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H.216

Introduced by Representatives Pugh of South Burlington and Carr of Brandon

Referred to Committee on

Date:

Subject: Telecommunications; FCC Lifeline program; Vermont Lifeline
program; eligibility; benefits; wireline voice service

Statement of purpose of bill as introduced: This bill proposes to update
Vermont law pertaining to the federal and State Lifeline programs.

An act relating to ~~establishment of the Vermont Lifeline program~~ *Lifeline
benefits*

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 30 V.S.A. § 218(c) is amended to read:~~

~~(c)(1) The Public Service Board shall take any action, ~~including the setting
of telephone rates, enabling necessary to enable the State of Vermont and
telecommunications companies offering service in Vermont to participate in
the Federal Communications Commission telephone Lifeline program and the
Vermont Lifeline program, as described in subdivision (2) of this subsection.
The Board shall set one or more residential basic exchange Lifeline telephone
service credits, for those persons eligible to participate in the Federal
Communications Commission Lifeline program.~~~~

1 ~~(2) A person shall be eligible for the Lifeline benefit who meets the~~
2 ~~Department for Children and Families means test of eligibility, which shall~~
3 ~~include all persons participating in public assistance programs administered by~~
4 ~~the Department. The Department for Children and Families shall verify this~~
5 ~~eligibility, in compliance with Federal Communications Commission~~
6 ~~requirements.~~

7 ~~(A) The benefit under this subdivision shall be equal to the full~~
8 ~~subscriber line charge, plus an amount equal to the larger of:~~

9 ~~(i) 50 percent of the monthly basic service charge, including 50~~
10 ~~percent of all mileage charges and, if the Board determines after notice and~~
11 ~~opportunity for hearing that their inclusion will make Lifeline benefits more~~
12 ~~comparable in different areas, 50 percent of the usage cost arising from a fixed~~
13 ~~amount of monthly local usage; and~~

14 ~~(ii) \$7.00 per month;~~

15 ~~(B) provided that in no event shall the amount of the monthly credit~~
16 ~~exceed the monthly basic service charge, including any standard usage and~~
17 ~~mileage charges who qualifies for participation in the federal Lifeline program~~
18 ~~under criteria established by the FCC or other federal law or regulation shall~~
19 ~~be eligible to receive a Vermont Lifeline benefit for wireline voice telephone~~
20 ~~service. The Vermont Lifeline benefit established under this subdivision shall~~
21 ~~be set at an amount not to exceed \$4.25, and shall be applied as a supplement~~

1 ~~to a wireline voice benefit received through participation in the federal Lifeline~~
2 program. However, in no event shall the aggregate amount of the credits
3 received through the federal and State benefit programs described in this
4 subdivision exceed the monthly basic service charge, including any standard
5 usage and mileage charges.

6 (3) ~~A person shall also be eligible for the Lifeline benefit who submits~~
7 ~~to the Commissioner for Children and Families an application containing any~~
8 ~~information and disclosure of information authorization necessary to process~~
9 ~~the Lifeline credit. Such application shall be filed with the Commissioner on~~
10 ~~or before June 15 of each year and shall be signed by the applicant under the~~
11 ~~pains and penalties of perjury. A person shall be eligible who is 65 years of~~
12 ~~age or older whose modified adjusted gross income as defined in 32 V.S.A. §~~
13 ~~6061(5) for the preceding taxable year was less than 175 percent of the official~~
14 ~~poverty line established by the federal Department of Health and Human~~
15 ~~Services for a family of two published as of October 1 of the preceding taxable~~
16 ~~year. A person shall be eligible whose modified adjusted gross income as~~
17 ~~defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than~~
18 ~~150 percent of the official poverty line established by the federal Department~~
19 ~~of Health and Human Services for a family of two published as of October 1~~
20 ~~of the preceding taxable year. In the case of sickness, absence, disability,~~
21 ~~excusable neglect, or when, in the judgment of the Secretary of Human~~

1 ~~Services good cause exists, the Secretary may extend the deadline for filing~~
2 ~~claims under this section. The provisions of 32 V.S.A. § 5901 shall apply to~~
3 ~~such application. The Secretary of Human Services shall perform income~~
4 ~~verification. Upon enrollment in the program, and for each period of renewal,~~
5 ~~such participant shall receive the credit for 12 ensuing months.~~

6 (A) ~~The benefit under this subdivision shall be equal to the full~~
7 ~~subscriber line charge, plus an amount equal to the larger of:~~

8 (i) ~~50 percent of the monthly basic service charge, including 50~~
9 ~~percent of all mileage charges and, if the Board determines after notice and~~
10 ~~opportunity for hearing that their inclusion will make Lifeline benefits more~~
11 ~~comparable in different areas, 50 percent of the usage cost arising from a fixed~~
12 ~~amount of monthly local usage; and~~

13 (ii) ~~\$7.00 per month.~~

14 (B) ~~The amount of the monthly credit pursuant to subdivision (A) of~~
15 ~~this subdivision (3) shall not exceed the monthly basic service charge,~~
16 ~~including any standard usage and mileage charges. Companies designated as~~
17 ~~Eligible Telecommunications Carriers by the Board shall verify eligibility for~~
18 ~~receipt of the Vermont Lifeline benefit in compliance with any applicable~~
19 ~~federal law or regulation and seek verification of eligibility with the Vermont~~
20 ~~Agency of Human Services.~~

21 ~~(4) Notwithstanding any provisions of this subsection to the contrary, a~~

1 ~~subscriber who is enrolled in the Lifeline program and has obtained a final~~
2 ~~relief from abuse order in accordance with the provisions of 15 V.S.A. chapter~~
3 ~~21 or 31 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the~~
4 ~~amount of the incremental charges imposed by the local telecommunications~~
5 ~~company for treating the number of the subscriber as nonpublished and any~~
6 ~~charges required to change from a published to a nonpublished number. Such~~
7 ~~subscribers shall be deemed to have good cause by the Secretary of Human~~
8 ~~Services for the purpose of extending the application deadline in subdivision~~
9 ~~(3) of this subsection. For purposes of this section, "nonpublished" means that~~
10 ~~the customer's telephone number is not listed in any published directories, is~~
11 ~~not listed on directory assistance records of the company, and is not made~~
12 ~~available on request by a member of the general public, notwithstanding any~~
13 ~~claim of emergency a requesting party may present. The Department shall~~
14 ~~develop an application form and certification process for obtaining this~~
15 ~~Lifeline benefit credit. Upon enrollment in the program, such participant shall~~
16 ~~receive the Lifeline benefit credit until the end of the calendar year. Renewals~~
17 ~~shall be for a period of one year Persons eligible to receive benefits under the~~
18 ~~federal Lifeline program shall receive federal benefits pursuant to applicable~~
19 ~~federal law and regulations adopted by the FCC.~~

20 (5) [Repealed.]

21 ~~Sec. 2. EFFECTIVE DATE~~

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~~This act shall take effect on passage.~~

Sec. 1. 30 V.S.A. § 218(c) is amended to read:

(c)(1) The Public Service Board shall take any action, including the setting of telephone rates, enabling necessary to enable the State of Vermont and telecommunications companies offering service in Vermont to participate in the Federal Communications Commission telephone federal Lifeline program administered by the Federal Communications Commission (FCC) or its agent and also the Vermont Lifeline program described in subdivision (2) of this subsection. The Board shall set one or more residential basic exchange Lifeline telephone service credits, for those persons eligible to participate in the Federal Communications Commission Lifeline program.

(2) A person shall be eligible for the Lifeline benefit who meets the Department for Children and Families means test of eligibility, which shall include all persons participating in public assistance programs administered by the Department. The Department for Children and Families shall verify this eligibility, in compliance with Federal Communications Commission requirements.

(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:

(i) 50 percent of the monthly basic service charge, including 50 percent of all mileage charges and, if the Board determines after notice and

~~opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month;~~

~~(B) provided that in no event shall the amount of the monthly credit exceed the monthly basic service charge, including any standard usage and mileage charges household that qualifies for participation in the federal Lifeline program under criteria established by the FCC or other federal law or regulation shall also be eligible to receive a Vermont Lifeline benefit for wireline voice telephone service. The Vermont Lifeline benefit established under this subdivision shall be set at an amount not to exceed the benefit provided to a household as of October 31, 2017, or \$4.25, whichever is greater, and shall be applied as a supplement to any wireline voice benefit received through participation in the federal Lifeline program. However, in no event shall the aggregate amount of benefits received through the federal and State programs described in this subdivision exceed a household's monthly basic service charge for wireline services, including any standard usage and mileage charges.~~

~~(3) A person shall also be eligible for the Lifeline benefit who submits to the Commissioner for Children and Families an application containing any information and disclosure of information authorization necessary to process~~

~~the Lifeline credit. Such application shall be filed with the Commissioner on or before June 15 of each year and shall be signed by the applicant under the pains and penalties of perjury. A person shall be eligible who is 65 years of age or older whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 175 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two published as of October 1 of the preceding taxable year. A person shall be eligible whose modified adjusted gross income as defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than 150 percent of the official poverty line established by the federal Department of Health and Human Services for a family of two published as of October 1 of the preceding taxable year. In the case of sickness, absence, disability, excusable neglect, or when, in the judgment of the Secretary of Human Services good cause exists, the Secretary may extend the deadline for filing claims under this section. The provisions of 32 V.S.A. § 5901 shall apply to such application. The Secretary of Human Services shall perform income verification. Upon enrollment in the program, and for each period of renewal, such participant shall receive the credit for 12 ensuing months.~~

~~(A) The benefit under this subdivision shall be equal to the full subscriber line charge, plus an amount equal to the larger of:~~

~~(i) 50 percent of the monthly basic service charge, including 50~~

~~percent of all mileage charges and, if the Board determines after notice and opportunity for hearing that their inclusion will make Lifeline benefits more comparable in different areas, 50 percent of the usage cost arising from a fixed amount of monthly local usage; and~~

~~(ii) \$7.00 per month.~~

~~(B) The amount of the monthly credit pursuant to subdivision (A) of this subdivision (3) shall not exceed the monthly basic service charge, including any standard usage and mileage charges company designated as an eligible telecommunications carrier by the Board pursuant to 47 U.S.C. § 214(e) shall verify an applicant's eligibility for receipt of federal or State Lifeline benefits as required by federal law or regulation or as directed by the Vermont Agency of Human Services, as applicable. The Agency shall provide the FCC or its agent with categorical eligibility data regarding an applicant's status in qualifying programs administered by the Agency.~~

~~(4) Notwithstanding any provisions of this subsection to the contrary, a subscriber who is enrolled in the Lifeline program and has obtained a final relief from abuse order in accordance with the provisions of 15 V.S.A. chapter 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the amount of the incremental charges imposed by the local telecommunications company for treating the number of the subscriber as nonpublished and any charges required to change from a published to a nonpublished number. ~~Such~~~~

~~subscribers shall be deemed to have good cause by the Secretary of Human Services for the purpose of extending the application deadline in subdivision (3) of this subsection. For purposes of As used in this section, “nonpublished” means that the customer’s telephone number is not listed in any published directories, is not listed on directory assistance records of the company, and is not made available on request by a member of the general public, notwithstanding any claim of emergency a requesting party may present. The Department for Children and Families shall develop an application form and certification process for obtaining this Lifeline benefit credit. ~~Upon enrollment in the program, such participant shall receive the Lifeline benefit credit until the end of the calendar year. Renewals shall be for a period of one year.~~~~

Sec. 2. LIFELINE ELIGIBILITY AND PARTICIPATION; REPORT

On or before January 1, 2019 and annually thereafter for the next three years, the Commissioner for Children and Families, in consultation with the Commissioner of Public Service, shall file a report with the General Assembly describing the eligibility and participation rates in Vermont with respect to both the federal and State Lifeline programs.

Sec. 3. EFFECTIVE DATE

This act shall take effect on November 1, 2017.