

**LOUISIANA PUBLIC SERVICE COMMISSION**

**GENERAL ORDER**

**LOUISIANA PUBLIC SERVICE COMMISSION  
EX PARTE**

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*Docket No. R-29900 In re: Credit and Deposit Requirements for Victims of Family Violence.*

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(Decided at the Commission's Business and Executive Session held February 14, 2007)

***Background***

At the November 29, 2006 Business and Executive Session, the Commission instructed Staff to develop a rule regarding the waiver of credit and deposit requirements for victims of family violence. Pursuant to that instruction, Staff prepared a draft rule, which was published in the Commission's Official Bulletin dated December 29, 2006 with a fifteen-day intervention period and established January 24, 2007 as the deadline for filing written comments.

The Small Company Committee of the Louisiana Telecommunications Association; Cleco Power, LLC (CLECO); CenterPoint Energy-Arkla; CenterPoint Energy-Entex; AT&T Communications of the South Central States, LLC; TC Systems, Inc.; and SBC Long Distance, LLC d/b/a AT&T Long Distance; East Ascension Telephone Company, LLC; BellSouth Telecommunications, Inc. d/b/a AT&T Louisiana ("AT&T Louisiana"); Cox Louisiana Telecom, LLC ("Cox"); Sprint Communications Company, LP; Entergy Louisiana, LLC and Entergy Gulf States, Inc. ("ELL and EGSI"); and the Louisiana Coalition Against Domestic Violence ("the Coalition") filed interventions. The Louisiana Coalition Against Domestic Violence, Cox, ELL and EGSI, and Southwestern Electric Power Company ("SWEPCO"), and AT&T Louisiana filed comments.

***Draft Proposed Rule as Published in the Commission's Bulletin***

A customer or applicant that has been determined to be a victim of family violence as defined in the La. R.S. 46:2121.1 by treating medical personnel, by law enforcement personnel, by the office of a District Attorney, by the office of the Attorney General, or by a designated representative of a family violence shelter established under the La. R.S. 46:2122, et seq. shall be exempt from the utilities credit and/or deposit requirements as established in that utility's tariff. This determination shall be evidenced by submission of the following certification letter to the utility.

**Certification Letter for Victim of  
Family Violence for Waiver of Utility Deposit**

This letter serves to certify that \_\_\_\_\_ (Name of Applicant for Service) is a victim of family violence as defined in La. R.S. 46:2121.1, and therefore has demonstrated satisfactory credit for the purposes of establishing service.

Requirement of deposit must be waived for the above named customer.

The following Certifying Entity has determined that the above named Applicant is a victim of family violence as defined in La. R.S. 46:2121.1. (Only one certifying entity is required.)

Family Violence Shelter (Agency name): \_\_\_\_\_  
Treating Medical Personnel (Name of clinic/ hospital): \_\_\_\_\_  
Law Enforcement Personnel (Specify division): \_\_\_\_\_  
Office of Attorney General (Specify division): \_\_\_\_\_  
Office of a Louisiana District Attorney (Specify division): \_\_\_\_\_

**By my signature I certify that the above named Applicant has been determined to be a victim of family violence as defined in La. R.S. 46:2121.1 and I am qualified to make that determination.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed name \_\_\_\_\_  
Job Title \_\_\_\_\_ Phone Number \_\_\_\_\_

### *Summary of Comments*

#### Louisiana Coalition Against Domestic Violence:

The Louisiana Coalition Against Domestic Violence suggested that the use of the term family violence “shelter” was too narrow in scope as there were 20 family violence programs to assist victims of family violence in the state and only 16 of those programs have shelters. The Coalition recommended that the final rule authorize a representative of a family violence “program” to certify an individual as a victim of family violence rather than a representative of a family violence “shelter.” Additionally, the Coalition urged the Commission to use a broader definition for “family or household member.” The definition recommended by the Coalition is taken from La. R.S. 46:2132 and defines “family members” as spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. It defines “household members” as any person of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not, who is seeking protection under this Part.

#### Cox:

Cox commended the Commission for its concern for victims of family violence, yet questioned the need for such a rule given the existence of programs currently available that victims of family violence could utilize for telecommunications services. First, Cox offers a local-only product, which does not include long-distance, and it does not require a deposit.

Second, Lifeline Assistance and Link-Up America are federal programs funded by the Federal Universal Service Fund that provide discounted services to customers who meet the income requirements. Lifeline Assistance provides up to a \$10 per month discount on basic monthly service. Link-Up America permits customers to initiate phone service by paying only one-half the cost of the installation for wireline service or the activation fee for wireless service (up to a maximum of \$30). If a Lifeline customer restricts toll usage, no deposit is required. The federal criteria for eligibility require that the customer have income at or below 135% of the

federal Poverty Guidelines or participate in one of a number of assistance programs such as Medicaid, Food Stamps, Section 8 housing, Supplement Social Security, etc. Therefore, in order to qualify for Lifeline or Link-Up, a victim of family violence would also have to meet the income requirements.

Third, Cox encourages the Commission to consider petitioning the FCC to include victims of family violence in its criteria for Lifeline Assistance and Link-Up America, should there be sufficient numbers of victims of family violence who become certified under the Commission's rule. Likewise, Cox encourages the Commission to consider creating a program similar to the federal Lifeline program that would be funded by the state Universal Service Fund; therefore the Commission could establish criteria for eligibility and include victims of family violence.

Cox also requested that the Commission, should it impose the rule, consider implementing certain safeguards to prevent fraud and abuse of the program. Cox states that certification as a victim of family violence by either treating medical personnel or by law enforcement personnel is beyond the scope of the Family Violence Shelters section of the Family Violence Act; therefore, such certification by those entities alone is insufficient. Cox requests that the Commission require certification by a representative of a community based shelter as set forth in La. R.S. 46:2124 or local family violence program as provided by La. R.S. 46:2128, with two signatures and on the letterhead of the certifying entity. Cox requested that the Commission provide the utilities with a list of entities authorized to issue such certification.

Cox expressed concern regarding a customers right to privacy related to medical and law enforcement records stating that those must be controlled by the customer and that Cox would be hesitant to assume liability associated with possessing those records. Therefore, the responsibility must lie only with the state-certified entities (i.e. community shelters and local programs) described above because of the agency-client relationship those entities have with the customer.

In addition to the above suggestions, Cox asked that the Commission consider a 60-day expiration date for the certification letters and that a certification letter for a victim of family violence be limited to one use, per family, per utility. Cox asserted that a technical conference with the parties to this proceeding would be beneficial to the Commission in finalizing the rule.

#### ELL and EGSI:

ELL and EGSI commented that it did not object to Staff's proposed rule and that it would be reasonable for the Commission to conclude that it is in the public interest. Additionally, that the proposed rule was consistent with the purpose of La. R.S. 46:2121 referenced in the rule. Further, the proposed rule was adequately specific so that the utilities would know when the rule would be applicable. ELL and EGSI stated that the rule may increase costs to other customers, but such effect would be minimal.

SWEPCO:

SWEPCO only had one suggested revision to Staff's proposed rule and that was to include the word "initial" in the certification form preceding any reference to a deposit and/or credit requirement so that once a customer has established initial credit and/or deposit requirements using a certification form certifying that the customer or applicant is a victim of family violence, all existing rules for established customers are applicable.

AT&T Louisiana:

AT&T Louisiana stated that it supports offering financial assistance to those seeking basic telephone service, and currently offers Lifeline Assistance and Link-Up America that are supported by the federal Universal Service Fund and available to income-eligible subscribers (as described in the summary of comments filed by Cox). AT&T Louisiana asks the Commission to consider exempting all telecommunications services providers (TSPs) from waiving deposits in the specific instance of victims of domestic violence, as there are programs already available for any customer who meets the income criteria.

AT&T Louisiana averred that the Commission's concern for victims of family violence and the need for them to obtain basic phone service is being met by the Lifeline Assistance and Link-Up America programs. However, should the Commission find a separate program for deposit waivers is necessary, that the Commission consider certain protective measures to avoid abuse of the program, without adding to the burden of those persons that are eligible. First, that the certification form be printed on the letterhead of the certifying agency, or that the form be accompanied by a letter from the certifying agency identifying the certifying individual and his/her title. Second, that the form include the signature of the certifying individual and his/or immediate supervisor in order to verify the accuracy of the form. Third, the certification form include language authorizing the customer's consent to release protected health and/or confidential information to allow the utility to verify with the certifying agency, if necessary. Last, that a certification form be restricted to one deposit waiver for that utility and that the application for service must be made within a reasonable time period (30-45 days) from the date of the certification letter.

***Staff Recommendation***

Staff recognizes the need to preserve the intent of the proposed rule while safeguarding the ratepayers from the burden of additional expense that could potentially result from fraudulent or improper application of the rule. The final proposed rule recommended by Staff, after careful consideration of the comments, seeks to accomplish that as set forth more fully below.

Commission Staff adopted the suggestion of the Louisiana Coalition Against Domestic Violence to change the word “shelter” to “program”, as some of the programs established under La. R.S. 46:2122 are not actually shelters.

The final proposed rule adopts some suggestions regarding safeguards against fraudulent or improper application of the rule, but that do not seek to impose an undue administrative hardship on those eligible for the program. While Staff considered all of the comments regarding additional safeguards, the final proposed rule recommended by Staff does not contain all of the suggestions made in the comments, as intent of the rule must be carried out without making the certification process so onerous as to preclude those that are eligible from seeking and/or obtaining certification. First, the final proposed rule clarifies that the rule applies to initial credit and/or deposit requirements. Once the initial credit and/or deposit requirements are established using the certification form, rules related to existing customers are applicable. Second, the rule requires the certification form to be printed on the letterhead of the certifying agency or be accompanied by a letter from the certifying agency identifying the certifying individual. Third, the form asks for the name, title, and phone number of the certifying individual’s supervisor. Last, the certification form expires after ninety (90) days.

Staff considered the requests to exempt telecommunications carriers that provide Lifeline Assistance and Link-Up America services. While Staff encourages both advocacy groups and utilities to help make victims of family violence aware of discounted service programs such as Lifeline Assistance and Link-Up America, the Commission’s proposed rule focuses on the waiver of deposits. These programs that offer discounts on services do not amount to a waiver of an initial deposit and/or credit requirement. These programs apply only to those that meet the federal income criteria. Customers who meet the income-criteria and are eligible for the discounts on service would only receive a deposit waiver if the customer signed up for toll-blocking. The fact that some telecommunications companies make these federal programs on discounted services available for those that are income-eligible does not warrant an exemption from this rule.

### ***Final Proposed Rule***

Having considered the comments received, Commission Staff recommends the following final proposed rule (Note: Changes from the proposed rule as published are printed in italics for identification.)

A customer or applicant that has been determined to be a victim of family violence as defined in the La. R.S. 46:2121.1 by treating medical personnel, by law enforcement personnel, by the office of a District Attorney, by the office of the Attorney General, or by a designated representative of a family violence *program* established under the La. R.S. 46:2122, et seq. shall be exempt from the utilities *initial* credit and/or deposit requirements as established in that utility’s tariff. This determination shall be evidenced by submission of a certification letter to the utility. *The certification letter must be printed on the letterhead of the*

*certifying agency or accompanied by a letter on agency letterhead identifying the certifying individual. The certification letter expires after ninety (90) days.*

**Certification Letter for Victim of  
Family Violence for Waiver of *Initial* Utility Deposit**

This letter serves to certify that \_\_\_\_\_ (Name of Applicant for Service) is a victim of family violence as defined in La. R.S. 46:2121.1, and therefore has demonstrated satisfactory credit for the purposes of establishing service.

Requirement of *initial* deposit must be waived for the above named customer.

The following Certifying Entity has determined that the above named Applicant is a victim of family violence as defined in La. R.S. 46:2121.1. (Only one certifying entity is required.)

Family Violence *Program* (Agency name): \_\_\_\_\_  
Treating Medical Personnel (Name of clinic/ hospital): \_\_\_\_\_  
Law Enforcement Personnel (Specify division): \_\_\_\_\_  
Office of Attorney General (Specify division): \_\_\_\_\_  
Office of a Louisiana District Attorney (Specify division): \_\_\_\_\_

**By my signature I certify that the above named Applicant has been determined to be a victim of family violence as defined in La. R.S. 46:2121.1 and I am qualified to make that determination.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Printed name: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Supervisor: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Title of Supervisor: \_\_\_\_\_

*This form expires ninety (90) days from the date of the signature of the certifying individual.*

***Conclusion***

This matter was considered at the Commission's Business and Executive Session held February 14, 2007. On motion of Commissioner Campbell, seconded by Commissioner Field and unanimously adopted, the Commission voted to adopt Staff's Final Proposed Rule. The certification letter is attached to this Order as Attachment A and is available on the Commission's website: [www.lpsc.org](http://www.lpsc.org).

IT IS ORDERED that:

A customer or applicant that has been determined to be a victim of family violence as defined in the La. R.S. 46:2121.1 by treating medical personnel, by law enforcement personnel, by the office of a District Attorney, by the office of the Attorney General, or by a designated representative of a family violence program established under the La. R.S. 46:2122, et seq. shall be exempt from the utilities initial credit and/or deposit requirements as established in that utility's tariff. This determination shall be evidenced by submission of a certification letter to the utility. The certification letter must be printed on the letterhead of the certifying agency or

accompanied by a letter on agency letterhead identifying the certifying individual. The certification letter expires after ninety (90) days.

This Order is effective immediately.

**BY ORDER OF THE COMMISSION**  
**BATON ROUGE, LOUISIANA**  
February 28, 2007

**/S/ JACK "JAY" A. BLOSSMAN**  
**DISTRICT I**  
**CHAIRMAN JACK "JAY" A. BLOSSMAN**

**/S/ LAMBERT C. BOISSIERE, III**  
**DISTRICT III**  
**VICE CHAIRMAN LAMBERT C. BOISSIERE, III**

**/S/ C. DALE SITTIG**  
**DISTRICT IV**  
**COMMISSIONER C. DALE SITTIG**

**/S/ JAMES M. FIELD**  
**DISTRICT II**  
**COMMISSIONER JAMES M. FIELD**

**LAWRENCE C. ST. BLANC**  
**SECRETARY**

**/S/ FOSTER L. CAMPBELL**  
**DISTRICT V**  
**COMMISSIONER FOSTER L. CAMPBELL**