are  
7 signed up under the enrollment process you have, we have  
8 60 days to enroll them. But we would backdate their  
9 benefits to the day that we know that they have  
10 completed the application process, including the receipt  
11 of any certification. If they get up to you, you put it  
12 in the e-mail, that effectively is the same thing. So  
13 we backdate it to the day we get your e-mail saying put  
14 these people in the system.

15 **MR. CASEY:** That's correct.

16 **MR. FOLLENSBEE:** But in (e) you're basically  
17 saying when we get that e-mail, we need to quickly  
18 though within 20 days tell you have we rejected any, do  
19 we have an issue with any of them? And the question is,  
20 is the 20 days something that is necessary for some  
21 purpose or -- because we're trying to figure out how the  
22 timing would actually work. We were thinking that it  
23 would be you have no more than 60 days to either sign  
24 them up or tell them they're not going to be signed up,  
25 and then they have a right, once you tell them they're

1 not, to, to try to perfect their filing, if they can.  
2 And there's a time frame, I think, that would go through  
3 for that. So help me understand why the 20 days came in  
4 or still needs to be there today.

5 **MR. CASEY:** Well, we -- as a matter of fact, I  
6 think it was suggested at an early, early workshop. And  
7 this is the existing rule, by the way, and this is just  
8 moving it.

9 Once we get your rejection, we actually send a  
10 letter out to that applicant saying your provider has  
11 indicated that they're, you are not presently a  
12 customer, and we include another application with a list  
13 of all the ETCs saying, you know, you could fill this  
14 out again, make sure you have the right phone company.  
15 And then if you have any questions, call staff, we have  
16 a contact number.

17 So, and we needed a turnaround time and we  
18 came up with 20 days -- I believe it was from an earlier  
19 workshop. I think we asked you guys, as a matter of  
20 fact. Do you need more time? I mean, is that a, is the  
21 timeframe --

22 **MR. FOLLENSBEE:** We may need ten more days,  
23 but we'll check. Because, again, it depends on the  
24 volume because we're having to coordinate this across 22  
25 states in the case of AT&T, plus numerous other states

1 that we have for AT&T Mobility having, being an ETC in  
2 other states, and that's, you know -- I know that that's  
3 what was in the current rule. We were just trying to  
4 understand a little bit better about the rationale  
5 behind this 20 days versus 30 days or whatever.

6 But -- so what you're saying is you need the  
7 time to -- if we tell you we're rejecting a customer  
8 from information we found, you're going to communicate  
9 back to the customer you've been rejected for these  
10 reasons and --

11 **MR. CASEY:** Here's another application, if  
12 you'd like. Here's a list of the ETCs. If you have any  
13 questions or need help with your application, you can  
14 call staff.

15 **MR. HATCH:** Part of the problem just seems a  
16 logical one where we get 60 days to hook them up but  
17 we've got a de facto 20-day deadline to get everything  
18 done.

19 **MR. CASEY:** Well, just to know if you're, if  
20 they're rejected.

21 **MR. HATCH:** Well, once you've done that,  
22 that's all the work.

23 **MR. CASEY:** That's all the work for you.

24 **MR. HATCH:** To actually get them hooked up is  
25 the easy part. And that's just -- it seems to be



1 something of an inconsistency, and whether there was  
2 logic to the timing and the way it's laid out in the  
3 rule. And, candidly, if it was suggested in the earlier  
4 workshop, I don't remember. But that was a long time  
5 ago.

6 **MR. CASEY:** It was a long time ago, but I  
7 remember asking about the date and that's what came up.  
8 If you would like to suggest something else, feel free.

9 **MR. FOLLENSBEE:** We'll give you written  
10 comments, if we feel -- we talked about internally we  
11 might need ten more days. We'll, when we give you  
12 written comments, we'll finalize whether we'll stay with  
13 the 20 or suggest it be 30.

14 **MS. SALAK:** May I ask, have you gotten  
15 complaints from your Lifeline people? I mean, I don't  
16 hear you saying that they're complaining about it.

17 And, Bob, I have a question for you. Are they  
18 missing that date? You keep track of that. Are they  
19 missing it?

20 **MR. CASEY:** Not by much, if they are. They're  
21 pretty quick.

22 **MS. SALAK:** Okay. Okay.

23 **MR. FOLLENSBEE:** Beth, the change is this  
24 summer we put in a lot of new requirements, and that's  
25 what we're still working through in our systems with our

1 people. Because when we get people that apply straight  
2 to us, we've got to make sure they have all the  
3 documents in and all that. We also will have to send  
4 them reminders of, listen, you didn't give us all the  
5 documents, you've got so many days to give it to us, or  
6 the process starts all over if you're interested. So  
7 it's just a matter of still trying to work through all  
8 of the different time frames the FCC has laid out for a  
9 lot of different things, not only hooking up customers  
10 but disconnecting customers, that we're working through.

11 So I'm not saying we definitely have to have  
12 30 days instead of 20, but our people said it, it  
13 just -- ten more days is ten more days to handle it.

14 **MS. SALAK:** I had understood from one of our  
15 coordinating committee groups that the majority of your  
16 Lifeline customers come in through the coordinated  
17 enrollment through DCF. Is that -- do you think that  
18 will still be the case?

19 **MR. FOLLENSBEE:** It should still be the case.

20 **MS. SALAK:** Okay. I was, I was just hoping  
21 that might mitigate some of the additional time you  
22 might need. I may be -- I mean, I understand you had  
23 new requirements and I do understand that you need to  
24 look at that in conjunction with, you know, the time  
25 associated in conjunction with that. I'm not saying you

1 shouldn't. I'm just hoping that because we have, so  
2 much of the enrollment comes from the DCF office, that  
3 perhaps it won't be as bad of an issue as we might  
4 think.

5 **MR. FOLLENSBEE:** And I don't, couldn't tell  
6 you what kind of volume we're in today that we're  
7 actually having to notify you within the 20 days,  
8 because for some reason they aren't qualifying based on  
9 what we see in our systems given the list you've given  
10 us.

11 **MS. SALAK:** Okay.

12 **MR. FOLLENSBEE:** But the point being, we don't  
13 have a group dedicated to Florida. We've got groups  
14 dedicated to multiple states and that's, we're dealing  
15 with all the timelines states are coming up with, so.

16 But, like I said, we'll -- if we definitely  
17 feel we need more time, we'll put it in our written  
18 comments. I was more interested in making sure we  
19 understood the synchronization of the dates.

20 **MS. GERVASI:** Thank you.

21 **MR. SPEARS:** This is Harvey Spears with  
22 CenturyLink, S-P-E-A-R-S.

23 Just to help me, I'm a little bit confused, I  
24 hear what Tracy is saying -- I mean, Greg is saying, and  
25 we may have some of the same concerns because of the

1 multiple state. I'm just a little confused about  
2 something.

3 The 20 days only applies to what's been  
4 received from the Commission, correct, which is supposed  
5 to be all prequalified?

6 **MR. CASEY:** That's correct.

7 **MR. SPEARS:** Okay. Thank you.

8 **MS. RULE:** Marsha Rule, Assurance Wireless.

9 Also concerns about (8)(b) and (8)(a). In  
10 (8)(b), line 3 through 5, it talks about the completion  
11 of initial enrollment and then back crediting. That  
12 scenario doesn't arise in the prepaid, in the prepaid  
13 world.

14 For Assurance Wireless, for example, Lifeline  
15 service is free. So a customer would simply apply,  
16 receive a phone, and begin using the service. They  
17 wouldn't get a bill. They wouldn't pay and then get a  
18 credit. Customers are able to add on minutes and text,  
19 but those are prepaid. And so, again, they'll never get  
20 a bill for that. It's not included in the free wireless  
21 service. It's simply an add-on that they buy after the  
22 fact but pay for in advance.

23 So we would suggest that this provision should  
24 be clarified to indicate that it only applies when the  
25 customer receives a bill and has already paid for the

1 Lifeline service.

2           And the other comment I had was with regard to  
3 (8)(e). Actually it's more of a question. On line 20,  
4 basically the way I read (8)(e)1, a carrier has to  
5 provide a response to the Commission to identify  
6 customer information for misdirected Lifeline service  
7 applications. What is a misdirected application? And  
8 if it was misdirected and didn't get to the provider,  
9 how do we know this?

10           **MR. CASEY:** The misdirected applications, and  
11 we have a lot of them, customers that go to the  
12 Department of Children and Families to apply for this,  
13 and they answer the question, yes, I want Lifeline,  
14 well, the next step is a drop down menu of all the ETCs.  
15 Now they may not see their provider there, so they would  
16 like -- well, I know AT&T, I've heard them before. I'll  
17 check AT&T. Okay? And then when the process goes  
18 through, they're approved, we get an e-mail saying,  
19 okay, this customer requested Lifeline and they're with  
20 AT&T. So we send AT&T a message saying this customer,  
21 you know, has been approved for DCF benefits; you need  
22 to put them on Lifeline. And AT&T goes, not a customer  
23 of ours. And then they have to reject that and send it  
24 back to us, and that starts the process where we send  
25 the letter out.

1 Another problem is, yeah, I have AT&T but it's  
2 AT&T Mobility.

3 **MS. RULE:** Quick question.

4 **MR. CASEY:** Then we have to explain it to  
5 them.

6 **MS. RULE:** Quick question. Would -- does  
7 that -- do you get those issues in the prepaid world? I  
8 mean, does the, does the misdirection that you just  
9 mentioned occur? It seems like it would not.

10 **MR. CASEY:** Not with Assurance Wireless or  
11 TracFone.

12 **MS. RULE:** Okay. Because those are prepaid  
13 free.

14 **MR. CASEY:** Right.

15 **MS. RULE:** Okay. Okay. The other comment I  
16 would have regarding this is to echo the comments from  
17 CenturyLink and AT&T, is setting up a particular process  
18 just for Florida is burdensome and it is costly. And we  
19 would suggest that if you get back to the customer  
20 immediately with information about what went wrong in  
21 the process or why they're not eligible, that that also,  
22 that accomplishes the same goal. And I assume other  
23 carriers do the same. Assurance Wireless does.

24 **MR. CASEY:** Okay. If you could just include  
25 those in your comments, if you would, we'd be glad to

1 take a look at it.

2 **MS. RULE:** Will do.

3 **MS. GERVASI:** Any other comments to (8) and  
4 any of the subparagraphs within (8)(a) through (f)? I  
5 think it's pretty much the same as what is in the  
6 current rule. We have changed our fax number, so that's  
7 a different number. But I think that's the only change  
8 that we're suggesting at present.

9 So moving on then to paragraph (9), which is  
10 the current rule paragraph (11), we are striking lines  
11 8 through 11. That is gone and not being moved to any,  
12 any other place within the new rule. Any comments?

13 Paragraph (10).

14 **MR. McCABE:** Excuse me. Does that prohibit us  
15 from asking the customer for the last four digits?

16 **MR. CASEY:** Not at all, because the FCC  
17 requires it.

18 **MR. McCABE:** Okay.

19 **MR. FOLLENSBEE:** This is Greg Follensbee.  
20 Just a point of clarification both in (9) and (10). You  
21 talk about we can't impose any additional certification  
22 requirements. But when you now have to have each  
23 customer certify to a litany of items, you're not  
24 referring to those, but is the rule that clear that you  
25 aren't?

1           In other words, I'm interpreting this to mean  
2 if they qualify by income, you can't insist they be in  
3 the food stamp program. But don't they still have to  
4 certify that, you know, that they're at this address and  
5 the application information is true and correct and all  
6 that that you've got on page 19? Aren't those part of  
7 the certification process today as well?

8           **MR. CASEY:** That's correct.

9           **MR. FOLLENSBEE:** All right. So my question  
10 is, is when you say we can't impose any additional  
11 certification requirements, you don't mean to include  
12 what's on 19.

13          **MR. CASEY:** Beyond what's on 19 is what we're  
14 saying.

15          **MR. FOLLENSBEE:** All right. Tell me where 19  
16 is in the rules. And maybe I just --

17          **MR. CASEY:** Where is it in the rules? It's  
18 identified by the form number.

19          **MR. FOLLENSBEE:** By the form number. See, it  
20 didn't have a form, it didn't have a form number on it,  
21 which is what -- oh, it's on the second page, is that  
22 the form number?

23          **MR. CASEY:** Does it say PSC Form --

24          **MR. FOLLENSBEE:** What's on 20 is the form  
25 number for what's on 19? Thank you.



1           **MR. CASEY:** Are you trying to confuse me,  
2 Greg?

3           **MR. FOLLENSBEE:** No. I'm trying to confuse  
4 myself.

5           **MR. CASEY:** Oh, okay.

6           (Laughter.)

7           **MR. FOLLENSBEE:** I'm doing a good job of it.  
8 Thank you.

9           **MR. CASEY:** All right.

10          **MR. SPEARS:** Harvey Spears with CenturyLink.  
11           Just to digress one moment back to when we  
12 receive certification information from the PSC. What  
13 about copies of the applications that have been  
14 completed that reflect that the customer has  
15 acknowledged in certain line items that, that they are  
16 eligible by their signature? There's -- it seems like  
17 that the FCC rule requires that we have a copy of that,  
18 and it's footnoted within the, the FCC rule, et cetera.  
19 I understand AT&T has, has a pending request for  
20 clarification. I think it might be, if I'm accurate on  
21 that, just for that reason.

22           What about if, if it ends up that that is the  
23 interpretation that it has to be provided? Are you  
24 prepared to address that?

25          **MR. CASEY:** We'll address it at that time.

1 And one question --

2 **MR. SPEARS:** Well, there's a waiver out there  
3 right now that's only good until December.

4 **MR. CASEY:** December 1st.

5 **MR. SPEARS:** Yeah.

6 **MR. CASEY:** Right. Is that the request at the  
7 FCC from AT&T or is that U.S. Telecom? Do you remember  
8 the request for clarification on that?

9 **MR. FOLLENSBEE:** I think it was U.S. Telecom,  
10 which we, as a member, got them to do because it isn't  
11 just unique to us. It's unique in the case of Florida.  
12 Signing up through DCF is a great process. We just want  
13 to make sure that's acceptable and we don't have to then  
14 request copies of everything they filed at DCF in our  
15 own records.

16 **MR. CASEY:** Right. I remember --

17 **MR. FOLLENSBEE:** That's why USTA sought the  
18 clarification, because several states have a process  
19 like yours and it kind of defeats the purpose to have a  
20 process if have you to turn around and get copies of  
21 everything they did for our own records.

22 **MR. CASEY:** I remember it because AT&T said it  
23 was burdensome, which is --

24 **MR. FOLLENSBEE:** It is. Well, it is  
25 burdensome on either DCF or you all as well, because

1 we'd have to go get copies made wherever they apply.

2 **MR. HATCH:** From you.

3 **MR. FOLLENSBEE:** Yeah. Or DCF. So, I mean,  
4 but, Harvey, your point is well taken. If we don't get  
5 the waiver, if they don't extend the waiver, we, we all  
6 have a problem.

7 **MR. CASEY:** Okay. Thank you.

8 **MS. GERVASI:** Anything else on paragraph (8)  
9 or (9)? Moving to paragraph (10), that is currently  
10 paragraph (12) of the rule, and all the stuff that you  
11 see crossed off is now paragraph (8)(a) through (f).

12 **MR. McCABE:** Excuse me. Tom McCabe. Just out  
13 of curiosity on (10), I don't know if now that everybody  
14 is subject to the 135% income eligibility, that that's  
15 going to increase the Office of Public Counsel's  
16 workload, but are they aware? I don't know how much of  
17 a burden they have at this point in time dealing with  
18 the three large companies, and now if everyone is  
19 involved with that, they may see a large influx of  
20 those. So just an FYI.

21 **MR. CASEY:** Ms. Steffens is here. Would you  
22 like to comment on that? Would you come up to the  
23 microphone maybe if you want to comment on that, about  
24 how -- is it going to increase your workload or has it?

25 **MS. STEFFENS:** I'm sorry. To do what?

1           **MR. CASEY:** Now that all ETCs must use income  
2 eligibility, must include income eligibility, is that  
3 going to increase your workload over at OPC? Is that  
4 correct?

5           **MS. GERVASI:** And could you please speak into  
6 the mic and give your name.

7           **MS. STEFFENS:** Lisa Steffens, the Office of  
8 Public Counsel.

9           We're right now doing the 150% and we have  
10 been all along. The amount of workload that we  
11 currently have, we are handling, and it is not a  
12 problem. It depends upon how many of the other ETCs  
13 that are going to be in Florida, you know, what their  
14 volume is. But right now we are handling it. We're  
15 doing about 40,000 a year with what we have.

16           **MR. CASEY:** And we have 22 wireless ETC  
17 petitions pending at the FCC for Florida.

18           **MS. STEFFENS:** Right. Are they all Florida?

19           **MR. CASEY:** All Florida.

20           **MS. STEFFENS:** Okay. But they may not all do  
21 the income eligibility.

22           **MR. CASEY:** They'll have to do the income  
23 eligibility.

24           **MS. STEFFENS:** They're going to have to.

25           **MR. CASEY:** Everybody has to with the new

1 order.

2 **MS. STEFFENS:** Okay. Well, I might have to  
3 get more staff. But right now we're handling it.

4 **MR. CASEY:** Does that answer your question,  
5 Tom?

6 **MR. McCABE:** Yeah. I was just wanting to make  
7 sure that they're aware they may see an influx of, an  
8 increase in their applications.

9 **MS. STEFFENS:** Yes.

10 **MR. CASEY:** Thank you.

11 **MS. RULE:** Actually, if I might add on a  
12 question.

13 **MR. CASEY:** Sure.

14 **MS. RULE:** Marsha Rule. I'm just wondering  
15 how many applicants for prepaid services come through  
16 your process?

17 **MS. STEFFENS:** Right now with Assurance we're  
18 sitting at about 9,000 since October of '11. And with  
19 Safelink it's quite a bit higher because we started in  
20 2008 with Safelink.

21 **MS. RULE:** Do you see those numbers rising or  
22 falling over the past, say, year?

23 **MS. STEFFENS:** This year they're rising. Last  
24 year they fell a little bit, but for right now they're  
25 both increasing.

1           **MS. RULE:** And how about percentage of  
2 postpaid versus prepaid?

3           **MS. STEFFENS:** Prepaid is increasing far more  
4 than the wireline. Is that what you're referring to?

5           **MS. RULE:** Thank you.

6           **MS. GERVASI:** Thank you.

7           **MS. STEFFENS:** You're welcome.

8           **MS. GERVASI:** I think that takes care of (10),  
9 unless there are any other comments.

10           Moving on then to page 10, new paragraph  
11 (11) is the current paragraph (13) of the rule, except  
12 at lines 8 and 9.

13           **MR. FOLLENSBEE:** This is Greg Follensbee.  
14 Just a clarification. I -- it doesn't say it, but I  
15 presume what you say is if we get an application  
16 directly, then we are supposed to respond within 30  
17 days. In other words, you're now stepping away from you  
18 sent us an e-mail. It's now -- we're reading it we now  
19 get it directly from the customer, we're supposed to  
20 give them 30 days -- within 30 days of notification if  
21 we've rejected it. Since you said earlier if you sent  
22 us the e-mail, we tell you we rejected it, and you're  
23 going to tell the customer they got rejected.

24           **MR. CASEY:** Now I'm going to have to clarify  
25 that with our staff.

1           **MR. FOLLENSBEE:** Okay.

2           **MR. CASEY:** Whether it just includes the  
3 applications that go directly to you or the ones  
4 electronic that you receive, but I'll clarify that.

5           **MR. FOLLENSBEE:** Thank you.

6           **MS. GERVASI:** Anything else? Paragraph (12)  
7 is the current paragraph (14), except that on line 10 we  
8 are changing the 30 -- from 60 to 30 days written  
9 notice.

10           **MR. FOLLENSBEE:** This is Greg Follensbee with  
11 AT&T. I've got several questions on this one. And it's  
12 like I'm going to give you a couple of scenarios and see  
13 what your response would be.

14           If a customer simply is losing service because  
15 they fail to pay their regulated charges, they  
16 effectively are being terminated for Lifeline service.  
17 Is the expectation is if they didn't pay our bill when  
18 they're supposed to, we're supposed to notify them and  
19 they get another 30 days to keep service before we  
20 terminate the Lifeline? Or that's not really in that  
21 scenario what you intended, we can do our normal  
22 treatment process if they didn't pay their bill, we can  
23 suspend and then terminate.

24           **MR. CASEY:** We will look at that for you.

25           **MR. FOLLENSBEE:** Okay.

1           **MR. CASEY:** And the reason I want to consult  
2 with our attorneys, make sure before I get --

3           **MR. FOLLENSBEE:** Okay. Second scenario.

4           **MR. CASEY:** Uh-huh.

5           **MR. FOLLENSBEE:** We are providing customers  
6 the ability to get Lifeline credits even though they're  
7 not retail customers of ours. In other words, if a CLEC  
8 is reselling service of ours but providing the  
9 underlying retail service to the end user, they may be  
10 an ETC, they may not. We may have to terminate all of  
11 them for a billing dispute, we may get an order from the  
12 CLEC to terminate that particular customer. In the case  
13 where they're not an ETC, we're not the retailer,  
14 understand we believe in that scenario you've got a gap  
15 of that customer can't get notified.

16           The other is they are an ETC, so the  
17 expectation there is are you expecting them to notify  
18 the customer and therefore they won't be sending us a  
19 termination of that customer until they notify the  
20 customer, which means they've got to carry them for 30  
21 more days? So just let us know what --

22           **MR. CASEY:** We'll let you know on that one,  
23 too.

24           **MR. FOLLENSBEE:** Okay. Another scenario.

25           **MR. CASEY:** Okay.



1           **MR. FOLLENSBEE:** We get a notice from USAC to  
2 terminate customers because they're duplicates. We have  
3 to terminate within five days. Is that -- this, you  
4 know, this is kind of an ironclad you must provide 30  
5 days before you terminate, doesn't seem to give a lot of  
6 leeway except for these circumstances. So the question  
7 is should we list out the exceptions, which are probably  
8 going to be more of the rule? Because I'm not sure how  
9 many scenarios we're going to have where we know the  
10 customer doesn't qualify and we're going to give them 30  
11 days notice. The only scenario may be when we do our  
12 annual certification of a customer that, you know, send  
13 out -- in fact, we're starting our letters Monday for  
14 AT&T. The customer has 30 days to tell us do they still  
15 want to be in the program. If they don't tell us within  
16 five days, we've got to take them out.

17           The question is is that effectively a letter  
18 of termination because they didn't give us the documents  
19 back or indicated they wanted to stay with us? So what,  
20 you know, my point being this is a simple sentence but  
21 there seems to be a lot of exceptions to it.

22           **MR. CASEY:** We'll look at all three of those  
23 scenarios for you.

24           **MR. FOLLENSBEE:** Thank you.

25           **MR. O'ROARK:** This is De O'Roark with Verizon.

1 First name is spelled D-E, last name is O, apostrophe R,  
2 O-A-R-K.

3 And we've got two or three other scenarios,  
4 but they all involve the situation where the customer  
5 voluntarily terminates its Lifeline service.

6 For example, a customer turns off its service  
7 and moves. A customer moves to a competitor or a  
8 customer decides to upgrade the customer's service to  
9 one that doesn't qualify for the Lifeline discount.  
10 Like in Verizon's case, for example, moves to a VoIP  
11 product.

12 And, you know, there you have the customer on  
13 the phone. You don't want to tell the customer, gee, I  
14 can't switch your service now because I've got to give  
15 you 30 days' notice. You obviously want to deal with  
16 that customer's request then. So those would be some  
17 other situations where perhaps the rule could be  
18 clarified.

19 **MR. CASEY:** And we will certainly look at it.  
20 And include it in your comments, if you would.

21 **MR. O'ROARK:** We will.

22 **MR. CASEY:** Okay.

23 **MS. GERVASI:** Thank you. Anything else on  
24 paragraph (12)?

25 **MR. HATCH:** There is, there's the subsidiary

1 provision in there that says that you have to also  
2 notify the customer of the availability of the  
3 discounted Lifeline when you're post-terminated. All of  
4 those same scenarios that we're talking about also are  
5 going to impact that provision as well. Just to sort of  
6 tie up a loose thread.

7 **MR. CASEY:** The 70%?

8 **MR. HATCH:** Yeah. Exactly.

9 **MS. GERVASI:** Thank you.

10 **MS. RULE:** This is Marsha Rule. Regarding the  
11 same sentence that Mr. Hatch mentioned, if I read this  
12 correctly, it would require, what, a wireless provider  
13 to notify customers of the availability of wireline  
14 service, is that how it would work?

15 **MR. CASEY:** They would probably like that.  
16 No. That concerns if a customer comes off Lifeline.  
17 Say they got a good job and they don't qualify anymore,  
18 or some other scenario maybe, this is, there's a statute  
19 that says that they get a 30% discount for a period of  
20 12 months, and that's what that concerns.

21 And, of course, with all the ETCs, we, we  
22 notify you when you put in your application that this is  
23 a requirement and ask you if you're going to abide by  
24 it. And, of course, Assurance said yes.

25 **MS. RULE:** Well, yes. I'm asking how it would

1 apply though.

2 **MR. FOLLENSBEE:** And that's a good point.  
3 Should the lead-in be for local exchange  
4 telecommunications companies who are ETCs, which is what  
5 is in the law? Because I don't believe the law applies  
6 to wireless providers.

7 **MS. RULE:** I think there's some big questions  
8 about how any of this has to apply to wireless  
9 providers, but I'm not here to raise those questions.  
10 I'm trying to figure out in the prepaid, and  
11 particularly prepaid wireless situation, what exactly  
12 this means.

13 **MR. CASEY:** Well, you provide them equivalent  
14 minutes. You don't have to provide them a discount, but  
15 equivalent minutes in the wireless world. And I know  
16 that's what Safelink does. Just if you would include it  
17 in your comments and we'll take a look at it.

18 **MS. RULE:** Thank you.

19 **MR. CASEY:** Okay. And that's what we need to  
20 know, the different worlds that are out there.

21 **MR. McCABE:** I believe that -- if I recall, I  
22 thought the statutes were changed from local exchange  
23 carrier to ETCs so it was capturing all the ETCs,  
24 whether you're, whether you're a wireline or a wireless  
25 provider. I mean, those -- the authority rests with

1 this Commission.

2 **MR. FOLLENSBEE:** It does except for 364.105 on  
3 the discounted. It's still --

4 **MR. HATCH:** It's specific to local exchange.

5 **MR. McCABE:** It is? Okay.

6 **MR. HATCH:** Yes, sir. That wasn't changed.

7 **MS. GERVASI:** And to the extent that you can  
8 give us specific language, if you have clarifications  
9 that you think would be helpful, that would be most  
10 appreciated when you give your post-workshop comments.

11 Any other comments on that? Paragraph (12)?

12 **MR. SPEARS:** Harvey Spears with CenturyLink.  
13 Is this, (12) there on the 30 days, is that applicable,  
14 is that the reference that's in the statute, 364.10(2)  
15 about 60 days?

16 **MR. CASEY:** Right. And we've changed that  
17 from 60 days to 30 days. 30 days is the new FCC  
18 requirement.

19 **MR. SPEARS:** Okay. So it overrides the  
20 statute?

21 **MR. CASEY:** You think I'm going to say that?  
22 We have an attorney here.

23 (Laughter.)

24 **MS. GERVASI:** I'm not going to say it either,  
25 not today.

1           **MR. SPEARS:** Could you respond to that, you  
2 know, when you're looking at it?

3           **MS. GERVASI:** We will look at it. I'm not  
4 prepared to respond to it right this minute.

5           **MR. SPEARS:** I understand. I understand. I  
6 just wanted to bring it up for clarification. Thank  
7 you.

8           **MS. GERVASI:** Sure.

9           **MS. SALAK:** Mr. Spears, what do you think we  
10 should do with that?

11          **MR. SPEARS:** Pardon me? I didn't hear you.

12          **MS. SALAK:** What do you think we should do  
13 with that? Do you think we should keep it at 60 and  
14 violate FCC rules or --

15          **MR. SPEARS:** I'm here as a participant. I'm  
16 only representing where it's at in the law and what the  
17 Commission might be able to do about that. You know I'm  
18 not an attorney.

19          **MS. SALAK:** Anyone have an opinion on that  
20 one?

21          **MR. SPEARS:** Huh?

22          **MS. SALAK:** Anyone have an opinion on that,  
23 what the, what the --

24          **MR. SPEARS:** Not being an attorney, I mean,  
25 I'm just being cute there, but I can't --

1           **MS. SALAK:** I'm not an attorney either, and  
2 everybody is glad, I'm sure.

3           **MR. HATCH:** That never stopped you before.

4           **MS. SALAK:** That is true.

5           Do you all have -- do the attorneys have an  
6 opinion?

7           (Conversation held off the microphone.)

8           **MR. CASEY:** Well, if you come up with  
9 something, you can include it in your comments. Okay?

10          **MS. GERVASI:** And if we come up with  
11 something, we'll include it in the recommendation.

12          **MR. McCABE:** I mean, clearly we would prefer  
13 to see the rule consistent with the FCC rule so that we  
14 don't have a state that's one off. So as far as can we,  
15 we certainly would hope that you do.

16          **MR. HATCH:** At a practical level I don't think  
17 that you can deviate from the FCC's rules on this. I  
18 don't think they've -- you can do anything that's better  
19 or greater than this. I don't think that language is in  
20 the FCC's rules. I think you're kind of stuck with  
21 whatever their timelines are.

22          **MS. GERVASI:** Thank you. Anything else on  
23 (12)?

24                 Paragraph (13) is the current paragraph (15).  
25 What you see struck through that paragraph is now in the

1 new paragraph (11). I don't think anything has changed  
2 there. It's just renumbering. Are there any comments?

3 **MR. HATCH:** I'm sorry. Rosanne, where are you  
4 at now?

5 **MS. GERVASI:** Paragraph (13).

6 **MR. HATCH:** Oh, okay.

7 **MS. GERVASI:** Paragraph (14) then. Now this  
8 --

9 **MR. HATCH:** (14) and (15) just a general  
10 comment, and then I'll probably stand down unless  
11 something goads me. But one of the things that we had  
12 mentioned in our comments filed the last time is that  
13 there are very specific statutory provisions for the  
14 type of outreach material, for lack of a better term,  
15 and to whom it should be supplied and when in 364.10.  
16 And this rule, both (14) and (15), seem to go well  
17 beyond the bounds of what's in 364 and creates a  
18 potential statutory authority problem. But it's the  
19 same comment that I'd made earlier.

20 **MS. GERVASI:** And I appreciate that. I know  
21 you -- we got some post-workshop comments from the last  
22 time as well on that. And to the extent that you can  
23 address it further in post-workshop comments and giving  
24 us specific legal citations and so forth, you know, give  
25 us your legal arguments so that we can look at it



1 carefully and formulate a recommendation on that.

2 And I will say in all candor that there is a  
3 provision in 364.10(2)(g) that, (2)(g)1 that states that  
4 agencies who provide the benefits shall undertake --

5 **MR. HATCH:** Yes. I mean, I would agree with  
6 that.

7 **MS. GERVASI:** -- undertake in cooperation with  
8 other agencies including this agency who provide, you  
9 know, the development of procedures to promote Lifeline  
10 participation. And we think that's what we're doing  
11 here. We're trying to promote Lifeline participation.  
12 So to the extent you can --

13 **MR. HATCH:** Yeah.

14 **MS. GERVASI:** -- discuss that in your  
15 comments, it would be very helpful.

16 **MR. HATCH:** There's other language that we  
17 think may limit that. So -- but anyway, yeah, we'll,  
18 we'll raise that again in our comments.

19 **MS. GERVASI:** Thank you. Okay. Paragraph  
20 (14) is the current paragraph (17). We have reworked it  
21 to include the requirements. What you see crossed off  
22 of the current, the new paragraph (14) on lines 18  
23 through 23 is now included in paragraph (12).

24 And paragraph (15) -- or do we have any other  
25 changes to (14) before we move on?

1           **MR. McCABE:** A question on (14). What  
2 documentation is necessary for enrollment? I mean, what  
3 are you looking at? Are we just talking about the  
4 application? Because the FCC doesn't require any  
5 documentation to be provided.

6           **MR. CASEY:** On what line? Excuse me. What  
7 line was that?

8           **MR. McCABE:** Line 10.

9           **MR. CASEY:** Line 10.

10          **MR. McCABE:** And then the other -- and  
11 continuing on line 10, the next sentence, the whole bit  
12 about willfully making false statements and things of  
13 that nature. I mean, I believe that was in the FCC  
14 order at one point in time and did not end up in the  
15 final order.

16          **MR. CASEY:** It is in 1211. It's paragraph  
17 275.

18          **MR. McCABE:** Right.

19          **MR. CASEY:** Yeah. It's -- this is right out  
20 of it, as a matter of fact, right out of that order.

21          **MR. McCABE:** According to my folks, they said  
22 that it was in that paragraph, but then they said in the  
23 final federal rules it's not in there. So --

24          **MR. CASEY:** We'll take a look at that.

25          **MR. FOLLENSBEE:** You're saying that you no

1 longer have to provide documentation to qualify for the  
2 program?

3 **MR. McCABE:** That's what our folks said that  
4 initially was required in there, but it did not end up  
5 in the final rules.

6 **MR. FOLLENSBEE:** Our company would disagree  
7 because we flat out are requiring some kind of  
8 documentation they qualify.

9 **MR. CASEY:** Unless it's --

10 **MR. FOLLENSBEE:** It's not just simply an  
11 attestation like it used to be. You've got to show  
12 you're, you're in a program.

13 **MR. CASEY:** Right. There may be a mix up  
14 because if it comes from a state agency, they're  
15 already -- yeah. That may be the -- but if you go into  
16 TDS with an application, you have to provide  
17 documentation. And we, we also have an application  
18 online that they can download and print, and it also  
19 explains that they have to have documentation and what  
20 type before they send it to the ETC.

21 **MR. FOLLENSBEE:** Okay.

22 **MS. GERVASI:** Anything else on (14)?

23 Paragraph (15). This is new language.

24 **MR. O'ROARK:** This is De O'Roark with Verizon.  
25 We share AT&T's concerns about legal authority. But on

1 Rule 15 I thought it might be helpful to discuss a bit  
2 what staff is hoping to accomplish with, with the rule.

3 I'm looking at the language starting at line  
4 3 where the proposed rule talks about certain places  
5 where materials could be distributed, and in the  
6 following sentence beginning at line 6 it talks about  
7 multimedia outreach approaches that are also acceptable.

8 It's unclear to me at least whether the  
9 multimedia approaches could be used in lieu of  
10 distributing materials at these specified places or  
11 whether the staff intends for the rule to require  
12 carriers to provide the information to both of these  
13 outlets described in the two sentences.

14 **MR. CASEY:** You're looking at 3, you say?

15 **MR. O'ROARK:** I'm looking at the sentence that  
16 starts --

17 **MR. CASEY:** Well, these are guidelines and it  
18 says should. It doesn't say must.

19 **MR. O'ROARK:** Okay. Well, that was, actually  
20 goes to my question.

21 **MR. CASEY:** Uh-huh.

22 **MR. O'ROARK:** It does say should and it does  
23 say such as.

24 **MR. CASEY:** Uh-huh.

25 **MR. O'ROARK:** And so I guess my question is

1 would the rule require that we distribute materials in  
2 places such as the ones listed, or is that sort of a  
3 suggestion?

4 **MR. CASEY:** That's a guideline. And within  
5 those guidelines are out of FCC Order 0487. Those are  
6 the same guidelines as a matter of fact. That's where  
7 we originally got that. This has been in here for a  
8 while, proposed for a while.

9 **MR. O'ROARK:** It's been proposed for a while.  
10 It's not the existing rule.

11 **MR. CASEY:** Right. Right. We've proposed it  
12 in the rule for a while.

13 **MR. O'ROARK:** When you say they're guidelines  
14 --

15 **MR. CASEY:** Uh-huh.

16 **MR. O'ROARK:** -- does that mean that staff  
17 would intend that carriers must distribute the materials  
18 to places like these or be in violation of the rule?

19 **MR. CASEY:** Carriers should. These are  
20 suggestions.

21 **MR. O'ROARK:** They're suggestions.

22 **MR. CASEY:** We're not saying -- yeah.

23 **MR. O'ROARK:** I think that would be helpful to  
24 clarify.

25 **MR. HATCH:** Yeah.

1           **MR. CASEY:** Okay.

2           **MR. O'ROARK:** Because otherwise as a carrier  
3 you don't know what the consequences are if you don't  
4 comply with the suggestions.

5           **MR. HATCH:** Should is not a suggestion.  
6 Should is a softer form of you shall.

7           **MR. CASEY:** See, I don't have esquire after my  
8 name. We'll take a look at that definitely.

9           **MR. HATCH:** It wouldn't help much in this  
10 instance, let me assure you.

11           **MR. CASEY:** We'll take a look at that and see  
12 if we can clarify it a little bit.

13           **MR. HATCH:** And the other problem is if you go  
14 that route, then you've got a wireline carrier putting  
15 things in soup kitchens for people that will never  
16 conceivably ever have a wireline phone unless they go  
17 buy a house and sign up for service, which is unlikely  
18 in those instances. And while it seems to be a scatter  
19 shot to cover all various types of possible Lifeline,  
20 but when you don't have every carrier providing every  
21 conceivable type of Lifeline availability that's out  
22 there, a/k/a wireless, wireline, that sort of thing. So  
23 you might want to be really careful how you do this.

24           **MR. CASEY:** We'll definitely take a look at  
25 the wording.

1           **MS. GERVASI:** I think I understand the  
2 confusion also because paragraph (14) on line 4 says  
3 that the carriers must publicize the availability of the  
4 service in a manner reasonably designed to reach those  
5 likely to qualify, and then paragraph (15) uses should.  
6 So we've got a must and we've got a should. And I'm --

7           **MR. CASEY:** We could show that those are  
8 examples or something.

9           **MS. GERVASI:** Yeah. Well, maybe, maybe if we  
10 move the first sentence of paragraph (14) to the  
11 beginning of paragraph (15), it seems like those were --  
12 it's the same subject and we'd just need to figure out  
13 if it's going to be a must or a should or what.

14           **MR. CASEY:** We'll work on it.

15           **MS. GERVASI:** Yeah. We'll work on it for  
16 sure.

17           **MR. CASEY:** We'll get their comments and get  
18 together.

19           **MS. GERVASI:** And if you have suggestions as  
20 to how to make it read better, maybe we switch the  
21 two -- make (15) (14) and switch the order of the two  
22 paragraphs, and make the first sentence of (14) be the  
23 first sentence of (15) instead. Because -- I don't  
24 know. But we'll look at it.

25           **MR. O'ROARK:** And we appreciate that. From

1 Verizon's perspective, if the sort of direction is  
2 purely advisory, then we'd ask that that be made very  
3 clear in the rule so that we can govern ourselves  
4 accordingly.

5 **MS. GERVASI:** Thank you. Anything else on  
6 (14) or (15)?

7 Moving on then to paragraph (16). This is  
8 currently paragraph (19) in the Lifeline rule. The  
9 language that is crossed out is gone. We didn't put it  
10 anywhere else. Any comments?

11 Paragraph (17).

12 **MR. FOLLENSBEE:** Just a question on (16) and  
13 (17). Since they are clearly stated in the law, you  
14 still think it's necessary to put them in the rule?

15 **MR. CASEY:** We believe so. As, as Rosanne  
16 said earlier, we want to make it as comprehensive as  
17 possible, especially with all these 22 new ETCs pending.

18 **MR. FOLLENSBEE:** All right. Then on (17), to  
19 correctly paraphrase the law, it should be or toll  
20 services, not and.

21 **MR. CASEY:** Nonbasic services or toll charges.

22 **MR. FOLLENSBEE:** Right. Yeah.

23 **MS. GERVASI:** Thank you.

24 **MR. FOLLENSBEE:** You're welcome.

25 **MS. GERVASI:** Paragraph (18), if we're ready



1 to move on. This is, this is new language. And what is  
2 crossed off of (18) is not being moved anywhere else.  
3 Any comments?

4 **MR. FOLLENSBEE:** Just, just a question on  
5 this. Two points.

6 One, if we've had a customer that's had  
7 service for us for 20 years, every year you now have to  
8 do a 100% certification. So the question becomes why  
9 would we need to keep it forever as opposed to just  
10 every three years? In other words, if every year they  
11 certify they still are eligible, you could be having to  
12 keep that notice for 20 years, and I don't know if  
13 that's what you intended or not. I don't -- we don't  
14 have a problem retaining records for a period of time,  
15 but that would be like indefinitely.

16 **MR. CASEY:** That may need to be clarified a  
17 little bit. This is the federal rule too.

18 **MR. FOLLENSBEE:** It is. But I don't think the  
19 federal requires it to be forever. I think it's just so  
20 many years you've got to keep it based on them. Because  
21 you have to certify a customer every year, you're going  
22 to have something in your records every year on every  
23 customer.

24 **MR. CASEY:** And their NPRM is suggesting ten  
25 years now.

1           **MR. FOLLENSBEE:** Well, and ten is better than  
2 20 or, you know, 30. Because, again, we've got  
3 customers that have been with us for, since the '60s.  
4 They weren't on Lifeline back then, but they've been  
5 customers since then, God bless them.

6           **MR. CASEY:** We'll take a look at that wording  
7 and see if we can rework it.

8           **MR. FOLLENSBEE:** Thank you.

9           **MR. McCABE:** Bob, I guess the question is, is  
10 would it be easier just to reference the FCC rule? It  
11 seems to just be taken out of there. And, I mean, if  
12 the FCC rule then changes to ten years, are we going to  
13 have this one three and then that one ten? I mean, it's  
14 --

15           **MR. CASEY:** That may be a good idea.

16           **MR. HATCH:** Be careful if you adopt by  
17 reference, because then you adopt it at the point in  
18 time. And so when the FCC rules change, you've got to  
19 come back here to fix it.

20           **MS. GERVASI:** Right. Thank you. Anything  
21 else on (18)?

22           That's it. That's the last paragraph. So  
23 does anybody have any other comments generally or  
24 questions?

25           I think that about wraps it up. We do want

1 to -- there are a couple of other matters, one of which,  
2 we'd like to set a deadline for the post-workshop  
3 comments. And we have a suggestion that when you do  
4 submit them, could you also, along with any language  
5 that you have to suggest for us or argument, could you  
6 also address cost issues for the purposes of -- you  
7 know, we will be issuing a statement of regulatory  
8 costs. And if you would -- if you could address that.  
9 And it's in Chapter 120.541 of the *Florida Statutes*,  
10 specifically paragraph 2. We will be analyzing whether  
11 the rule directly or indirectly is likely to have an  
12 adverse impact on economic growth, et cetera.

13 And if you have an opinion as to whether there  
14 are any such cost impacts, it would be good to know that  
15 too and it will save us from having to do a data request  
16 later on on that.

17 **MR. HATCH:** Okay. You're not going to do a  
18 SERC request specific to the rule? You just want us to  
19 file whatever SERC data we may want to submit?

20 **MS. GERVASI:** Yes, please.

21 **MR. HATCH:** Okay.

22 **MS. KING:** This is Laura King with the  
23 Division of Economics. With regard to the SERC,  
24 anything you provide us would be great and then that  
25 may help -- if we do need to do a data request, we could

1 tailor it accordingly. So this may just help speed up  
2 the process, and we appreciate it.

3 **MS. GERVASI:** Can we do a one-week turnaround  
4 on post-workshop comments?

5 **MR. HATCH:** Could I get a few more days  
6 because I'm out Friday, Monday, and Tuesday?

7 **MR. FOLLENSBEE:** And I'm not allowed to write  
8 comments anymore, so -- I'm just kidding.

9 **MR. O'ROARK:** Can we make the due date from  
10 the time the transcript is ready?

11 **MS. GERVASI:** So that you can look at the  
12 transcript before you make your comments?

13 **MR. O'ROARK:** Yes.

14 **MS. GERVASI:** That makes sense. I think we're  
15 going to do it. I don't see why not. I think we have a  
16 two-week turnaround on the transcripts right now. I  
17 don't have a calendar. Does somebody -- how about if we  
18 make the comments due --

19 **MR. CASEY:** The court reporter suggested  
20 October 1.

21 **THE COURT REPORTER:** That's the transcript due  
22 date.

23 **MS. GERVASI:** Thank you. Okay. The  
24 transcript due date then is October 1. So how does  
25 October the 8th sound?

1           **MR. HATCH:** That should be fine.

2           **MS. GERVASI:** Good?

3           **MR. O'ROARK:** That's fine.

4           **MS. GERVASI:** Thank you. That's what we'll do  
5 then. October 8th for post-workshop comments.

6                   Anything else? Thank you all very much for  
7 being here. That concludes the workshop.

8                   (Proceeding adjourned at 2:41 p.m.)

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1 STATE OF FLORIDA )  
2 : CERTIFICATE OF REPORTER  
3 COUNTY OF LEON )

4 I, LINDA BOLES, RPR, CRR, Official Commission  
5 Reporter, do hereby certify that the foregoing  
6 proceeding was heard at the time and place herein  
7 stated.

8 IT IS FURTHER CERTIFIED that I  
9 stenographically reported the said proceedings; that the  
10 same has been transcribed under my direct supervision;  
11 and that this transcript constitutes a true  
12 transcription of my notes of said proceedings.

13 I FURTHER CERTIFY that I am not a relative,  
14 employee, attorney or counsel of any of the parties, nor  
15 am I a relative or employee of any of the parties'  
16 attorneys or counsel connected with the action, nor am I  
17 financially interested in the action.

18 DATED THIS 27<sup>th</sup> day of September,  
19 2012.

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23  
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25  
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