

**LCB File No. R051-05**

**PROPOSED REGULATION OF THE PUBLIC  
UTILITIES COMMISSION OF NEVADA**

(This proposed regulation was previously proposed as T028-05)

Docket No. 04-8003

EXPLANATION - Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted

AUTHORITY: NRS 703.025, 704.040, 704.210, 704.6873

**Section 1.** Chapter 704 of the NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation:

**Sec. 2. *Verification of continued eligibility.***

*1. In order to verify a subscriber's continued eligibility pursuant to NAC 704.680474(2)(a), each eligible telecommunications carrier shall contact those subscribers on an annual basis to determine whether or not the subscribers are still eligible to receive lifeline or link up services. All subscribers that do not provide documentation pursuant to NAC 704.680474(2) demonstrating their continued eligibility within 60 days will have their telephone service switched to the full rate.*

*2. In order to verify a subscriber's continued eligibility pursuant to NAC 704.680474(2)(b), each eligible telecommunications carrier shall review the list of subscribers, provided by the Department of Human Resources pursuant to NRS 707.470, who are eligible to receive lifeline or link up services. Each eligible telecommunications carrier shall contact those subscribers no longer appearing on the list to determine whether or not the subscribers are still eligible to receive lifeline or link up services. All subscribers that do not provide documentation pursuant to NAC 704.680474(2) demonstrating their continued eligibility within 60 days will have their telephone service switched to the full rate.*

**Sec. 3. *Officer certification.***

*An officer of each eligible telecommunications carrier shall certify that the eligible telecommunications is in compliance with the state of Nevada's lifeline and link up income certification procedures, and that to the best of his knowledge, documentation of income was presented. For purposes of NAC 704.680474(2)(b), the officer may rely on the information provided by the Department of Human Resources.*

**Sec. 4.** NAC 704.680474 is hereby amended to read as follows:

1. To be eligible as a qualifying low-income subscriber for the purposes of NAC 704.680475 and 704.680477:

(a) The total household gross income of the subscriber must not exceed 150% of the federally established poverty levels set forth for the number of persons in the household of that subscriber;

(b) The residential premises at which the subscriber receives telecommunication service must be the principal place of residence of the subscriber; and

(c) The subscriber must have only one telephone line serving his residential premises.

2. To demonstrate the qualification set forth in paragraph (a) of subsection 1, the subscriber must submit to the provider of telecommunication service that serves the subscriber:

(a) ~~[The individual federal income tax return that the subscriber filed most recently with the Internal Revenue Service; or]~~ *Documentation which demonstrates the total household gross income of the subscriber from one of the following sources:*

*(1) Most recent federal or tribal tax return; or*

*(2) Three consecutive months of all income statements for the subscriber's household within the same calendar year. Such income statements include all forms of income pursuant to 47 C.F.R. 54.400(f).*

(b) Documentation which proves that the subscriber receives benefits from one or more of the following programs of assistance:

(1) Medicaid;

(2) Food stamps;

(3) Supplemental security income;

(4) Federal public housing assistance;

(5) Low-income home energy assistance; ~~[or]~~

(6) ~~[Aid to families with dependent children.]~~ *Temporary Assistance to Needy Families;*

*or*

*(7) National School Lunch's free lunch program.*

*(c) Documentation must be presented and accepted by the eligible telecommunications carrier prior to enrolling the subscriber for the lifeline and link up services.*

*(d) Documentation shall be retained according to 47 C.F.R. § 54.417(a).*

**Sec. 5.** NAC 704.680476 is hereby amended to read as follows:

1. Except as otherwise provided in subsection ~~[2]~~ **3**, an eligible telecommunications carrier shall not disconnect service provided pursuant to a lifeline program if the subscriber fails to pay charges for toll calls.

2. *A subscriber who is eligible for the lifeline and link up programs, but has unpaid toll charges, shall be enrolled if the subscriber agrees to toll blocking and to set up a payment arrangement for the unpaid toll balance. To reestablish toll service, the subscriber must pay any outstanding toll bill in full.*

3. An eligible telecommunications carrier may file with the Commission an application for a waiver from the requirements of subsection 1 *and* 2.

~~[3.]~~ **4.** The Commission will approve an application for such a waiver only upon determining after investigation that the eligible telecommunications carrier:

(a) Would incur substantial costs to comply with the provisions of subsection 1 *and* 2;

(b) Offers, at no charge, toll limitation to its consumers that qualify as low-income ~~[consumers]~~ *subscribers*; and

(c) Provides service within a service area in which the level of telephone subscription among low-income ~~[consumers]~~ *subscribers* is equal to or greater than the national average rate of subscription for low-income ~~[consumers]~~ *subscribers*.

~~[4.]~~ **5.** The Commission will approve or deny an application that is filed pursuant to subsection 2 within 30 days after receipt of the application.

~~[5. As used in this section, "low income consumer" means a consumer whose income is below the poverty level established for a family of four that resides within the State of Nevada.]~~