

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Communications, Energy, and Public Utilities

BILL: SB 1018

INTRODUCER: Senator Bean

SUBJECT: Telecommunications Carrier Lifeline Service Programs

DATE: January 9, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiehle	Caldwell	CU	Pre-meeting
2.			GO	
3.			RC	

I. Summary:

SB 1018 amends s. 364.011, F.S., on exemptions from Public Service Commission (PSC or commission) jurisdiction to include in such jurisdiction the authority for the commission to make eligible telecommunications carrier designations for Lifeline service programs as authorized by federal law.

II. Present Situation:

Lifeline was created in 1985 to provide phone service discounts for qualifying low-income consumers as part of the federal Universal Service Program. In 2016, the Federal Communications Commission (FCC) adopted a comprehensive modernization reform adding broadband access to the Lifeline program. As a result, qualifying households may either receive up to a \$9.25 discount on their monthly phone or broadband bill or receive a free Lifeline cell phone and limited voice or broadband from certain wireless carriers.^{1, 2}

In Florida, the PSC oversees the Lifeline program³ and Lifeline services are provided to eligible customers by an “eligible telecommunications carrier,” a term defined to mean “a telecommunications company, as defined by s. 364.02, which is designated as an eligible telecommunications carrier by the commission pursuant to 47 C.F.R. s. 54.201.”⁴

¹ Florida Public Service Commission, *Florida Lifeline Assistance: Number of Customers Subscribing to Lifeline Service And the Effectiveness of Procedures to Promote Participation*, December 2017, page 3.

² The FCC had already expanded the Lifeline program to include wireless voice communications services in 2005 to accommodate shifting consumer demand. See, <https://www.accesswireless.com/lifeline/about-the-lifeline-program> (last accessed December 20, 2017).

³ Section 364.10, F.S.

⁴ Section 364.10(1)(a), F.S.

The commission only evaluates applications for eligible telecommunications carrier (ETC) designation from wireline companies, leaving wireless applications to be evaluated by the FCC.⁵ The commission explains this position as follows: “The Florida 2011 Legislature (HB 1231), removed the FPSC authority to designate ETC wireless providers. Effective July 1, 2012, wireless providers must directly apply for Florida ETC designation with the FCC.”⁶

In 2011, the Florida Legislature passed the “Regulatory Reform Act,” completing its deregulation of retail landline telecommunications service providers. Prior to this Act, s. 364.10, F.S., in part, exempted wireless communications from PSC jurisdiction except as “specifically authorized by federal law.” The Act deleted the quoted language from this statute.⁷ This appears to be the statutory change that the PSC refers to as removing its authority to designate a wireless carrier as an ETC.

III. Effect of Proposed Changes:

The bill reinserts the wireless authority deleted in 2011, but limits this authority to ETC designations. Specifically, it amends s. 364.011, F.S., on exemptions from commission jurisdiction, to include in such jurisdiction the authority for the commission to make eligible telecommunications carrier designations for Lifeline service programs as authorized by federal law.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

⁵ *Florida Lifeline Assistance*, page 3.

⁶ *Florida Lifeline Assistance*, page 3, footnote 13.

⁷ Section 3, Ch. 2011-36, Laws of Florida.

B. Private Sector Impact:

The bill should allow wireless communications services providers to obtain an eligible telecommunications carrier designation quicker, thereby allowing them to provide Lifeline service to eligible customers and obtain Universal Service payments quicker. This should benefit both the carriers and customers.

C. Government Sector Impact:

The PSC may incur costs associated with designating these carriers as an eligible telecommunications carriers.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 364.011 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.