

Chapter 532

(House Bill 999)

AN ACT concerning

Public Utilities – Telephone Lifeline Service – Revisions

FOR the purpose of providing that a certain local telephone company provide “lifeline” to certain qualifying low-income consumers under certain circumstances; altering certain terminology used with respect to telephone lifeline service and its requirements; repealing a requirement that a telephone company charge an eligible subscriber a percentage of a certain tariff under certain circumstances; requiring the Department of Human Resources to provide certain information to local telephone companies to the extent allowed by State law in addition to federal law and until certain eligibility is determined; specifying that the Department maintain a certain file; authorizing the Department to certify a certain qualifying low-income consumer under certain circumstances; making certain conforming changes; providing for the scope and construction of a certain provision of law; defining certain terms; repealing certain definitions; and generally relating to telephone service.

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 8–201

Annotated Code of Maryland

(2010 Replacement Volume and 2016 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities

8–201.

(a) (1) In this section the following words have the meanings indicated.

[(2) “Eligible subscriber” means an individual who is certified to a local telephone company by the Department of Human Resources as receiving:

(i) assistance under Title 5, Subtitle 3 of the Human Services Article;

(ii) assistance from the electric universal service program under § 7–512.1 of this article;

(iii) assistance from the Maryland Energy Assistance Program under Title 5, Subtitle 5A of the Human Services Article;

- (iv) State-funded public assistance benefits; or
- (v) Supplemental Security Income under Title XVI of the federal Social Security Act.]

(2) “ECONOMIC UNIT” MEANS ALL ADULT INDIVIDUALS CONTRIBUTING TO AND SHARING IN THE INCOME AND EXPENSES OF A HOUSEHOLD.

[(3) “Telephone lifeline service” means local telephone services provided to eligible subscribers at a discount in accordance with this section.]

(3) “HOUSEHOLD” MEANS AN INDIVIDUAL OR A GROUP OF INDIVIDUALS WHO ARE LIVING TOGETHER AT THE SAME ADDRESS AS ONE ECONOMIC UNIT.

(4) “LIFELINE” MEANS A NONTRANSFERABLE RETAIL SERVICE OFFERING PROVIDED DIRECTLY TO QUALIFYING LOW-INCOME CONSUMERS FOR WHICH QUALIFYING LOW-INCOME CONSUMERS PAY REDUCED CHARGES AS A RESULT OF FEDERAL OR STATE LIFELINE SUPPORT.

(5) “QUALIFYING LOW-INCOME CONSUMER” MEANS AN INDIVIDUAL WHO:

(I) MEETS THE QUALIFICATIONS FOR LIFELINE UNDER 47 C.F.R. §§ 54.400, 54.409, AND 54.410; AND

(II) IS CERTIFIED TO RECEIVE LIFELINE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (I) OF THIS SECTION, THIS SECTION APPLIES ONLY TO A LOCAL TELEPHONE COMPANY AND THE PROVISION OF LOCAL TELEPHONE SERVICE.

[(b)] **(C)** At the direction of the Commission, a local telephone company with more than 10,000 subscribers shall offer [telephone] lifeline [service] to [eligible subscribers] **QUALIFYING LOW-INCOME CONSUMERS** subject to the following conditions:

(1) no other local voice telephone service may be provided to the [dwelling unit] **HOUSEHOLD** of the [eligible subscriber] **QUALIFYING LOW-INCOME CONSUMER** applying for [telephone] lifeline [service]; and

(2) an inside wiring maintenance plan is not provided to the [eligible subscriber] **QUALIFYING LOW-INCOME CONSUMER**.

[(c)] (D) (1) **[An eligible subscriber]** **A QUALIFYING LOW-INCOME CONSUMER** may select a **[telephone]** lifeline **[service]** under either paragraph (2) or (3) of this subsection.

(2) **[An eligible subscriber]** **A QUALIFYING LOW-INCOME CONSUMER** who selects **[telephone]** lifeline **[service]** under this paragraph:

(i) shall receive:

1. an individual residential local exchange access line; and
2. the first 30 residential local untimed messages each billing month at no additional charge;

(ii) shall be charged:

1. 50% of the lowest applicable and approved federal and State tariff rates for the access line and included residential local untimed messages, minus any applicable waiver of federal tariff provisions for **[eligible subscribers]** **QUALIFYING LOW-INCOME CONSUMERS**, plus all applicable federal, State, and local taxes;
2. the full applicable tariff rates for all other residential local untimed messages; and
3. **[except as otherwise provided in subsection (d) of this section,]** the full applicable tariff rates for all other services; and

(iii) may not be provided any premium services, including foreign zone or foreign exchange service.

(3) **[An eligible subscriber]** **A QUALIFYING LOW-INCOME CONSUMER** who selects **[telephone]** lifeline **[service]** under this paragraph:

(i) shall receive an individual residential local exchange access line with unlimited residential local untimed messages for a monthly charge of \$10; and

(ii) may purchase up to two value-added services at the full applicable tariff rates.

[(d)] The telephone company shall charge to an eligible subscriber 50% of the applicable filed tariff for:

- (1) repairs to inside wiring; and

(2) installation and connection of residential dial access service to one termination in the dwelling unit of the eligible subscriber.]

(e) The telephone company shall charge to the [eligible subscriber] **QUALIFYING LOW-INCOME CONSUMER** all applicable federal, State, and local taxes and fees.

(f) (1) A telephone company may not require payment of an order processing charge or line change charge to change [an eligible subscriber] **A QUALIFYING LOW-INCOME CONSUMER** to [telephone] lifeline [service] from any other class of residential telephone service.

(2) [A telephone lifeline service subscriber] **AN INDIVIDUAL** who **IS** no longer [qualifies as an eligible subscriber] **A QUALIFYING LOW-INCOME CONSUMER** may not be charged a fee to change from [telephone] lifeline [service] to any other class of residential telephone service.

(g) (1) A telephone company may not request a deposit to secure payment in connection with the initial installation or connection of [telephone] lifeline [service].

(2) [An eligible subscriber] **A QUALIFYING LOW-INCOME CONSUMER** applying for service may be denied service if the [eligible subscriber] **QUALIFYING LOW-INCOME CONSUMER**:

(i) has an outstanding unpaid net telephone debt of \$100 or more for prior telephone service; and

(ii) has not established a reasonable payment plan to satisfy the debt.

(3) [An eligible subscriber] **A QUALIFYING LOW-INCOME CONSUMER** may not be denied service if the [eligible subscriber] **QUALIFYING LOW-INCOME CONSUMER** has an outstanding unpaid net telephone debt of less than \$100 for prior telephone service.

(h) (1) To the extent allowed by federal **AND STATE** law, the Department of Human Resources shall provide to local telephone companies that offer [telephone] lifeline [service] monthly electronic access to a file containing a list of [all individuals who receive assistance from any of the programs listed in subsection (a)(2) of this section] **QUALIFYING LOW-INCOME CONSUMERS UNTIL THE FEDERAL COMMUNICATIONS COMMISSION OR ITS DESIGNEE DETERMINES ELIGIBILITY**.

(2) To obtain access to the file **MAINTAINED BY THE DEPARTMENT OF HUMAN RESOURCES**, a local telephone company must enter into a memorandum of

understanding with the Department of Human Resources that governs access to use, confidentiality, and retention of the file.

(3) The grant of access to the file satisfies the certification requirement of subsection [(a)(2)] **(A)(5)** of this section.

(4) ONCE THE FEDERAL COMMUNICATIONS COMMISSION OR ITS DESIGNEE DETERMINES ELIGIBILITY, THAT DETERMINATION WILL SATISFY THE CERTIFICATION REQUIREMENT UNDER SUBSECTION (A)(5) OF THIS SECTION.

(I) THE DEPARTMENT OF HUMAN RESOURCES MAY CERTIFY CONSUMERS AS QUALIFYING LOW-INCOME CONSUMERS IF THEY USE SERVICES OTHER THAN LOCAL TELEPHONE SERVICE.

(J) NOTHING IN THIS SECTION MAY BE CONSTRUED TO ESTABLISH JURISDICTION BY THE COMMISSION OVER WIRELESS SERVICES, BROADBAND SERVICES, VOICE OVER INTERNET PROTOCOL SERVICES, OR OTHER SERVICES THAT ARE NOT PROVIDED THROUGH TELEPHONE LINES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 4, 2017.