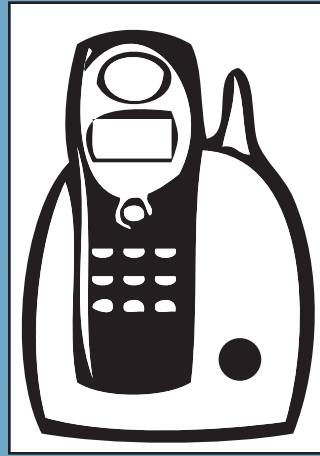


A REPORT TO THE
Governor
President of the Senate
Speaker of the House of Representatives



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ASSISTANCE

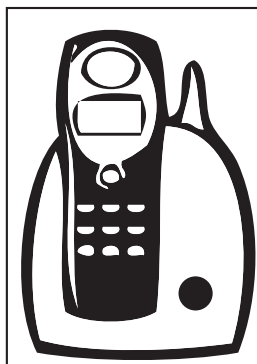
Number of Customers
Subscribing To Lifeline Service
And The Effectiveness of
Procedures to Promote Participation

Prepared by the
FLORIDA PUBLIC SERVICE COMMISSION

DECEMBER 2009

PREPARED BY

The Florida Public Service Commission
Division of Regulatory Analysis
Office of Public Information



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LIFELINE

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List of Acronyms

AWI	Agency for Workforce Innovation
CFR	Code of Federal Regulations
CLEC	Competitive Local Exchange Carrier
CMRS	Commercial Mobile Radio Service (Wireless)
DCF	Department of Children and Families
ETC	Eligible Telecommunications Carrier
FAC	Florida Administrative Code
FCC	Federal Communications Commission
FPG	Federal Poverty Guidelines
FPSC	Florida Public Service Commission
ILEC	Incumbent Local Exchange Carrier
LEC	Local Exchange Carrier
LIHEAP	Low-Income Home Energy Assistance Plan
MOU	Memorandum of Understanding
NSL	National School Lunch Program's Free Lunch Program
OPC	Office of Public Counsel
PURC	Public Utility Research Center
SLC	Subscriber Line Charge
TLS	Toll Limitation Service
USAC	Universal Service Administrative Company
USF	Universal Service Fund
WFI	Workforce Florida, Inc.

Executive Summary

The Tele-Competition Innovation and Infrastructure Enhancement Act of 2003 (the 2003 Act) requires that a statewide cooperative effort be made to support the Lifeline Assistance Program (Lifeline) in Florida. This report presents Lifeline participation data for the July 2008 through June 2009 program year. The report also evaluates procedures put in place to strengthen the Lifeline program and increase the number of participants.

During the 2007 legislative session, Section 364.10(3)(h)(2), Florida Statutes (F.S.), was modified to require any state agency that determines a person is eligible for Lifeline service to immediately forward the information to the Florida Public Service Commission (FPSC or Commission) to ensure that the person is automatically enrolled in the Lifeline program. In April 2007, the FPSC and the Department of Children and Families (DCF) formally implemented an automatic Lifeline enrollment process. On September 25, 2007, the FPSC approved proposed amendments to Rule 25-4.0665, Florida Administrative Code (F.A.C.), Lifeline Service, to include the Lifeline automatic enrollment process. A Memorandum of Understanding (MOU) with respect to the Lifeline automatic enrollment procedures was signed by the FPSC, the DCF, and the Office of Public Counsel (OPC) on September 27, 2007. The 2007 Legislature also granted a public record exemption for personal identifying information of Lifeline Assistance plan participants.

The number of eligible customers participating in the Lifeline program in Florida grew 236 percent during the July 2008 through June 2009 annual review period. As of June 2009, 618,774 eligible customers participated in the Lifeline program, up from 183,972 in June 2008. SafeLink, AT&T Florida f/k/a BellSouth (AT&T), and Embarq Florida, Inc. d/b/a CenturyLink experienced the largest increases in Lifeline participation among Florida's ETCs during the July 2008 through June 2009 review period. SafeLink, which began providing Lifeline service in September 2008, had 393,036 Lifeline customers as of June 30, 2009. AT&T's participation increased by 21,584 customers, and Embarq/CenturyLink increased its Lifeline participation by 5,052 customers. Verizon experienced the largest net loss of Lifeline customers at 1,804 customers.

Consistent with 2008, the primary reason for the increase in Lifeline participation has been the automatic enrollment process initiated by the FPSC and the DCF and the significant enrollment of new Lifeline customers by SafeLink. Enrollment of new Lifeline customers by competitive eligible telecommunications companies (ETCs) continues to have a positive impact. Additionally, staff anticipates that Lifeline enrollment of new customers will continue to grow with respect to the current economic conditions. In total, non-incumbent local exchange carrier (ILEC) Lifeline enrollment¹ was 422,322 customers, including 393,036 customers from SafeLink. SafeLink represented 64 percent of the total Lifeline customer enrollment of 618,774 as of June 30, 2009.

The need for Lifeline assistance continues to grow in Florida. According to the U.S. Department of Agriculture Report ending June 30, 2009, Florida had 1,070,307 households participating in the Food Stamp Program, compared to the June 30, 2008 figure of 788,777. The

¹ Non-ILEC Lifeline enrollment includes competitive ETC and non-ETC reseller enrollment.

increase represents the fourth largest nationwide percentage increase of 36 percent² in households over the previous year. The Food Stamp Program continues as the largest qualifying program for Lifeline assistance in Florida.

Stay Connected, Florida. Get Lifeline Assistance and Save Money on Your Monthly Phone Bill was the slogan chosen by the project participants for Florida's 2009 Lifeline Awareness Week in conjunction with the National Lifeline Awareness Week (September 14-20, 2009). Governor Charlie Crist supported this week with a much appreciated letter advocating this collaborative outreach effort aimed at increasing awareness among citizens receiving assistance from the Low-Income Home Energy Assistance Program (LIHEAP) and other programs through Florida's community action agencies.

The FPSC remains committed to improving the success of the Link-Up and Lifeline programs and continuing the effectiveness of the FPSC/DCF Lifeline automatic enrollment process by increasing the public awareness through targeted consumer outreach. This report provides greater detail on these initiatives and developments.

² <http://www.fns.usda.gov/pd/30SNAPcurrHH.htm>

I. Background

The Tele-Competition Innovation and Infrastructure Enhancement Act of 2003 (the 2003 Act) became law on May 23, 2003. The 2003 Act requires that each state agency providing benefits to persons eligible for the Lifeline Assistance Program (Lifeline) shall, in cooperation with the Department of Children and Families (DCF), the Florida Public Service Commission (FPSC or Commission), and telecommunications companies providing Lifeline service, develop procedures to promote participation in Lifeline. The 2003 Act further requires the FPSC to report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31 each year on the number of customers subscribing to Lifeline service and the effectiveness of procedures to promote participation in the program.³ This report is prepared pursuant to the requirements of the 2003 Act.

Key legislation was passed during the 2007 legislative session to increase participation in the Lifeline program through automatic enrollment. The legislation requires any state agency that determines a person is eligible for Lifeline services must forward the information to the FPSC for automatic enrollment in the Lifeline program. Furthermore, the FPSC, the DCF, and the Office of Public Counsel (OPC) entered into a Memorandum of Understanding (MOU) with respect to automatic enrollment.

The FPSC, DCF, OPC, and industry have worked together to successfully implement the automatic enrollment process during 2009. Automatic enrollment has had a positive impact on enrollment, and the FPSC anticipates continued success in the future.

II. Program Support

The Florida Link-Up and Lifeline programs are part of the federal Universal Service Program designed to enable low-income households to obtain and maintain basic local telephone service. Under the Federal Communications Commission's (FCC) rules, there are four tiers of monthly federal Lifeline support.

- The first tier of federal support is a \$6.50 monthly credit for the federal subscriber line charge (SLC), which is available to all eligible subscribers. All 50 states have approved this tier of support.
- The second tier of federal support is a \$1.75 monthly credit that is available to subscribers in those states that have approved the credit. All 50 states have also approved this tier of support.
- The third tier of federal support is one-half the amount of additional state support up to a maximum of \$1.75 in federal support. Because Florida carriers provide an additional \$3.50 credit to Lifeline customers' bills,⁴ Florida Lifeline subscribers

³ Section 364.10, Florida Statutes.

⁴ Since Florida does not have a state Universal Service Fund, the \$3.50 credit is absorbed by the ETC or Lifeline reseller providing service.

currently receive a total monthly credit of at least \$13.50, consisting of \$10.00 (\$6.50, \$1.75, and \$1.75) in federal support and \$3.50 in state support. The telephone subscriber may receive a credit less than \$13.50 if the subscriber's bill for basic local telephone service is less than the maximum available credit.

- The fourth tier of support, available only to eligible subscribers living on tribal lands, provides an additional credit up to \$25.00 per month. This amount is limited so that the credit does not bring the basic local residential rate below \$1.00 per month.

Link-Up, a companion program, provides a 50 percent reduction in the telephone service initial installation charge for a traditional landline phone or activation fee for a wireless phone, up to a maximum \$30 reduction. Eligible residents of tribal lands may receive up to \$100 in discounts on initial connection charges. The \$100 maximum is based on the sum of the federally financed 50 percent discount (up to the \$30 maximum) available to all qualified low-income individuals, plus a dollar-for-dollar match (up to \$70) for connection charges above \$60.

Transitional Lifeline Assistance requires that ETCs provide former Lifeline customers a 30 percent discount off the residential basic local service rate.⁵ The customer may receive the subsidy for one year from the date the customer ceases to be qualified for Lifeline.

III. Customer Eligibility

Program-Based

Eligibility for both Link-Up and Lifeline in Florida can be determined by customer enrollment in any one of the following programs:

- Temporary Cash Assistance (TCA)⁶
- Supplemental Security Income (SSI)
- Food Stamps
- Medicaid
- Federal Public Housing Assistance (Section 8)
- Low-Income Home Energy Assistance Plan (LIHEAP)
- National School Lunch Program's (NSLP) Free Lunch⁷
- Bureau of Indian Affairs Programs (Tribal - Temporary Assistance for Needy Families (TANF), Head Start Subsidy and NSLP)⁸

⁵ Section 364.105, Florida Statutes.

⁶ Known as Temporary Assistance to Needy Families (TANF) for federal universal service purposes.

⁷ By Order No. PSC-06-0680-PAA-TL, issued August 7, 2006, in Docket No. 040604-TL, the FPSC required all ETCs to adopt the NSL for determining eligibility in the Link-Up and Lifeline programs in Florida.

⁸ Eligible consumers living on tribal lands qualify for Lifeline if they participate in one of the following federal assistance programs: (1) Tribal TANF, (2) National School Lunch Program's Free Lunch Program, or (3) Head Start Subsidy.

Income-Based

In addition to the program-based criteria, customers with annual incomes up to 150 percent of the Federal Poverty Guidelines (FPG) may be eligible to participate in the Florida Link-Up and Lifeline programs. Florida Legislation in 2009 provided that each local exchange telecommunications company that has more than one million access lines and is an ETC shall provide Lifeline applicants who meet an income eligibility test of up to 150 percent of the Federal Poverty Guidelines with Lifeline service. The OPC certifies customer eligibility under the income test for customers requesting to be enrolled in the Lifeline program.⁹

Table 1 shows residential head of household income is determined by the federal poverty guidelines, which are based on the number of people in the household and the total amount of money received by each member in the household. Customers may be eligible if their income is up to 150 percent of the U.S. poverty guideline.

Table 1. 2009 U.S. Poverty Guidelines

Size of Household (number of people)	U.S. Poverty Guidelines Total Household Annual Income	150% of U.S. Poverty Guidelines Total Household Annual Income	150% of U.S. Poverty Guidelines Total Household Monthly Income
1	\$10,830	\$16,245	\$1,354
2	\$14,570	\$21,855	\$1,821
3	\$18,310	\$27,465	\$2,289
4	\$22,050	\$33,075	\$2,756
5	\$25,790	\$38,685	\$3,224
6	\$29,530	\$44,295	\$3,691
7	\$33,270	\$49,905	\$4,159
8	\$37,010	\$55,515	\$4,626
*For each additional person, add \$5,610 to the 150 percent U.S. Poverty Guidelines Total Annual Household Income.			

Source: Florida OPC Web site, 2009

IV. Carrier Eligibility

Section 54.201(b) of the Code of Federal Regulations (CFR) provides that a state commission shall, upon its own motion or upon request, designate a common carrier that meets certain requirements as an eligible telecommunications carrier (ETC) in a non-rural service area. Section 54.201(c) of the CFR provides that a state commission may, as long as the request is consistent with the public interest, convenience, and necessity, designate one or more common carrier(s) as ETC(s) in a rural service area.¹⁰

⁹ See Section 364.10(3)(a), Florida Statutes.

¹⁰ A state commission also has the authority to rescind the ETC status of any ETC designated by it that does not follow the requirements of the Lifeline Assistance program.

An ETC can be an incumbent local exchange carrier (ILEC), a competitive local exchange carrier (CLEC), or a wireless carrier. A carrier that is granted ETC status is eligible to receive universal service support¹¹ pursuant to FCC rules.¹²

To qualify as an ETC, a common carrier must offer services that are supported by federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and another carrier's resold service.¹³ Additionally, the carrier must advertise the availability of such services and charges using mass media.

The following 21 companies have ETC status in Florida and participate in the Lifeline Program:¹⁴

- AT&T
- Verizon
- Embarq Florida, Inc. d/b/a CenturyLink
- FairPoint Communications (formerly GTC, Inc.)
- Windstream
- TDS Telecom
- NEFCOM
- Frontier
- ITS Telecom
- Smart City
- ALLTEL Communications¹⁵
- Sprint-Nextel
- Knology of Florida, Inc.
- Budget Phone, Inc.
- Nexus Communications, Inc.
- Ganoco, Inc. d/b/a American Dial Tone
- Midwestern Telecommunications, Inc.
- dPi Teleconnect, LLC
- TracFone d/b/a SafeLink Wireless
- FLATEL
- Express Phone Service, Inc.

¹¹ Universal Service Funds are available to ETCs which provide Lifeline service; rendering service to schools and libraries; and provisioning, maintaining, and upgrading facilities and services for rural, insular (islands that are territories or commonwealths of the United States), and high cost areas.

¹² 47 CFR pt. 54 – Universal Service.

¹³ Those services supported by Universal Service include the following: (1) voice grade access to the public switched network, (2) an amount of local minutes of use of local exchange service provided free of charge to end users, (3) dual tone multi-frequency signaling or its functional equivalent, (4) single-party service, (5) access to emergency services, (6) access to operator services, (7) access to interexchange services, (8) access to directory assistance, and (9) toll limitation for qualifying low-income consumers.

¹⁴ The FCC designated Alltel Communications and Sprint Nextel as ETCs. The remaining ETCs were designated by the FPSC.

¹⁵ On January 9, 2009, Alltel Communications, LLC, formerly Alltel Communications, Inc., became a subsidiary of Cellco Partnership d/b/a Verizon Wireless and upon billing conversion, assumed the name of Verizon Wireless.

The FCC designated Sprint-Nextel and ALLTEL Communications as ETCs. In approving the designation of Commercial Mobile Radio Service (CMRS) carriers as ETCs, the FCC noted that ETCs must comply with state requirements in states that have Lifeline programs.¹⁶ By Order No. PSC-07-0288-PAA-TP, issued April 3, 2007, the FPSC found that it had authority to consider applications for ETC status by CMRS providers.

V. Subscribership and Participation Rates

A. Lifeline

Table 2 shows the number of Lifeline subscribers from September 2005 through June 2009. The increase in Lifeline subscribers in 2009 is the result of the continued successful implementation of the FPSC/DCF automatic enrollment process and the addition of SafeLink wireless as an ETC.

The number of customers enrolled in Lifeline increased by 434,802 consumers during the July 2008 through June 2009 12-month review period, representing a 236 percent increase. The implementation of the FPSC/DCF automatic enrollment process continues to have a positive impact on participation.

Table 2. Florida Lifeline Subscribership

	September 2005	September 2006	September 2007	June 2008	June 2009	% Net Gain 2008-2009
Lifeline Subscribers	139,261	145,734	164,626	183,972	618,774	236%

Source: Industry responses to FPSC data requests (2005-2009)

SafeLink Wireless

SafeLink designed its Lifeline Assistance Program to provide free telephone service to income-eligible consumers that normally might not be able to afford any kind of phone service. Through SafeLink's Lifeline Service, a qualified customer receives a free cell phone, and 68 free minutes of service every month, with no contracts, no recurring fees and no monthly charges. Customers' unused minutes during the current month are rolled-over to the following month.

SafeLink's marketing objective is to bring awareness to low income households that they may apply for Lifeline Support. SafeLink uses radio, TV, billboard advertising, and mailouts as a grass roots approach to concentrate on targeted groups that would benefit most from SafeLink's Lifeline Program. This concentrated effort resulted in SafeLink being able to serve over 400,000 new customers since initiating the Lifeline Assistance Program in September 2008.

¹⁶ FCC Nextel Order, DA 04-2667, adopted August 25, 2004, footnote 30; FCC ALLTEL Order, DA 04-3046, adopted September 24, 2004, footnote 29; FCC Sprint Order, DA 04-3617, adopted November 18, 2004, footnote 27.

Table 3 shows USAC Lifeline disbursements for Florida for the 12-month period ending September 2009. In October 2008, Florida ETCs received \$1,942,615 in low-income funds from the Universal Service Fund. By September 2009, the federal monthly disbursements totaled \$6,613,440. The increase of \$4,670,825 was the result of new Lifeline customers receiving Florida Lifeline benefits.

**Table 3. USAC Lifeline Disbursements for Florida
October 2008 through September 2009**

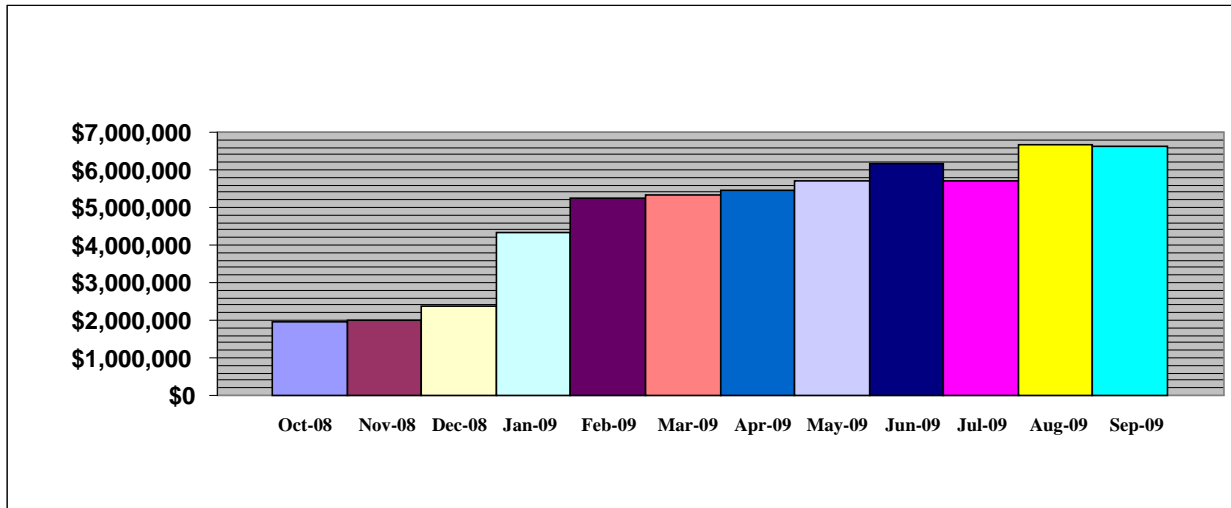


Table 4 shows Lifeline participation rates for September 2006 through June 2009.¹⁷ As of June 2009, the participation rate was 52 percent.

**Table 4. Lifeline Participation Rate
in Eligible Florida Households**

Year	Lifeline Enrollment	Eligible Households	% Participation Rate
June 2009	618,774	1,185,516	52.2%
June 2008	183,972	1,186,015	15.5%
September 2007	164,626	1,173,173	14.0%
September 2006	145,734	1,150,483	12.7%

Sources: Report and Order and Further Notice of Proposed Rulemaking, WC Docket 03-109, In the Matter of Lifeline and Link-Up, Order No. FCC 04-87, Released April 29, 2004; industry responses to FPSC data requests (2006-2009); and Florida Legislature Office of Economic and Demographic Research

¹⁷ The participation rate is the ratio of enrolled subscribers to the eligible households.

Table 5 represents the distribution of Lifeline enrollment from September 2005 through June 2009. The data shows a net increase of 236 percent in Lifeline subscribers for 2009.

Table 5. Lifeline Net Participation

ETCs	Sept 2005	Sept 2006	Net Growth Rate	Sept 2007	Net Growth Rate	June 2008	Net Growth Rate	June 2009	Net Growth Rate
SafeLink	N/A	N/A	N/A	N/A	N/A	N/A	N/A	393,036	N/A
AT&T	86,408	87,291	1%	93,337	7%	104,506	12.0%	126,090	20.7%
Embarq/ CenturyLink	21,537	23,104	7%	30,016	30%	34,803	15.9%	39,855	14.5%
Verizon	24,433	26,428	8%	23,918	- 9%	22,720	- 5.0%	20,916	-7.9%
Windstream	3,322	3,533	6%	3,806	8%	4,266	12.1%	4,807	12.7%
American Dial Tone	N/A	1,166	N/A	1,840	58%	1,847	0.4%	2,862	55.0%
FairPoint	2,096	2,002	- 4%	2,030	1%	2,179	7.3%	2,777	27.4%
Flatel	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2,279	N/A
Express	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2,275	N/A
Budget Phone	N/A	134	N/A	59	- 56%	565	857.6%	1,134	100.7%
Nexus	N/A	0	N/A	2037	N/A	2,084	2.3%	1,038	-50.2%
TDS Telecom	657	697	6%	736	6%	735	- 0.1%	845	15.0%
NEFCOM	630	588	- 7%	635	8%	638	0.5%	837	31.2%
Knology	0	64	N/A	126	97%	221	75.4%	695	214.5%
dPi	N/A	N/A	N/A	N/A	N/A	N/A	N/A	588	N/A
Frontier	120	118	- 2%	150	27%	172	14.7%	179	4.1%
Sprint Nextel	14	28	100%	39	39%	78	100.0%	171	119.2%
ITS Telecom	26	27	4%	79	193%	101	27.8%	124	22.8%
Midwestern	N/A	N/A	N/A	174	N/A	465	167.2%	107	-77.0%
ALLTEL Comms.	13	31	138%	38	23%	32	- 15.8%	66	106.3%
Smart City	5	3	- 40%	8	167%	9	12.5%	20	122.2%
Non-ETC Reseller	N/A	N/A	N/A	N/A	N/A	8,551	N/A	18,073	121.6%
Total	139,261	145,734	4.3%	159,028	9.5%	183,972	15.7%	618,774	236.3%

Sources: Industry responses to FPSC data requests (2005-2009); USAC responses to FPSC data request (2005)

As presented in Table 6, the four ETCs which have the largest number of Lifeline customers had a net gain of 417,868.

**Table 6. AT&T, SafeLink, Verizon, and Embarq/CenturyLink
Net Lifeline Customer Gain/Loss**

Company	June 2009 Customer Participation	Net Lifeline Customer Gain/Loss
SafeLink	393,036	393,036
AT&T	126,090	21,584
Embarq/ CenturyLink	39,855	5,052
Verizon	20,916	-1,804
<i>Total</i>	<i>579,897</i>	<i>417,868</i>

Source: Industry responses to FPSC data requests (2008-2009)

B. Link-Up

Florida's Link-Up program helps low-income consumers by reducing the telephone service installation charge. This program pays one-half (up to a maximum of \$30) of the initial installation fee for a traditional wireline telephone or activation fee for a wireless telephone. Eligible residents of tribal lands may receive up to \$100 in discounts on initial connection charges. The \$100 maximum is based on the sum of the federally financed 50 percent discount (up to the \$30 maximum) available to all qualified low-income individuals, plus a dollar-for-dollar match (up to \$70) for connection charges above \$60.

Table 7 displays Link-Up program participants for AT&T, Verizon, and Embarq/CenturyLink from September 2006 through June 2009.¹⁸

**Table 7. AT&T, Verizon, and
Embarq/CenturyLink
Link-Up Participants**

Year	AT&T, Verizon, and Embarq Link-Up Customers
June 2009	35,330
June 2008	13,959 ¹⁹
September 2007	29,849
September 2006	15,353

Source: Industry responses to FPSC data requests (2006-2009)

¹⁸ SafeLink does not charge Lifeline customers an initial activation fee.

¹⁹ This figure represents a nine-month period, October 1, 2007, through June 30, 2008.

C. Transitional Lifeline

In accordance with Section 364.105, Florida Statutes, current customers who no longer meet eligibility criteria and are removed from Lifeline service receive a 30 percent discount off the residential basic local service rate for a period of 12 months after Lifeline service is removed. For example, a former Lifeline customer with a phone bill that includes a \$25.00 basic rate would receive a \$7.50 monthly discount for one year. Transitioning from Lifeline service means that the consumer's socio-economic status may have improved, and the customer may have advanced beyond the qualifying eligibility criteria.

Table 8 presents data on Transitional Lifeline customers for AT&T, Verizon, and Embarq/CenturyLink for September 2005 through June 2009.

**Table 8. AT&T, Verizon, and
Embarq/Centurylink
Transitional Lifeline Participants**

Year	AT&T, Verizon, and Embarq/CenturyLink Participants
June 2009	3,996
June 2008	8,822
September 2007	11,463
September 2006	21,173
September 2005	16,372

Source: Industry responses to FPSC data requests (2005-2009)

D. Lifeline Automatic Enrollment Process

Implementation of the Lifeline automatic enrollment process has been a major success. Staff began formally tracking the number of Lifeline applications filed via the DCF automatic enrollment process in April 2007, and as of June 30, 2009, 236,754 Lifeline applications were filed.

The automatic enrollment process entails the DCF client checking a "yes" or "no" box on the DCF Web application, indicating an interest in receiving the Lifeline discount on his or her telephone service. The "no" box provides an option to the applicant not to subscribe to Lifeline. If the client answers in the affirmative, the applicant identifies a telephone service provider from a drop-down box on the application and answers applicable questions. The DCF forwards to the FPSC the necessary information of those clients approved by DCF for benefits who have indicated their desire to receive the Lifeline discount. The FPSC computers electronically sort the information by ETC and place the applications on the FPSC's secure Web site for retrieval by the appropriate ETC.

During 2009, the FPSC and DCF continued to work together to further streamline the Lifeline Automatic Enrollment process, making it easier and more efficient for applicants. After observing that existing Lifeline subscribers would check a box on the DCF application stating they are interested in receiving the Lifeline credit, staff added a separate question to the DCF application asking if the applicant was already receiving Lifeline assistance. This step eliminated the need to forward approved DCF applicant information to ETCs for enrollment in Lifeline. Another modification made to the DCF application for clarity was separating ETCs by wireline and wireless providers on the list of Florida ETCs.

All ETCs are required to enroll the subscriber in the program as soon as practicable, but no later than 60 days from the receipt of the FPSC's automatic e-mail notification. In addition, upon completion of initial enrollment, the ETC is required to credit the subscriber's bill for Lifeline service as of the date the ETC received the FPSC's e-mail notification.

ETCs are required to provide the FPSC, within 20 calendar days of receiving the FPSC's e-mail notification, the names, addresses, telephone numbers, and date of the application for any misdirected applications; any applications for customers currently receiving Lifeline service; or any rejected applicants, including the reason(s) the applicants were rejected. The information filed by the ETCs is confidential and exempt from the public records requirement; however, the information contained in the response is disclosed to the Commission, pursuant to the criteria set forth in Section 364.107(3)(a)(4), Florida Statutes.

The implementation of the Lifeline automatic enrollment process has shown promising results; furthermore, the potential to reach significantly greater numbers of eligible customers through automatic enrollment exists.

VI. Regulatory Actions Impacting Florida's Lifeline Program

Key actions by the Florida Legislature, the FPSC, and the FCC to advance the Link-Up and Lifeline programs continued during 2009. A discussion of these initiatives is presented below.

A. Florida Legislature

1. Revision to Chapter 364.10, Florida Statutes. Section 364.10(3)(a), Florida Statutes was revised during the 2009 Legislative Session to require each Local Exchange Carrier (LEC) that has more than 1 million access lines and that is designated as an ETC shall provide Lifeline service to any customer who meets an income eligibility test of 150 percent or less of the federal poverty income guidelines. The previous income eligibility test was at 135 percent or less of the federal poverty guidelines. This legislative change will serve to increase the number of households eligible to participate in the Lifeline program.

B. Florida Public Service Commission

1. Proposed amendment of Rule 25-4.0665, F.A.C., Lifeline Service. Section 364.10(3)(h)(2), Florida Statutes, requires any state agency that determines a person is eligible

for Lifeline service to immediately forward the information to the FPSC to ensure that the person is automatically enrolled in the Lifeline program. The FPSC adopted rules in 2007 creating procedures to automatically enroll eligible customers in Lifeline service.

During 2009, the FPSC, in its ongoing effort to explore ways to strengthen the Lifeline program, conducted additional Lifeline rulemaking to address certification, verification, data reporting, and other key issues related to Lifeline. The Proposed Lifeline Rules were approved by the Commission at the December 1, 2009, Agenda Conference.

2. Bundled Packages. Docket No. 080234-TP addresses the application of the Lifeline discount to bundled service packages. Currently, ETC policies within Florida differ as to whether the Lifeline discount applies to bundled service packages. Some ETCs provide Lifeline consumers with the option to subscribe to any bundled package while others reject the applications of Lifeline consumers subscribing to bundled services. Other ETCs engage in procedures informing consumers of limited plans for Lifeline, giving customers the only option of subscribing to a basic service.

The FPSC initiated this new docket because Florida consumers who were qualified for the Lifeline program through the FPSC/DCF Lifeline automatic enrollment process were being denied Lifeline service by some providers due to the consumer's choice for a bundled service.

By Order No. PSC-08-0417-PAA-TP, issued June 23, 2008, the Commission clarified that pursuant to 47 C.F.R. §54.403(b) and consistent with Chapter 364, Florida Statutes, ETCs are required to apply the Lifeline discount to the basic local service rate or the basic local service rate portion of any service offering which combines both basic and nonbasic service.

Verizon, Nextel Partners and Sprint (Sprint Nextel), and Alltel Communications, LLC (Alltel) each requested a formal proceeding in protest of the FPSC's order. The Office of Public Counsel (OPC) filed a Notice of Intervention in support of the FPSC's order. A formal hearing was held on March 2, 2009.

On July 27, 2009, the Prehearing Officer issued Order No. PSC-09-0522-PCO-TP granting the parties the opportunity to file supplemental post hearing briefs to address the impact of changes to Chapter 2009-226, Laws of Florida, amending Chapter 364, Florida Statutes. By Order No. PSC-09-0782-AS-TP, issued November 18, 2009, the Commission approved a joint Settlement Agreement between Verizon Florida LLC, Attorney General Bill McCollum, the Citizens for the State of Florida, and AARP to resolve certain issues in Docket Nos. 080234-TL (Bundled Lifeline Packages) and 080278-TL (Customer Trouble Reports). The Settlement Agreement provides among other things, that Verizon Florida LLC will set aside \$125,000 to promote the Florida Lifeline and Linkup programs, and provide Lifeline discounts to all eligible customers who request the discount and receive regulated telecommunications service packages, in order to improve Verizon's Lifeline participation rate.

The agreement resolves Issues 1 and 3 in Docket No. 080234-TP, and the apparent violations of Rule 25-4.070, F.A.C., that occurred during 2007 and the first three quarters of 2008, in Docket No. 080278-TL. Issues 2 and 4 in Docket No. 080234-TP, which address the

application of the Lifeline discount to bundle packages for ETCs that do not charge federal end-user common line charges or equivalent federal charges remain open.

3. Rule Development Concerning the Eligibility Requirements for a Common Carrier Desiring Designation as an Eligible Telecommunications Carrier in Florida (Undocketed). A staff workshop was held on August 11, 2009, to discuss preliminary rule language concerning the eligibility requirements for a common carrier desiring designation as an eligible telecommunication carrier in Florida. Post workshop comments were filed by interested parties on September 14, 2009. The draft rule will be considered by the Commission in 2010.

4. ETC Petitions. Considerable activity occurred in response to formal ETC petitions filed with the FPSC for consideration. In total, 12 CLEC ETC petitions and 3 wireless ETC petitions were filed with the FPSC in 2009. As presented in Table 5, currently 21 ETCs are providing Lifeline in Florida. Based on the present trend of applications filed with the FPSC, staff anticipates that the number of ETCs in Florida will increase.

5. Service Guarantee Program. On September 29, 2009, AT&T filed a petition for modification of the Service Guarantee Program in Docket number 090461-TL. The modification addressed the situation of *Answer Time-Residence Business Office and Residences Repair Office*; specifically, AT&T will credit the Lifeline Community Service Fund for disposition based on the non-achieved monthly answer time measurement requiring at least 90 percent of the calls to the company's business office and repair office be answered by the live attendant prepared to give immediate assistance within 90 seconds of being transferred.

6. Expedited Approval of Lifeline Outreach Funding and for Modification of SEEM Penalty Payments. On October 16, 2009, AT&T filed a petition²⁰ which addresses operations support systems permanent performance measures for incumbent local exchange telecommunications companies. The FPSC is currently conducting an annual review of the Service Quality Measurement Plan and Self-Effectuating Enforcement Mechanism Plan. In the context of this modification, AT&T has asked that certain administrative penalty payments be eliminated. If the FPSC enters an Order eliminating these penalties, and upon that Order becoming final and non-appealable, AT&T Florida will make a one-time \$250,000 contribution to the AT&T Community Service Fund (CSF), which principally funds the outreach efforts of the Lifeline Assistance and Link-Up programs that assist low-income consumers with telephone connection fees and monthly telephone bills. The AT&T CSF has become exhausted.

C. Federal Communications Commission

1. TracFone Lifeline Petition to Modify Lifeline Head of Household. A petition filed by TracFone Wireless on April 27, 2009, seeks to have the FCC modify a condition that TracFone must require its Lifeline customers to annually self-certify that he or she is the head of the household and receives Lifeline-supported service only from TracFone. TracFone has requested that the FCC allow it to conduct a statistically valid sample for yearly verifications in lieu of certifying each Lifeline customer on an annual basis.

²⁰ Docket No. 000121A-TP – Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

2. TracFone Petition to provide Lifeline Service to Residents of Group Living Facilities. On October 13, 2009, TracFone advised the FPSC that the FCC granted verbal approval for TracFone to initiate a program whereby multiple residents of homeless shelters would be able to receive SafeLink phones which provide a free handset and 68 minutes of free airtime each month. The FCC subsequently issued a Public Notice²¹ requesting comments on providing multiple residents of facilities such as homeless shelters with Lifeline assistance.

On November 13, 2009, the FPSC and the Office of Public Counsel filed joint comments regarding the FCC Public Notice. The FCC historically has allowed only one Lifeline credit per household or address. A problem occurs at some group living facilities such as homeless shelters when multiple residents apply for TracFone Lifeline service. The problem happens after an initial resident is approved for Lifeline service using the homeless shelter's street address. Additional residents of the group facility using the same address would be turned down because one Lifeline credit is already being credited at that address. The Joint Commenters encourage the FCC to:

1. Expand the definition of "household" to include residents of group living facilities.
2. Put appropriate safeguards in place if the definition of "household" is expanded in order to protect the universal service program from waste, fraud, and abuse.
3. Keep the burden of validating Lifeline customer eligibility for reimbursement from the universal service fund with the ETC providing Lifeline Service to the group living facility.
4. Require ETCs to maintain Lifeline eligibility documentation of all Lifeline customers (including residents of group living facilities) as required by 47 C.F.R. §54.417.
5. Require TracFone to implement a 60-day inactivity check of Lifeline customers to ensure the USF Fund is only reimbursing TracFone for active Lifeline customers.
6. Define the terms homeless, homeless shelters, and other group living facilities.

3. TracFone Petition for Rulemaking to Revise Universal Service Support Available to Eligible Telecommunications Carriers (FCC Docket No. 96-45). TracFone Wireless, Inc. filed a petition on March 5, 2009, requesting a rulemaking proceeding for amending the definition of federal Tier One Lifeline support in the amount \$6.50 per month per Lifeline customer. The Tier One Support equals the individual state's SLC. In many states, SLC charged by the largest ILEC in the state is less than \$5.00. Fourteen states have ILECs serving a substantial portion of the states that charge a SLC less than \$6.00, but greater than \$5.00. There are only 15 states, plus Puerto Rico and the U.S. Virgin Islands, in which all ILECs charge the highest permissible SLC rate of \$6.50. The petition is pending at the FCC.

4. Head Start Telecom, Inc. ETC Forbearance Petition. The FCC seeks comment on Head Start Telecom, Inc.'s petition filed on May 15, 2009, for forbearance from the ETC facilities requirement for designation as a limited ETC eligible for low-income support. Head Start is a reseller of wireless services which plans to expand service offerings in multiple states. Section 214(e)(1)(A) of the Communications Act of 1934 requires ETCs to offer the services

²¹ FCC Public Notice, DA 09-2257, released October 21, 2009, Comment sought on TracFone request for clarification of universal service Lifeline program "one-per-household" rule as applied to group living facilities.

supported by the universal service mechanisms using an ETCs own facilities or a combination of its own facilities and the resale of another carrier's services. The Head Start's specific goal is to be designated an ETC for the purpose of receiving Lifeline support only. The petition is pending at the FCC.

5. i-wireless, LLC ETC Forbearance Petition. The FCC seeks comment on i-wireless, LLC's petition for forbearance from the ETC facilities requirement for designation as a limited ETC eligible for low-income support. Section 214(e)(1)(A) of the Communications Act of 1934 requires ETCs to offer the services supported by the universal service mechanisms using its own facilities or a combination of its own facilities and the resale of another carrier's services. The company's specific goal is to be designated an ETC for the purpose of receiving Lifeline support only. The petition was filed on April 1, 2009, and is pending at the FCC.

6. AT&T Lifeline Audit Petition. The FCC seeks comment on AT&T's request for review of USAC's audit findings relating to the low-income program. The specific audit findings in question are: (1) USAC should recover toll limitation service (TLS) support from AT&T because AT&T cannot supply documentation detailing its incremental cost of providing TLS to its Lifeline customers; (2) AT&T was required to advertise to its Lifeline customers toll blocking and all other services supported by federal universal service support mechanisms; and (3) AT&T was required to record the pro-rata dollars attributable to Lifeline subscribers that entered or exited the Lifeline program mid-month on Line 9 of FCC Form 497 (the Lifeline and Link-Up Worksheet). The petition was filed on April 14, 2009, and is pending at the FCC.

7. Virgin Mobile Conditional Forbearance and Lifeline ETC Order. On March 4, 2009, the FCC granted a petition filed by Virgin Mobile which requested that the FCC forbear from the requirement that a carrier designated as an ETC for purposes of federal universal service support provide services, at least in part, over its own facilities. Section 214(e)(1)(A) of the Communications Act of 1934 requires ETCs to offer the services supported by the universal service mechanisms using its own facilities or a combination of its own facilities and the resale of another carrier's services. Virgin Mobile filed an application with the FPSC in 2009 seeking designation as an ETC for the purpose of receiving Lifeline support only. The application is pending at the FPSC.

VII. Lifeline Awareness Promotion, Pursuant to Section 364.10, F.S.

Promotional activities in 2009 featured National Lifeline Awareness Week, National Consumer Protection Week, the Connect Florida Campaign, and ongoing "grass roots" efforts to increase awareness and enrollment in the programs.

Lifeline Across America. In 2009, the Lifeline Across America Working Group (FCC, National Association of Regulatory Utility Commissioners [NARUC], and National Association of State Utility Consumer Advocates [NASUCA] representatives) concentrated on finalizing a National Lifeline Awareness Week plan using Florida's 2008 Lifeline Awareness Week as a model. The working group's efforts were rewarded on July 22, 2009, when the NARUC Board of Directors adopted a resolution proclaiming National Telephone Discount Lifeline Awareness

Week to be held annually in September. At least 20 states participated in the first nationally recognized Lifeline Awareness Week held September 14-20, 2009.

Also, the technical sub-group (formed in 2007) continued to hold quarterly conference calls to discuss technical issues related to administration of the Link-Up and Lifeline programs. The sub-group includes representatives from the FCC, NARUC, USAC, and state commissions. In 2009, the FPSC shared information about Florida's Lifeline regulations and procedures, SafeLink activities, and Lifeline Awareness Week.

National Lifeline Awareness Week (September 14-20, 2009). *Stay Connected, Florida. Get Lifeline Assistance and Save Money on Your Monthly Phone Bill* was the slogan chosen by the project participants for Florida's 2009 Lifeline Awareness Week. Governor Charlie Crist wrote a much appreciated letter supporting this collaborative outreach effort. The project aimed to increase awareness among citizens receiving assistance from the Low-Income Home Energy Assistance Program (LIHEAP) and other programs through Florida's community action agencies. Three Lifeline events were held September 14-20, 2009, to sign up Florida citizens eligible for Link-Up and Lifeline. In addition, packets of Lifeline brochures and applications were mailed to 47 community action agencies and area agencies on aging around the state to request their help in promoting Lifeline Awareness Week.

The week began with a kick-off in Tallahassee, followed by events in Defuniak Springs and Tamarac. Chairman Matthew M. Carter II launched the September 14 activities at the Capital Area Community Action Agency (CACAA) in Tallahassee. Some programs included participation and support from state legislators, local government officials, and local social service agencies. Individual assistance was offered to consumers applying for Link-Up or Lifeline.

The CACAA and Linking Solutions (for AT&T, Embarq/CenturyLink, and SafeLink) were instrumental in obtaining locations and informing citizens about the events. Additional assistance was provided by the Florida Association for Community Action, Florida Department of Community Affairs, Florida Department of Elder Affairs, Tampa Hillsborough Action Plan, OPC, AT&T, Embarq/CenturyLink, NEFCOM, SafeLink, Sprint Nextel, and Verizon. The initial planning phase included all Florida ETCs. The input and support of these diverse Lifeline Partners were key to the success of this project.

National Consumer Protection Week and Other Community Events. The Lifeline Partners continued to seek existing community events and develop new events where Lifeline educational materials could be distributed and discussed with citizens. National Consumer Protection Week (NCPW), March 1-7, 2009, played a significant role in the 2009 Lifeline outreach activities. The Commission partnered with WORKFORCE *plus* to help Florida's unemployed residents save money on their telephone and utility bills. Chairman Matthew M. Carter II began the week's activities with a presentation to consumers at the WORKFORCE *plus* office in Tallahassee. Additional events were held in Jacksonville, Tampa, and Madison. In keeping with the 2009 national theme, *Nuts and Bolts: Tools for Today's Economy*, presentations included information about reducing utility expenses through conservation and by applying for Lifeline if eligible. One-on-one assistance was provided to consumers desiring to enroll in Link-Up and Lifeline at these events. Utility representatives were also available to offer assistance at some locations.

Examples of other events and locations where Lifeline information was shared include Ambassadors for Aging Day, Gadsden County Come Together Day, West Florida Community Day, Lincoln Neighborhood Center Senior Day, National Employ Older Workers Week, and Orlando's William Beardall Senior Center. The FPSC also provided Lifeline educational materials to be distributed by Florida's 280 public libraries, and by Lake County during Public Assistance Day and the Ninth Annual Central Florida Kidfest and Family Expo.

Connect Florida Campaign. The Connect Florida Campaign (Campaign), established by Linking Solutions, Inc., OPC, and AT&T in 2004, remains a factor in increasing awareness and participation in Link-Up and Lifeline. During the July 2008 through June 2009 reporting period, Campaign event locations included Gainesville, Goulds, Jacksonville, Miami, Orlando, Pensacola, Quincy, Sanford, Tallahassee, and West Palm Beach. Some events were attended by more than 250 potential subscribers. Linking Solutions also held smaller training sessions around the state on behalf of AT&T, Embarq/CenturyLink, and SafeLink. From July 2008 through June 2009, the Campaign held 340 sessions throughout Florida with 95,825 attendees and submitted approximately 1,590 Link-Up and Lifeline applications.

Community Services Block Grant Program. The Florida Department of Community Affairs (DCA) previously modified its procedures in the Community Services Block Grant program to add an indicator to its work plan, allowing the community action agencies to report on the number of clients they help to secure Lifeline services. During the fourth year reporting period of October 1, 2007, through September 30, 2008, an additional 1,792 households were signed up for Lifeline benefits through 15 community action agencies. Data for October 2008 through September 2009 is not available until early 2010.

Income-Based Lifeline Applicants. The OPC continues to provide assistance to consumers applying for Lifeline based upon income, receiving an average of 4,000 calls per month. OPC staff processed over 49,000 calls from potential applicants from July 2008 through June 2009. During that time, OPC also received 30,450 Florida OPC Lifeline applications and approved approximately 10,000 applications for customers of AT&T, Embarq/CenturyLink, Verizon, and SafeLink. The remaining applications were either denied, pending, or from non AT&T, Embarq/CenturyLink, Verizon, or SafeLink customers. Applications that were received, but not included in these totals, were from out-of-state customers or public assistance program-based applications that were forwarded to the respective company.

Ongoing Lifeline Outreach. Ensuring easily accessible Lifeline information through the agencies and organizations having regular interaction with eligible consumers is crucial to the Lifeline awareness effort. The Lifeline Partners (listed below) have continued to develop new partnerships, participate in local community events, offer training sessions, provide updates about program changes, and supply brochures and applications as in recent years. The information provided in the Lifeline Reports from 2003 through 2007 offers a detailed historical perspective and serves to illustrate ongoing outreach efforts. Learn more information about the Lifeline Partners and valuable assistance they offer in promoting Lifeline by visiting the FPSC's Web site at <http://www.psc.state.fl.us/publications/reports.aspx#tele> (select **Show Past Lifeline Reports** and click on the desired year).

Lifeline Partners. The following local, state, and federal agencies, organizations, businesses, and telecommunications companies are involved in the collaborative effort to increase awareness and participation in the Link-Up and Lifeline programs.

Local, State, and Federal Agencies, Organizations, and Businesses:

- AARP - Florida Chapter (formerly the American Association of Retired Persons)
- ACCESS Florida Community Network Partners
- Agency for Health Care Administration (AHCA)
- Agency for Workforce Innovation (AWI) and Workforce Florida, Inc. (WFI)
- Area Agencies on Aging
- Big Bend 2-1-1 and other 2-1-1 Agencies
- Braille and Talking Book Library
- Bureau of Indian Affairs Programs
- Capital Area Community Action Agency, Inc. (CACAA)
- City and County Consumer Assistance Departments
- City and County Housing Authorities
- Faith Radio Station and other Florida radio stations
- Federal Social Security Administration (SSA) - Tallahassee District
- Florida Alliance for Information and Referral Services (FLAIRS)
- Florida Association for Community Action (FACA)
- Florida Association of Community Health Centers
- Florida Association of Food Banks (FAFB)
- Florida Council on Aging
- Florida Department of Children and Families (DCF)
- Florida Department of Community Affairs (DCA)
- Florida Department of Education (DOE)
- Florida Department of Elder Affairs (DEA)
- Florida Department of Revenue (DOR)
- Florida Department of Veterans' Affairs (DVA)
- Florida Office of Public Counsel (OPC)
- Florida Public Libraries
- Florida Public School Districts
- Florida Public Service Commission (FPSC)
- Florida Telecommunications Relay, Inc. (FTRI)
- Florida Voters League
- Habitat for Humanity - Florida
- Leon County School Board
- Linking Solutions, Inc.
- Tallahassee Memorial Hospital (TMH) and other Florida hospitals
- Tallahassee Urban League
- United Way of Florida
- U.S. Department of Housing and Urban Development (HUD)

Telecommunications Companies:

- AT&T Florida (AT&T)
- Alltel Communications
- American Dial Tone
- Budget Phone, Inc.
- dPi Teleconnect, LLC
- Embarq Florida, Inc. d/b/a CenturyLink
- Express Phone Service
- FairPoint Communications
- FLATEL
- Frontier
- ITS Telecom
- Knology of Florida, Inc.
- Midwestern Telecommunications, Inc.
- NEFCOM
- Nexus Communications, Inc.
- Smart City
- Sprint-Nextel
- TDS Telecom
- TracFone d/b/a SafeLink Wireless
- Verizon
- Windstream

VIII. Effectiveness of Procedures to Promote Participation

Efforts to increase Link-Up and Lifeline participation can be separated into two categories, enrollment process and consumer outreach. The Commission continues to focus on enrollment process issues as a means of increasing participation.

Specific enrollment process initiatives include the following:

- Simplified Certification Process
- Lifeline Rulemaking
- FPSC Automated Online Application Process
- FPSC/DCF Automatic Enrollment Process

The FPSC, in cooperation with other state and federal agencies, the OPC, the ILECs, and other organizations, remains engaged in extensive outreach efforts. Because most of these efforts run concurrently, measuring the impact of any single activity on Link-Up and Lifeline participation is difficult. Nevertheless, outreach efforts overall are having a positive impact and should be continued. Outreach efforts should also continue to be expanded to include more CLEC and wireless ETCs.

IX. Conclusion

The overall net Lifeline customer growth rate of 236 percent during the July 2008 through June 2009 review period is the largest growth ever experienced since the inception of the Lifeline program in Florida. As of June 30, 2009, 618,774 eligible customers participated in the Lifeline program. The FPSC attributes this growth primarily to implementation of the FPSC/DCF automatic enrollment process and SafeLink's designation as an ETC in Florida.

As a result of the increase in Florida Lifeline participation, the USAC Lifeline Disbursements for Florida have increased during the most recent 12-month data period. In October 2008, the low-income Universal Service Fund disbursement was \$1,942,615. By September 2009, the monthly disbursement increased to \$6,613,440. The increase of \$4,670,825 is the result of newly enrolled Lifeline customers now receiving Florida Lifeline Benefits.

Efforts to improve and streamline the enrollment process are having a positive impact on enrollment and should continue to be a primary focus. Outreach efforts contribute to Lifeline awareness and enrollment and should be continued. Key enrollment issues include:

- FPSC/DCF Automatic Enrollment
- FPSC Online Application
- Consumer Awareness

SafeLink, as of June 30, 2009, had 393,036 Lifeline customers, and consistent with 2008, AT&T and Embarq/CenturyLink experienced the largest increase in Lifeline participation among Florida's ETCs during the July 2008 through June 2009 review period. AT&T's participation increased by 21,584 while Embarq/CenturyLink increased its Lifeline participation by 5,052. Verizon experienced the largest net loss of Lifeline customers at 1,804.

Florida's 2009 Lifeline Awareness Week, in conjunction with the National Lifeline Awareness Week, was held September 14-20, 2009. Governor Charlie Crist wrote a much appreciated letter supporting this collaborative outreach effort. The project participants chose the slogan, *Stay Connected, Florida. Get Lifeline Assistance and Save Money on Your Monthly Phone Bill.* The project aimed to increase awareness among citizens receiving assistance from the Low-Income Home Energy Assistance Program (LIHEAP) and other programs through Florida's community action agencies.

Implementation of the FPSC/DCF automatic enrollment process continues to have a significant impact on increased enrollment. The FPSC remains committed to improving the success of the Link-Up and Lifeline programs. The FPSC will continue to identify and find solutions to barriers that may prevent Lifeline from achieving greater success for the benefit of Florida's low-income consumers. Additionally, staff anticipates that Lifeline enrollment of new customers will continue due to the current economic conditions.