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HOUSE STATE GOVERNMENT COMMITTEE SUBSTITUTE FOR SB302

SYNOPSIS: Under existing law, the Public Service Commission is tasked with administering federal universal service programs in Alabama including the federal Lifeline and Tribal Link-Up program for eligible low-income consumers. Additionally, state agencies that administer Lifeline qualifying public assistance programs, consumer participation which qualifies consumers for federal Lifeline benefits ("Lifeline qualifying public assistance programs") are required to share participant data with the commission to aid in Lifeline enrollment. The requirements in this section are based upon the Federal Communications Commission 2004 Lifeline and Link-Up Report and Order which encouraged the states to adopt their own automatic Lifeline enrollment procedures.

This bill would remove obsolete language and authorize and direct any state agency administering a Lifeline qualifying public assistance program to make access to its data files of program

participants available to USAC, the National Verifier, and the Lifeline eligibility database for purposes of consumer Lifeline eligibility, enrollment, and for other administrative functions.

A BILL

TO BE ENTITLED

AN ACT

Relating to the administration of Lifeline qualifying public assistance programs; to amend Section 37-2A-7 of the Code of Alabama 1975, to remove obsolete language; and to authorize and direct any state agency administering a Lifeline qualifying public assistance program to make access to its data files of program participants available to USAC, the National Verifier, and the Lifeline eligibility database for purposes of consumer Lifeline eligibility, enrollment, and for other administrative functions.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 37-2A-7 of the Code of Alabama 1975, is amended to read as follows:

"§37-2A-7.

(a)(1) The commission shall implement, supervise, and control state and federal universal service programs in compliance with federal and state law.

(2) A subscriber who receives Lifeline service shall be required to pay all applicable fees, including the Alabama E-911 surcharge, the Alabama telephone relay system surcharge, and all applicable federal, state, and local taxes.

~~(b)(1) Any telecommunications carrier authorized as an eligible telecommunications carrier shall provide Lifeline and Link-Up service to any otherwise eligible customer or potential customer who meets an income eligibility test established by the commission for Lifeline and Link-Up customers. This test for eligibility shall be in addition to the commission's current list of Lifeline and Link-Up eligible low income assistance programs. Each eligible telecommunications carrier shall file a tariff, provide a price list, or make a Lifeline and Link-Up informational filing providing, at a minimum, the current Lifeline and Link-Up benefits offered by the eligible telecommunications carrier to Lifeline and Link-Up customers who meet the income eligibility test set forth in this subsection. Only the commission shall process, certify, and maintain the supporting information submitted by a customer for Lifeline and Link-Up eligibility under the income test authorized by this subsection. Eligible telecommunications carriers may continue to process applications for Lifeline and Link-Up service based on eligibility criteria other than the income test for eligibility.~~

~~(2) An eligible telecommunications carrier shall offer a consumer who applies for and receives Lifeline service~~

~~the option of blocking all toll calls or, if technically capable, placing a limit on the number of toll calls a consumer can make. The eligible telecommunications carrier may not charge the consumer an administrative charge or other additional fee for blocking the service.~~

~~(3) An eligible telecommunications carrier may not collect a service deposit for local telecommunications service in order to initiate Lifeline service if the qualifying low income consumer voluntarily elects toll blocking or toll limitation. If the qualifying low income consumer elects not to place toll blocking on the line, an eligible telecommunications carrier may charge a service deposit.~~

~~(4) An eligible telecommunications carrier may not charge a Lifeline subscriber a monthly number portability charge or bill a Lifeline customer the Federal Universal Service Charge.~~

~~(5)a. An eligible telecommunications carrier shall notify a Lifeline subscriber of impending termination of Lifeline service for lack of qualification if the company has a reasonable basis for believing that the subscriber no longer qualifies. The notification of pending termination shall be in the form of a letter that is separate from the bill of the subscriber.~~

~~b. An eligible telecommunications carrier shall allow a subscriber 60 days following the date of the pending termination letter to demonstrate continued eligibility. The subscriber must present proof of continued eligibility. An~~

~~eligible telecommunications carrier may transfer a subscriber off of or discontinue a Lifeline service, pursuant to its tariff or its price list, if the subscriber fails to demonstrate continued eligibility following such notice.~~

~~c. The commission shall establish procedures for the notification and termination.~~

~~(6) As of the approval date of a Lifeline and Link-Up application, an eligible telecommunications carrier shall timely credit the bill of a consumer with the Lifeline and Link-Up credits as soon as practicable, but no later than 90 days following processing of receipt of notice of eligibility from the commission or proof of eligibility from the consumer.~~

~~(c)(1) The commission shall provide to each state and federal agency providing benefits to persons eligible for Lifeline and Link-Up competitively neutral service applications, brochures, pamphlets, or other materials developed with the assistance of the eligible telecommunications carriers in Alabama for distribution by the agency to those that apply to inform the persons of their eligibility for Lifeline. Each state agency providing the benefits shall furnish the materials to affected persons at the time they apply for benefits.~~

~~(2) An eligible telecommunications carrier may not discontinue basic local exchange telephone service to a subscriber who receives Lifeline service because of nonpayment by the subscriber of toll charges. A subscriber who receives~~

~~Lifeline service shall be required to pay all applicable basic local exchange service fees, including the subscriber line charge, E-911, telephone relay system charges, and applicable state and federal taxes.~~

~~(3) An eligible telecommunications carrier may not refuse to connect, reconnect, or provide Lifeline service because of unpaid toll charges owed to the eligible telecommunications carrier if the customer agrees to toll blocking.~~

~~(4) An eligible telecommunications carrier may require that payment arrangements be made for outstanding debt associated with basic local exchange service, subscriber line charges, E-911, telephone relay system charges, and applicable state and federal taxes.~~

~~(5) An eligible telecommunications carrier may block a Lifeline service subscriber's access to all long distance service, except for toll-free numbers, including blocking the ability to accept collect calls when the Lifeline subscriber owes an outstanding amount for long distance service or amounts resulting from collect calls. The eligible telecommunications carrier may not impose a charge for blocking long distance service on the Lifeline customer. The eligible telecommunications carrier shall remove the block at the request of the subscriber without additional cost to the subscriber upon payments of the outstanding amount and, at the option of the carrier, payment of a deposit.~~

~~(6)a. By December 31, 2009, each state agency that provides benefits to persons eligible for Lifeline and Link-Up service shall undertake, in cooperation with the Department of Human Resources, the Alabama Medicaid Agency, the Department of Economic and Community Affairs, the commission, and eligible telecommunications carriers providing Lifeline and Link-Up services, the development of procedures to promote Lifeline participation. The Department of Revenue shall support efforts to promote Lifeline participation by including information regarding Lifeline eligibility and enrollment within individual state income tax instruction booklets.~~

~~b. If any state agency determines that a person is eligible for Lifeline and Link-Up services, the agency, upon consent of the individual, shall immediately forward the information to the commission to ensure the person's application for Lifeline and Link-Up services can be processed by the appropriate eligible telecommunications carrier. The state agency shall include an option for an eligible customer to choose not to subscribe to the Lifeline and Link-Up services.~~

~~c. Not later than December 31, 2009, the commission, the Alabama Medicaid Agency, the Department of Economic and Community Affairs, the Office of the Attorney General, and the Department of Human Resources, shall develop and adopt rules, in consultation with eligible telecommunications carriers, creating procedures to automatically enroll eligible customers in Lifeline and Link-Up services. Agencies and parties~~

~~referenced in this section may exchange information that is required to identify and enroll a customer in the Lifeline and Link-Up programs, such as name, service address, and telephone number, between themselves and with eligible telecommunications carriers. This information shall remain confidential and shall be used exclusively for purposes of determining Lifeline and Link-Up eligibility or for Lifeline and Link-Up enrollment.~~

~~d. Not later than December 31, 2009, the commission, the Alabama Medicaid Agency, the Department of Economic and Community Affairs, the Office of the Attorney General, the Department of Human Resources, and the eligible telecommunications carriers shall enter into a memorandum of understanding establishing the respective duties of each agency or carrier with respect to the automatic enrollment procedures.~~

~~e. Eligible individuals currently without telecommunications service may obtain a certification of eligibility for Lifeline and Link-Up services from the commission prior to initiating service with an eligible telecommunications carrier, allowing these individuals to be precertified for Lifeline and Link-Up services.~~

~~(7) By February 1, 2011, and annually thereafter, the commission shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the number of customers who are subscribing to Lifeline and~~

~~Link-Up services and the effectiveness of any procedure to promote participation.~~

~~(8) The commission may adopt rules to administer this section.~~

~~(d)(1) Personal identifying information of a participant in a Lifeline and Link-Up assistance plan in any record of the commission is confidential and exempt from public records requirements.~~

~~(2) Information made confidential and exempt under this subsection may be released to the applicable telecommunications carrier for purposes directly connected with eligibility for, verification related to, or auditing of the Lifeline and Link-Up programs.~~

~~(3)a. An officer or employee of a telecommunications carrier shall not intentionally disclose information made confidential under this subsection unless one of the following applies:~~

~~1. The disclosure is authorized by the customer.~~

~~2. The disclosure is necessary for billing purposes.~~

~~3. The disclosure is required by subpoena, court order, or other process of court.~~

~~4. The disclosure is necessary to disclose to a governmental entity for purposes directly connected with implementing service for or verifying eligibility of a participant in the Lifeline and Link-Up programs or auditing the Lifeline and Link-Up programs.~~

~~5. The disclosure is otherwise authorized by law.~~

~~b. Nothing in this section precludes a telecommunications carrier from disclosing information made confidential and exempt under this subsection to the extent the information is otherwise publicly available or from disclosing to a customer his or her own account record through telephonic means.~~

~~c. Any officer or employee of a telecommunications carrier who intentionally discloses information in violation of this subsection is guilty of a Class B misdemeanor.~~

(b) Beginning of the effective date of the act amending this section, each state agency that administers public assistance programs, consumer participation which qualifies a consumer for federal Tribal Link-Up, federal Lifeline benefits, or both, shall fully cooperate with the Federal Communications Commission and the Universal Service Administrative Company, or its designees, in establishing access to the agency's data files as solely necessary to allow the Universal Service Administrative Company, National Eligibility Verifier, and the national Lifeline eligibility database to perform Lifeline and Tribal Link-Up eligibility, enrollment, and other necessary related administrative functions, as required by the Federal Communications Commission with respect to Alabama consumers.

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.