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FEB 20 2013

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NOTICE OF PROPOSED RULEMAKING

35537

- TO:
- (a) Legislative Counsel – State of Georgia
 - (b) All Parties of Record – Docket Number 35537
 - (c) Affected Commission Staff
 - (d) All Parties on the Commission's Telecommunications and Utility Rulemaking Mailing List

146424

FROM: Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

IN RE: **Docket No. 35537: Notice of Proposed Rulemaking to Promulgate Rules Governing Eligible Telecommunications Carriers 515-12-1-.35, Eligible Telecommunications Carriers**

All interested parties are hereby notified pursuant to Ga. Laws 1964, pp. 338, 342, as amended (Official Code of Georgia Annotated ("O.C.G.A.") § 50-13-4) that the Georgia Public Service Commission ("Commission") intends to consider the adoption of rules governing Eligible Telecommunications Carriers.

BY THE COMMISSION:

At its regularly scheduled February 19, 2013 Administrative Session, the Commission issued this Notice of Proposed Rulemaking ("NOPR"). The rules proposed in this NOPR for Utility Rule 515-12-1-.35 shall be considered for adoption at the Commission's regularly scheduled **Administrative Session on April 2, 2013, at 10:00 a.m.** If adopted, the rule shall become effective as provided for by law twenty (20) days after adoption by the Commission and subsequent filing with the Secretary of State.

I. NOTICE OF PROPOSED RULEMAKING

A. Jurisdiction

Pursuant to O.C.G.A. §§ 46-2-20 and 46-2-21, the Commission has general supervisory authority over telephone and telegraph companies. The Commission also has jurisdiction over telecommunications companies. *See*, Telecommunications and Competition Development Act of 1995 (“Act”), O.C.G.A. § 46-5-160 through 174. One of the purposes of the Act, which the Commission is charged with enforcing, is to protect consumers during the transition to a competitive telecommunications market. O.C.G.A. § 46-5-161(b)(2). Pursuant to O.C.G.A. § 46-5-168, the Commission has jurisdiction to implement and administer the express provisions of the Act through rulemaking proceedings. Pursuant to 47 U.S.C. 254(f), state commissions “may adopt regulations not inconsistent with the [Federal Communications Commission’s] rules to preserve and advance universal service.” Finally, the Commission is authorized to act in accordance with federal law and federal regulations. O.C.G.A. § 46-5-222(b)(3).

B. Synopsis and Explanation of Proposed Rules

At its January 15, 2013 Administrative Session, the Commission adopted amendments to rule 515-12-1-.35 on Eligible Telecommunications Carriers. Pursuant to O.C.G.A. § 50-13-6, the rule as amended will become effective twenty days after being filed with the office of the Secretary of State. As part of the rule, the Commission adopted subsections 515-12-1.12(3)(f) and (g). Both of these subsections are new. Therefore, until the expiration of twenty days from the rule’s filing with the office of the Secretary of State, the rule does not contain effective subsections (f) and (g).

Subsection (f), as adopted, requires ETCs to impose on its customers a minimum charge of \$5.00 on a monthly basis. The proposed rule contains several revisions. First, the proposed rule would amend the requirement to “charge” \$5.00 per month by specifying that ETCs must “bill and collect” this amount. Second, the proposed rule also provides that ETCs may, in lieu of billing and collecting \$5.00 per month, offer a minimum of 500 minutes of use per month to customers eligible for the Lifeline discount. Third, the proposed rule allows ETCs that elect to bill and collect \$5.00 per month the option of billing on a quarterly basis. Finally, the proposed rule would become effective on October 1, 2013 in order to allow ETCs time for implementation.

Subsection (g), as adopted on January 15, 2013 mandates that ETCs require applicants to provide photo identification, and that the ETC review and retain the record for at least three years. The proposed rule would delete this requirement.

II. PROPOSED RULE

Pursuant to the requirements of the Georgia Administrative Procedures Act at O.C.G.A.

§ 50-13-4(a)(1), the Commission intends to consider the proposed amendments to rule 515-12-1-.35. The full text of the proposed Rule 515-12-1-.35 of the Utility Rules of the Commission is set forth below.

RULES OF GEORGIA PUBLIC SERVICE COMMISSION
515-12 TELEPHONE SERVICE
CHAPTER 515-12-1-.35
Eligible Telecommunications Carriers

515-12-1-.35 Eligible Telecommunications Carriers.

(3) The following additional requirements shall apply to carriers designated as Eligible Telecommunications Carriers by the Commission for the purpose of receiving Universal Service Support for Low-Income Consumers:

(f) An Eligible Telecommunications Carrier shall charge either bill and collect from its Lifeline customers a minimum monthly service rate of \$5.00 per month after application of the Federal Lifeline discount or provide to its Lifeline customers a minimum of 500 minutes of use per month. Nothing in this paragraph prohibits an ETC from billing and collecting \$5.00 per month on a quarterly basis. This paragraph shall become effective on October 1, 2013.

~~(g) Eligible Telecommunications Carriers shall require applicants for Lifeline benefits to produce photo identification and each Eligible Telecommunications Carrier shall review and retain a copy of such photo identification for a period of not less than three (3) years.~~

Authority O.C.G.A. §§ 46-2-20, 46-2-30, 46-5-160 through 174, 47 U.S.C. § 254(f).

The Commission shall consider adopting the proposed rule at its Administrative Session held at 10:00 a.m. on April 2, 2013 at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334.

All interested parties who desire to do so may submit comments, data, views, arguments, or any other relevant matters in writing to the Commission concerning the proposed Rules. Such written material must be delivered to the Commission no later than **4:00 P.M. on March 21, 2013**. The Commission requests that, where possible, comments include specific proposed edits to the Rules.

Any written materials are to be filed with:

Reece McAlister
Executive Secretary
Georgia Public Service Commission
244 Washington St., S.W.
Atlanta, Georgia 30334

All persons interested in presenting views or arguments orally should present a written request for an oral hearing by **March 21, 2013**. If no request for oral hearing is made, the Commission shall consider only those written comments filed in accordance with the provisions of this notice. If oral hearing is requested, the Commission shall hold oral hearings in its First Floor Hearing Room at its offices located at 244 Washington Street, S.W., Atlanta, Georgia 30334 at 10:00 A.M. on March 28, 2013.

The general authority for adoption of the rule is found in O.C.G.A. § 46-2-30. Upon request by any interested parties either prior to the exception of the Rules or within thirty (30) days thereafter, pursuant to O.C.G.A. § 50-13-4(a)(2), the Commission shall issue a concise statement of the principal reasons for and against adoption of the rule and incorporating the reasons for overruling the consideration, if any, urged against their adoption.

* * * * *

WHEREFORE IT IS ORDERED, that the Commission hereby issues this Notice of Proposed Rulemaking for consideration of adopting amendments to Utility Rule 515-12-1-.35.

ORDERED FURTHER, that this Notice of Proposed Rulemaking shall be published in conformity with the requirements of the Administrative Procedure Act as provided in O.C.G.A. § 50-13-4.

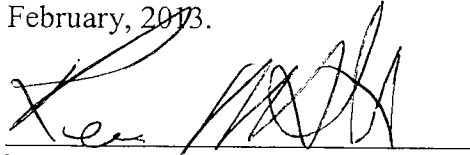
ORDERED FURTHER, that all interested parties shall file comments and proposed edits no later than 4:00 p.m. on March 21, 2013.

ORDERED FURTHER, that all persons interested in presenting views or arguments orally should present a written request for an oral hearing by March 21, 2013. If requested, the Commission will hold a hearing to receive oral comments at 10:00 A.M. on March 28, 2013.

ORDERED FURTHER, that any motion for reconsideration, rehearing, or oral argument or any other motion shall not stay the effective date of this Order, unless otherwise ordered by the Commission.

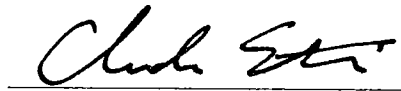
ORDERED FURTHER, that jurisdiction over this matter is expressly retained for the purpose of entering such further Order or Orders as this Commission may deem just and proper.

The above by action of the Commission in Administrative Session on the 19th day of February, 2013.



Reece McAlister
Executive Secretary

2-20-13
Date



Chuck Eaton
Chairman

2/20/13
Date