

1 Public Utilities Commission

2

3 Adopted Permanent Rules Relating to Telephone Assistance Plan

4

5 Rules as Adopted

6 7817.0100 DEFINITIONS.

7 Subpart 1. to 3. [Unchanged.]

8 Subp. 3a. **Department of Administration.** "Department of
9 Administration" means the Minnesota Department of Administration.

10 Subp. 4. to 5. [Unchanged.]

11 Subp. 5a. **Disabled.** "Disabled" has the meaning given it
12 in Minnesota Statutes, section 363.01, subdivision 25.

13 Subp. 6. **Federal matching plan.** "Federal matching plan"
14 means any telephone assistance plan of the Federal
15 Communications Commission, including the federal plan in Code of
16 Federal Regulations, title 47, part 69, that waives the federal
17 interstate access charge for eligible local telephone
18 subscribers. This federal plan provides matching federal
19 assistance to eligible households receiving assistance through a
20 state telephone assistance plan.

21 Subp. 7. to 9. [Unchanged.]

22 Subp. 10. **Local exchange service.** "Local exchange service"
23 means telephone service provided within local exchange service
24 areas in accordance with telephone company tariffs. It includes
25 the use of exchange facilities required to establish connections
26 between stations within the exchange and between stations and
27 the toll facilities serving the exchange. It also includes
28 extended area service that is interexchange calling for which a
29 message toll charge is not assessed.

30 Subp. 11. and 12. [Unchanged.]

31 Subp. 13. **Subscriber.** "Subscriber" means a person in
32 whose name local exchange service is provided by a telephone
33 company.

34 Subp. 14. [Unchanged.]

35 Subp. 14a. **Telephone assistance fund.** "Telephone

1 assistance fund" means a statewide surcharge revenue pool
2 created by Laws of Minnesota 1988, chapter 621, section 16.

3 Subp. 15. [Unchanged.]

4 Subp. 16. Telephone company. "Telephone company" has the
5 meanings given in Minnesota Statutes, section 237.01,
6 subdivisions 2 and 3, and also means a company that provides
7 local exchange service.

8 7817.0200 PURPOSE AND CONSTRUCTION.

9 The purpose of this chapter is to develop and implement a
10 statewide telephone assistance plan to provide telephone
11 assistance credits to reduce the local telephone rates of
12 eligible residential households, to be jointly administered by
13 the commission, the Department of Human Services, and the
14 telephone companies. The purpose of this chapter is also to
15 permit the implementation of federal telephone assistance plans
16 so that the state's local exchange service telephone customers
17 are afforded the opportunity to acquire the benefits of these
18 federal plans.

19 This chapter is to be liberally construed to further these
20 purposes.

21 7817.0300 FUNDING.

22 Subpart 1. Uniform statewide monthly surcharge. The
23 telephone assistance plan must be funded through the assessment
24 of a uniform recurring monthly surcharge, not to exceed ten
25 cents per access line, applicable to all classes and grades of
26 access lines provided by each telephone company in the state.
27 Each telephone company may assess the surcharge per access line,
28 combine the surcharge with the charges for other programs such
29 as the emergency 911 telephone service, or include the surcharge
30 in existing or future rates. The initial surcharge must be
31 assessed beginning with the first billing cycle occurring
32 immediately after the effective date of this part. The
33 commission shall determine the level of the surcharge on an
34 annual basis no later than November 30 of each year. The
35 recalculated surcharge must be effective beginning with the

1 first billing cycle of the next calendar year.

2 Subp. 2. Collection of surcharge revenues. A telephone
3 company shall bill the surcharge and collect the surcharge
4 revenues. At the time of reporting under part 7817.0900,
5 subpart 3, item H, a telephone company shall notify the
6 commission if a subscriber does not pay the surcharge.

7 Subp. 3. Use of surcharge revenues and fund. A telephone
8 company shall remit, under Minnesota Statutes, section 403.11,
9 surcharge revenues to the Department of Administration for
10 deposit in the telephone assistance fund. The commission shall
11 use the money in the telephone assistance fund to:

12 A. reimburse the telephone assistance credits
13 extended by a telephone company and reimburse a telephone
14 company's expenses, not including expenses of collecting the
15 surcharge, within 60 days of receipt of a telephone company's
16 report under part 7817.0900;

17 B. reimburse the administrative expenses of the
18 Department of Human Services from January 1, 1988 to June 30,
19 1989, not to exceed \$90,000; and

20 C. reimburse the administrative expenses of the
21 commission not to exceed \$25,000 annually.

22 7817.0400 ELIGIBILITY FOR TELEPHONE ASSISTANCE CREDITS.

23 Subpart 1. Information provided. Each telephone company
24 shall annually mail a notice of the availability of the
25 telephone assistance plan to each residential subscriber in a
26 regular billing. The notice must state the following: You may
27 be eligible for assistance in paying your telephone bill if you
28 meet certain household income limits, and you are 65 years of
29 age or older or are disabled. For more information or an
30 application form please contact On request,
31 the telephone company shall mail to a person an application form
32 developed by the Department of Human Services and a brochure
33 that describes the telephone assistance plan's eligibility
34 requirements and application process.

35 Subp. 2. Application process. On completing the

1 application certifying that the statutory criteria for
2 eligibility are satisfied, the applicant must return it to the
3 telephone company for enrollment in the telephone assistance
4 plan. An application may be made by the subscriber, the
5 subscriber's spouse, or a person authorized by the subscriber to
6 act on the subscriber's behalf.

7 Subp. 3. Documenting, verifying, and reviewing
8 eligibility. The Department of Human Services or a local agency
9 shall verify whether the applicant is eligible.

10 When a condition of eligibility changes, and at each
11 redetermination of eligibility, the Department of Human Services
12 or a local agency shall verify eligibility.

13 A. In a timely manner, an applicant or recipient
14 shall document income or authorize the Department of Human
15 Services or a local agency to verify the income. The Department
16 of Human Services or a local agency shall help an applicant or
17 recipient obtain documents that the applicant or recipient does
18 not possess and cannot obtain. Information previously verified
19 and retained by the Department of Human Services or a local
20 agency must not be verified again unless the information no
21 longer applies to current circumstances.

22 B. The Department of Human Services or a local agency
23 shall not request information about an applicant or recipient
24 that is not of public record from a source other than local
25 agencies or the Department of Human Services without the
26 applicant's or recipient's prior written consent. The
27 Department of Human Services or a local agency may request
28 information about an applicant or recipient that is not of
29 public record from the telephone companies by obtaining the
30 applicant's or recipient's prior written consent on an
31 application or recertification form. The Department of Human
32 Services or a local agency shall not provide third parties with
33 access to information about an applicant's or recipient's
34 eligibility status or other case record information without the
35 prior written consent of that applicant or recipient, except
36 where access to specific case information is granted to the

1 Department of Human Services or local agencies designated by the
2 Minnesota Government Data Practices Act, Minnesota Statutes,
3 chapter 13. Information designated as confidential by the
4 Minnesota Government Data Practices Act may only be made
5 available to agencies granted access under that law and must not
6 be provided to an applicant, recipient, or third party.

7 C. The Department of Human Services or a local agency
8 shall inform the recipient of the recipient's responsibility to
9 report permanent changes in circumstances that affect
10 eligibility within ten days of each change.

11 Subp. 4. **Eligibility criteria.** To be eligible for a
12 telephone assistance credit the applicant must certify that:

13 A. the household is not in receipt of assistance for
14 telephone service under any other state public assistance
15 program;

16 B. the subscriber is disabled or 65 years of age or
17 older;

18 C. the subscriber resides in Minnesota or has moved
19 to Minnesota and intends to remain; and

20 D. the household income satisfies the criteria in
21 subpart 5.

22 Subp. 5. **Income.** To determine eligibility, the Department
23 of Human Services or a local agency shall evaluate income
24 received by household members. All payments must be counted as
25 income if listed in Minnesota Statutes, section 290A.03,
26 subdivision 3.

27 The applicant's household income must be 150 percent or
28 less of the federal poverty income guidelines, as published
29 periodically in the Federal Register, or the applicant must be
30 currently eligible for:

31 A. aid to families with dependent children;

32 B. medical assistance;

33 C. general assistance;

34 D. Minnesota supplemental aid;

35 E. food stamps;

36 F. refugee cash assistance or refugee medical

1 assistance;

2 G. energy assistance; or

3 H. supplemental security income.

4 For the purpose of calculating income under this subpart,
5 household income does not include the income of minor children.

6 Subp. 6. **Agency responsibilities.** On receiving
7 notification of an application from the telephone company, the
8 Department of Human Services or a local agency shall determine
9 the applicant's eligibility or ineligibility within 120 days.
10 At least once in every 12-month period, the Department of Human
11 Services or a local agency shall redetermine eligibility.

12 Subp. 7. **Applicant and recipient responsibilities.** An
13 applicant shall provide current information about circumstances
14 that permanently affect the applicant's eligibility.

15 Subp. 8. **Notices.** An applicant or recipient must be
16 notified of the disposition of the application in the following
17 manner.

18 A. If certified, the telephone company shall notify
19 the applicant or recipient by placing telephone assistance
20 credits on the bill.

21 B. If an applicant is denied eligibility or a
22 recipient's eligibility is terminated, the Department of Human
23 Services or a local agency shall notify the applicant or
24 recipient in writing of the reasons for the denial or
25 termination, of the right to appeal, and of the right to reapply.

26 C. If an applicant is denied eligibility or a
27 recipient's eligibility is terminated, the Department of Human
28 Services or a local agency shall notify the telephone company.

29 D. The Department of Human Services or a local agency
30 shall notify the recipient of the need to verify eligibility and
31 shall allow at least 30 days for the recipient to respond.

32 Subp. 9. **Ineligibility.** The Department of Human Services
33 or a local agency shall determine that a recipient is ineligible
34 if (1) the recipient does not meet the eligibility criteria of
35 subpart 4, (2) the recipient does not respond within 30 days to
36 a request for verification under subpart 8, item D, or (3) the

1 Department of Human Services or a local agency is notified of
2 permanent changes in basic eligibility requirements that result
3 in ineligibility.

4 7817.0600 PROVISION AND TERMINATION OF CREDITS.

5 Subpart 1. **Provision of credits.** After a telephone
6 company receives an application for telephone assistance
7 credits, the company shall enroll the applicant in the telephone
8 assistance plan and shall apply telephone assistance credits
9 against monthly charges for each certified household. A
10 telephone company shall apply telephone assistance credits to an
11 applicant's earliest possible billing cycle but no later than
12 the applicant's second billing cycle after certification in the
13 telephone assistance plan.

14 Subp. 2. **Termination of credits.** After the telephone
15 company enrolls an applicant in the telephone assistance plan,
16 the company shall cease credits when notified by the Department
17 of Human Services that ineligibility has been determined or when
18 local exchange service ends. When so notified, the credit ends
19 with the start of the telephone company's billing cycle
20 beginning in the month after the month in which the company is
21 notified.

22 7817.0900 COMPANY RECORDING, REPORTING REQUIREMENTS.

23 Subpart 1. [Unchanged.]

24 Subp. 2. **Reporting requirements.** A telephone company
25 shall file at its option either quarterly or monthly reports
26 with the commission and the Department of Public Service for
27 review. A telephone company with 100 or fewer subscribers may
28 file an annual report under subpart 4 rather than filing
29 quarterly or monthly reports. Quarterly reports are due no
30 later than 30 days after the end of each quarter of a calendar
31 year. Monthly reports are due no later than 30 days after the
32 end of each calendar month. The reports must be made on a form
33 prescribed by the commission.

34 Subp. 3. **Contents of report.** The quarterly or monthly
35 reports must list the following items for that reporting period

1 and cumulatively for the year:

2 A. the surcharge revenues collected by the telephone
3 company;

4 B. the number of access lines billed the surcharge;

5 C. itemized telephone assistance plan expenses
6 incurred by the company;

7 D. the amount of reimbursement requested from the
8 telephone assistance fund;

9 E. the amount of reimbursement from the federal
10 matching plan applied for or received;

11 F. the number of subscribers that received credits
12 under the telephone assistance plan and the number of
13 subscribers that were given waivers under the federal matching
14 plan;

15 G. the monetary amount of credits extended by the
16 telephone company under the telephone assistance plan and the
17 monetary amount of waivers given under the federal matching
18 plan; and

19 H. a list of the subscribers who did not pay the
20 surcharge.

21 These reports must be made on forms prescribed by the
22 commission.

23 Subp. 4. Annual report. No later than 30 days after the
24 end of a calendar year, a telephone company shall file a
25 year-end report with the commission and the Department of Public
26 Service. A telephone company with 100 or fewer subscribers that
27 files only an annual report must include the information
28 required by subpart 3 in its annual report. Depending on the
29 reporting option chosen under subpart 2, a cumulative year-end
30 monthly or quarterly report provided under subpart 3 may serve
31 as the annual report. This report must be a financial report
32 and accounting for the telephone company's experience under the
33 telephone assistance plan. The report must also be adequate to
34 satisfy the reporting requirements of the federal matching plan.