

Chapter 704 of NAC

LCB File No. T028-05

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

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

In re investigation and rulemaking regarding the Lifeline/)
Link-up program benefits pursuant to FCC 04-87 Report) Docket No. 04-8003
and Order and Further Notice of Proposed Rulemaking.)
_____)

NOTICE OF INTENT TO AMEND/REPEAL REGULATIONS;

NOTICE OF WORKSHOP AND NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Public Utilities Commission of Nevada (“Commission”) will hold a WORKSHOP on **Thursday, April 28, 2005, 9:00 a.m.**, at the offices of the Commission, Hearing Room A, 1150 East William Street, Carson City, Nevada 89701, via videoconference to Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109 at which time interested persons may appear and be heard. The workshop may be continued from day to day. The purpose of this workshop is to receive comments from all interested persons regarding changes to the Commission's regulations as a result of the Federal Communications Commission’s Report and Order and Further Notice of Proposed Rulemaking, FCC Order 04-87, regarding Lifeline/Link-up program benefits. The FCC Lifeline/Link-up Order requires all states to adopt verification and certification procedures to document income-based eligibility for Lifeline/Link-up enrollment. The proposed regulations contain additions and deletions to the Commission’s regulations to implement the FCC Lifeline/Link-up Order.

NOTICE IS HEREBY GIVEN that the Commission will hold a HEARING on **Tuesday, May 10, 2005, 9:00 a.m.**, at the offices of the Commission, Hearing Room A, 1150 East William Street, Carson City, Nevada 89701, via videoconference to Hearing Room A, 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109 at which time interested persons may appear and be heard. The hearing may be continued from day to day. The purpose of this hearing is to receive comments from all interested persons regarding the proposed regulations containing additions and deletions to the Commission's regulations to implement the FCC Lifeline/Link-up Order.

The following information is provided pursuant to the requirements of NRS 233B.0603: The proposed regulations make various additions and deletions to the Commission's regulations to implement the FCC Lifeline/Link-up Order. The additions and deletions to the Commission's regulations are to establish procedures to verify and certify income based eligibility for the state Lifeline/Link-up programs.

The proposed regulations affect all entities that offer or will offer telecommunications services, as well as all eligible Lifeline/Link-Up customers of such entities. At this time, the Commission cannot quantify either the adverse or beneficial economic effects on the entities affected by the regulation or the public, either immediate or long-term, which may result from the regulation.

The Commission cannot quantify at this time any increase in costs associated with enforcement of these proposed regulations. The regulations do not overlap or duplicate any other state or local federal government regulation, nor do they establish any new fee or increase an existing fee.

Persons wishing to comment upon the proposed action of the Commission may appear at the scheduled public workshop and/or hearing, or address their comments, data, views, or arguments, in written form, to the Secretary of the Commission, 1150 E. William Street, Carson City, Nevada 89701 or 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109.

A copy of this notice and the proposed regulations will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the proposed regulations will be available at the offices of the Commission, at 1150 East William Street, Carson City, Nevada 89701 and 101 Convention Center Drive, Suite 250, Las Vegas, Nevada 89109; and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulations are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Upon adopting any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, will issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted at the county courthouses located in Reno, Carson City, and Las Vegas.

LCB File No. T028-05

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

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.]~~