

1 SB302  
2 198247-1  
3 By Senator Smitherman  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 16-APR-19

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8 SYNOPSIS: Under existing law, the Public Service  
9 Commission is tasked with administering federal  
10 universal service programs in Alabama including the  
11 federal Lifeline and Tribal Link-Up program for  
12 eligible low-income consumers. Additionally, state  
13 agencies that administer Lifeline qualifying public  
14 assistance programs, consumer participation which  
15 qualifies consumers for federal Lifeline benefits  
16 ("Lifeline qualifying public assistance programs")  
17 are required to share participant data with the  
18 commission to aid in Lifeline enrollment. The  
19 requirements in this section are based upon the  
20 Federal Communications Commission 2004 Lifeline and  
21 Link-Up Report and Order which encouraged the  
22 states to adopt their own automatic Lifeline  
23 enrollment procedures.

24 This bill would remove obsolete language and  
25 authorize and direct any state agency administering  
26 a Lifeline qualifying public assistance program to  
27 make access to its data files of program

1 participants available to USAC, the National  
2 Verifier, and the Lifeline eligibility database for  
3 purposes of consumer Lifeline eligibility,  
4 enrollment, and for other administrative functions.

5  
6 A BILL  
7 TO BE ENTITLED  
8 AN ACT

9  
10 Relating to the administration of Lifeline  
11 qualifying public assistance programs; to amend Section  
12 37-2A-7 of the Code of Alabama 1975, to remove obsolete  
13 language; and to authorize and direct any state agency  
14 administering a Lifeline qualifying public assistance program  
15 to make access to its data files of program participants  
16 available to USAC, the National Verifier, and the Lifeline  
17 eligibility database for purposes of consumer Lifeline  
18 eligibility, enrollment, and for other administrative  
19 functions.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 37-2A-7 of the Code of Alabama  
22 1975, is amended to read as follows:

23 "§37-2A-7.

24 "(a) (1) The commission shall implement, supervise,  
25 and control state and federal universal service programs in  
26 compliance with federal and state law.

1           "(2) A subscriber who receives Lifeline service  
2           shall be required to pay all applicable fees, including the  
3           Alabama E-911 surcharge, the Alabama telephone relay system  
4           surcharge, and all applicable federal, state, and local taxes.

5           ~~"(b) (1) Any telecommunications carrier authorized as~~  
6           ~~an eligible telecommunications carrier shall provide Lifeline~~  
7           ~~and Link-Up service to any otherwise eligible customer or~~  
8           ~~potential customer who meets an income eligibility test~~  
9           ~~established by the commission for Lifeline and Link-Up~~  
10           ~~customers. This test for eligibility shall be in addition to~~  
11           ~~the commission's current list of Lifeline and Link-Up eligible~~  
12           ~~low income assistance programs. Each eligible~~  
13           ~~telecommunications carrier shall file a tariff, provide a~~  
14           ~~price list, or make a Lifeline and Link-Up informational~~  
15           ~~filing providing, at a minimum, the current Lifeline and~~  
16           ~~Link-Up benefits offered by the eligible telecommunications~~  
17           ~~carrier to Lifeline and Link-Up customers who meet the income~~  
18           ~~eligibility test set forth in this subsection. Only the~~  
19           ~~commission shall process, certify, and maintain the supporting~~  
20           ~~information submitted by a customer for Lifeline and Link-Up~~  
21           ~~eligibility under the income test authorized by this~~  
22           ~~subsection. Eligible telecommunications carriers may continue~~  
23           ~~to process applications for Lifeline and Link-Up service based~~  
24           ~~on eligibility criteria other than the income test for~~  
25           ~~eligibility.~~

26           ~~"(2) An eligible telecommunications carrier shall~~  
27           ~~offer a consumer who applies for and receives Lifeline service~~

1 ~~the option of blocking all toll calls or, if technically~~  
2 ~~capable, placing a limit on the number of toll calls a~~  
3 ~~consumer can make. The eligible telecommunications carrier may~~  
4 ~~not charge the consumer an administrative charge or other~~  
5 ~~additional fee for blocking the service.~~

6 ~~"(3) An eligible telecommunications carrier may not~~  
7 ~~collect a service deposit for local telecommunications service~~  
8 ~~in order to initiate Lifeline service if the qualifying low~~  
9 ~~income consumer voluntarily elects toll blocking or toll~~  
10 ~~limitation. If the qualifying low income consumer elects not~~  
11 ~~to place toll blocking on the line, an eligible~~  
12 ~~telecommunications carrier may charge a service deposit.~~

13 ~~"(4) An eligible telecommunications carrier may not~~  
14 ~~charge a Lifeline subscriber a monthly number portability~~  
15 ~~charge or bill a Lifeline customer the Federal Universal~~  
16 ~~Service Charge.~~

17 ~~"(5)a. An eligible telecommunications carrier shall~~  
18 ~~notify a Lifeline subscriber of impending termination of~~  
19 ~~Lifeline service for lack of qualification if the company has~~  
20 ~~a reasonable basis for believing that the subscriber no longer~~  
21 ~~qualifies. The notification of pending termination shall be in~~  
22 ~~the form of a letter that is separate from the bill of the~~  
23 ~~subscriber.~~

24 ~~"b. An eligible telecommunications carrier shall~~  
25 ~~allow a subscriber 60 days following the date of the pending~~  
26 ~~termination letter to demonstrate continued eligibility. The~~  
27 ~~subscriber must present proof of continued eligibility. An~~

1 ~~eligible telecommunications carrier may transfer a subscriber~~  
2 ~~off of or discontinue a Lifeline service, pursuant to its~~  
3 ~~tariff or its price list, if the subscriber fails to~~  
4 ~~demonstrate continued eligibility following such notice.~~

5 ~~"c. The commission shall establish procedures for~~  
6 ~~the notification and termination.~~

7 ~~"(6) As of the approval date of a Lifeline and~~  
8 ~~Link-Up application, an eligible telecommunications carrier~~  
9 ~~shall timely credit the bill of a consumer with the Lifeline~~  
10 ~~and Link-Up credits as soon as practicable, but no later than~~  
11 ~~90 days following processing of receipt of notice of~~  
12 ~~eligibility from the commission or proof of eligibility from~~  
13 ~~the consumer.~~

14 ~~"(c) (1) The commission shall provide to each state~~  
15 ~~and federal agency providing benefits to persons eligible for~~  
16 ~~Lifeline and Link-Up competitively neutral service~~  
17 ~~applications, brochures, pamphlets, or other materials~~  
18 ~~developed with the assistance of the eligible~~  
19 ~~telecommunications carriers in Alabama for distribution by the~~  
20 ~~agency to those that apply to inform the persons of their~~  
21 ~~eligibility for Lifeline. Each state agency providing the~~  
22 ~~benefits shall furnish the materials to affected persons at~~  
23 ~~the time they apply for benefits.~~

24 ~~"(2) An eligible telecommunications carrier may not~~  
25 ~~discontinue basic local exchange telephone service to a~~  
26 ~~subscriber who receives Lifeline service because of nonpayment~~  
27 ~~by the subscriber of toll charges. A subscriber who receives~~

1 ~~Lifeline service shall be required to pay all applicable basic~~  
2 ~~local exchange service fees, including the subscriber line~~  
3 ~~charge, E-911, telephone relay system charges, and applicable~~  
4 ~~state and federal taxes.~~

5 ~~"(3) An eligible telecommunications carrier may not~~  
6 ~~refuse to connect, reconnect, or provide Lifeline service~~  
7 ~~because of unpaid toll charges owed to the eligible~~  
8 ~~telecommunications carrier if the customer agrees to toll~~  
9 ~~blocking.~~

10 ~~"(4) An eligible telecommunications carrier may~~  
11 ~~require that payment arrangements be made for outstanding debt~~  
12 ~~associated with basic local exchange service, subscriber line~~  
13 ~~charges, E-911, telephone relay system charges, and applicable~~  
14 ~~state and federal taxes.~~

15 ~~"(5) An eligible telecommunications carrier may~~  
16 ~~block a Lifeline service subscriber's access to all long~~  
17 ~~distance service, except for toll-free numbers, including~~  
18 ~~blocking the ability to accept collect calls when the Lifeline~~  
19 ~~subscriber owes an outstanding amount for long distance~~  
20 ~~service or amounts resulting from collect calls. The eligible~~  
21 ~~telecommunications carrier may not impose a charge for~~  
22 ~~blocking long distance service on the Lifeline customer. The~~  
23 ~~eligible telecommunications carrier shall remove the block at~~  
24 ~~the request of the subscriber without additional cost to the~~  
25 ~~subscriber upon payments of the outstanding amount and, at the~~  
26 ~~option of the carrier, payment of a deposit.~~

1           ~~"(6) a. By December 31, 2009, each state agency that~~  
2           ~~provides benefits to persons eligible for Lifeline and Link-Up~~  
3           ~~service shall undertake, in cooperation with the Department of~~  
4           ~~Human Resources, the Alabama Medicaid Agency, the Department~~  
5           ~~of Economic and Community Affairs, the commission, and~~  
6           ~~eligible telecommunications carriers providing Lifeline and~~  
7           ~~Link-Up services, the development of procedures to promote~~  
8           ~~Lifeline participation. The Department of Revenue shall~~  
9           ~~support efforts to promote Lifeline participation by including~~  
10           ~~information regarding Lifeline eligibility and enrollment~~  
11           ~~within individual state income tax instruction booklets.~~

12           ~~"b. If any state agency determines that a person is~~  
13           ~~eligible for Lifeline and Link-Up services, the agency, upon~~  
14           ~~consent of the individual, shall immediately forward the~~  
15           ~~information to the commission to ensure the person's~~  
16           ~~application for Lifeline and Link-Up services can be processed~~  
17           ~~by the appropriate eligible telecommunications carrier. The~~  
18           ~~state agency shall include an option for an eligible customer~~  
19           ~~to choose not to subscribe to the Lifeline and Link-Up~~  
20           ~~services.~~

21           ~~"c. Not later than December 31, 2009, the~~  
22           ~~commission, the Alabama Medicaid Agency, the Department of~~  
23           ~~Economic and Community Affairs, the Office of the Attorney~~  
24           ~~General, and the Department of Human Resources, shall develop~~  
25           ~~and adopt rules, in consultation with eligible~~  
26           ~~telecommunications carriers, creating procedures to~~  
27           ~~automatically enroll eligible customers in Lifeline and~~



1 ~~Link-Up services. Agencies and parties referenced in this~~  
2 ~~section may exchange information that is required to identify~~  
3 ~~and enroll a customer in the Lifeline and Link-Up programs,~~  
4 ~~such as name, service address, and telephone number, between~~  
5 ~~themselves and with eligible telecommunications carriers. This~~  
6 ~~information shall remain confidential and shall be used~~  
7 ~~exclusively for purposes of determining Lifeline and Link-Up~~  
8 ~~eligibility or for Lifeline and Link-Up enrollment.~~

9 ~~"d. Not later than December 31, 2009, the~~  
10 ~~commission, the Alabama Medicaid Agency, the Department of~~  
11 ~~Economic and Community Affairs, the Office of the Attorney~~  
12 ~~General, the Department of Human Resources, and the eligible~~  
13 ~~telecommunications carriers shall enter into a memorandum of~~  
14 ~~understanding establishing the respective duties of each~~  
15 ~~agency or carrier with respect to the automatic enrollment~~  
16 ~~procedures.~~

17 ~~"e. Eligible individuals currently without~~  
18 ~~telecommunications service may obtain a certification of~~  
19 ~~eligibility for Lifeline and Link-Up services from the~~  
20 ~~commission prior to initiating service with an eligible~~  
21 ~~telecommunications carrier, allowing these individuals to be~~  
22 ~~precertified for Lifeline and Link-Up services.~~

23 ~~"(7) By February 1, 2011, and annually thereafter,~~  
24 ~~the commission shall report to the Governor, the President of~~  
25 ~~the Senate, and the Speaker of the House of Representatives on~~  
26 ~~the number of customers who are subscribing to Lifeline and~~

1 ~~Link-Up services and the effectiveness of any procedure to~~  
2 ~~promote participation.~~

3 ~~"(8) The commission may adopt rules to administer~~  
4 ~~this section.~~

5 ~~"(d) (1) Personal identifying information of a~~  
6 ~~participant in a Lifeline and Link-Up assistance plan in any~~  
7 ~~record of the commission is confidential and exempt from~~  
8 ~~public records requirements.~~

9 ~~"(2) Information made confidential and exempt under~~  
10 ~~this subsection may be released to the applicable~~  
11 ~~telecommunications carrier for purposes directly connected~~  
12 ~~with eligibility for, verification related to, or auditing of~~  
13 ~~the Lifeline and Link-Up programs.~~

14 ~~"(3)a. An officer or employee of a~~  
15 ~~telecommunications carrier shall not intentionally disclose~~  
16 ~~information made confidential under this subsection unless one~~  
17 ~~of the following applies:~~

18 ~~"1. The disclosure is authorized by the customer.~~

19 ~~"2. The disclosure is necessary for billing~~  
20 ~~purposes.~~

21 ~~"3. The disclosure is required by subpoena, court~~  
22 ~~order, or other process of court.~~

23 ~~"4. The disclosure is necessary to disclose to a~~  
24 ~~governmental entity for purposes directly connected with~~  
25 ~~implementing service for or verifying eligibility of a~~  
26 ~~participant in the Lifeline and Link-Up programs or auditing~~  
27 ~~the Lifeline and Link-Up programs.~~

1           ~~"5. The disclosure is otherwise authorized by law.~~

2           ~~"b. Nothing in this section precludes a~~  
3 ~~telecommunications carrier from disclosing information made~~  
4 ~~confidential and exempt under this subsection to the extent~~  
5 ~~the information is otherwise publicly available or from~~  
6 ~~disclosing to a customer his or her own account record through~~  
7 ~~telephonic means.~~

8           ~~"c. Any officer or employee of a telecommunications~~  
9 ~~carrier who intentionally discloses information in violation~~  
10 ~~of this subsection is guilty of a Class B misdemeanor.~~

11           "(b) Beginning of the effective date of the act  
12 amending this section, each state agency that administers  
13 public assistance programs, consumer participation which  
14 qualifies a consumer for federal Tribal Link-Up, federal  
15 Lifeline benefits, or both, shall fully cooperate with the  
16 Federal Communications Commission and the Universal Service  
17 Administrative Company, or its designees, in establishing  
18 access to the agency's data files as solely necessary to allow  
19 the Universal Service Administrative Company, National  
20 Eligibility Verifier, and the national Lifeline eligibility  
21 database to perform Lifeline and Tribal Link-Up eligibility,  
22 enrollment, and other necessary related administrative  
23 functions, as required by the Federal Communications  
24 Commission with respect to Alabama consumers."

25           Section 2. Section 37-2A-7 of the Code of Alabama  
26 1975, is amended to read as follows:

27           "§37-2A-7.

1           "(a) (1) The commission shall implement, supervise,  
2 and control state and federal universal service programs in  
3 compliance with federal and state law.

4           "(2) A subscriber who receives Lifeline service  
5 shall be required to pay all applicable fees, including the  
6 Alabama E-911 surcharge, the Alabama telephone relay system  
7 surcharge, and all applicable federal, state, and local taxes.

8           "~~(b) (1) Any telecommunications carrier authorized as~~  
9 ~~an eligible telecommunications carrier shall provide Lifeline~~  
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19 ~~Link-Up benefits offered by the eligible telecommunications~~  
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21 ~~eligibility test set forth in this subsection. Only the~~  
22 ~~commission shall process, certify, and maintain the supporting~~  
23 ~~information submitted by a customer for Lifeline and Link-Up~~  
24 ~~eligibility under the income test authorized by this~~  
25 ~~subsection. Eligible telecommunications carriers may continue~~  
26 ~~to process applications for Lifeline and Link-Up service based~~

1 on eligibility criteria other than the income test for  
2 eligibility.

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9 ~~additional fee for blocking the service.~~

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11 ~~collect a service deposit for local telecommunications service~~  
12 ~~in order to initiate Lifeline service if the qualifying low~~  
13 ~~income consumer voluntarily elects toll blocking or toll~~  
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24 ~~a reasonable basis for believing that the subscriber no longer~~  
25 ~~qualifies. The notification of pending termination shall be in~~  
26 ~~the form of a letter that is separate from the bill of the~~  
27 ~~subscriber.~~

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2 ~~allow a subscriber 60 days following the date of the pending~~  
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14 ~~and Link-Up credits as soon as practicable, but no later than~~  
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17 ~~the consumer.~~

18           ~~"(c) (1) The commission shall provide to each state~~  
19 ~~and federal agency providing benefits to persons eligible for~~  
20 ~~Lifeline and Link-Up competitively neutral service~~  
21 ~~applications, brochures, pamphlets, or other materials~~  
22 ~~developed with the assistance of the eligible~~  
23 ~~telecommunications carriers in Alabama for distribution by the~~  
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10 ~~refuse to connect, reconnect, or provide Lifeline service~~  
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3 ~~option of the carrier, payment of a deposit.~~

4 ~~"(6) a. By December 31, 2009, each state agency that~~  
5 ~~provides benefits to persons eligible for Lifeline and Link-Up~~  
6 ~~service shall undertake, in cooperation with the Department of~~  
7 ~~Human Resources, the Alabama Medicaid Agency, the Department~~  
8 ~~of Economic and Community Affairs, the commission, and~~  
9 ~~eligible telecommunications carriers providing Lifeline and~~  
10 ~~Link-Up services, the development of procedures to promote~~  
11 ~~Lifeline participation. The Department of Revenue shall~~  
12 ~~support efforts to promote Lifeline participation by including~~  
13 ~~information regarding Lifeline eligibility and enrollment~~  
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15 ~~"b. If any state agency determines that a person is~~  
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17 ~~consent of the individual, shall immediately forward the~~  
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20 ~~by the appropriate eligible telecommunications carrier. The~~  
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25 ~~commission, the Alabama Medicaid Agency, the Department of~~  
26 ~~Economic and Community Affairs, the Office of the Attorney~~  
27 ~~General, and the Department of Human Resources, shall develop~~



1 and adopt rules, in consultation with eligible  
2 telecommunications carriers, creating procedures to  
3 automatically enroll eligible customers in Lifeline and  
4 Link-Up services. Agencies and parties referenced in this  
5 section may exchange information that is required to identify  
6 and enroll a customer in the Lifeline and Link-Up programs,  
7 such as name, service address, and telephone number, between  
8 themselves and with eligible telecommunications carriers. This  
9 information shall remain confidential and shall be used  
10 exclusively for purposes of determining Lifeline and Link-Up  
11 eligibility or for Lifeline and Link-Up enrollment.

12 "d. Not later than December 31, 2009, the  
13 commission, the Alabama Medicaid Agency, the Department of  
14 Economic and Community Affairs, the Office of the Attorney  
15 General, the Department of Human Resources, and the eligible  
16 telecommunications carriers shall enter into a memorandum of  
17 understanding establishing the respective duties of each  
18 agency or carrier with respect to the automatic enrollment  
19 procedures.

20 "e. Eligible individuals currently without  
21 telecommunications service may obtain a certification of  
22 eligibility for Lifeline and Link-Up services from the  
23 commission prior to initiating service with an eligible  
24 telecommunications carrier, allowing these individuals to be  
25 precertified for Lifeline and Link-Up services.

26 "(7) By February 1, 2011, and annually thereafter,  
27 the commission shall report to the Governor, the President of

1 ~~the Senate, and the Speaker of the House of Representatives on~~  
2 ~~the number of customers who are subscribing to Lifeline and~~  
3 ~~Link-Up services and the effectiveness of any procedure to~~  
4 ~~promote participation.~~

5 ~~"(8) The commission may adopt rules to administer~~  
6 ~~this section.~~

7 ~~"(d) (1) Personal identifying information of a~~  
8 ~~participant in a Lifeline and Link-Up assistance plan in any~~  
9 ~~record of the commission is confidential and exempt from~~  
10 ~~public records requirements.~~

11 ~~"(2) Information made confidential and exempt under~~  
12 ~~this subsection may be released to the applicable~~  
13 ~~telecommunications carrier for purposes directly connected~~  
14 ~~with eligibility for, verification related to, or auditing of~~  
15 ~~the Lifeline and Link-Up programs.~~

16 ~~"(3)a. An officer or employee of a~~  
17 ~~telecommunications carrier shall not intentionally disclose~~  
18 ~~information made confidential under this subsection unless one~~  
19 ~~of the following applies:~~

20 ~~"1. The disclosure is authorized by the customer.~~

21 ~~"2. The disclosure is necessary for billing~~  
22 ~~purposes.~~

23 ~~"3. The disclosure is required by subpoena, court~~  
24 ~~order, or other process of court.~~

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26 ~~governmental entity for purposes directly connected with~~  
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2 ~~the Lifeline and Link-Up programs.~~

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4 ~~"b. Nothing in this section precludes a~~  
5 ~~telecommunications carrier from disclosing information made~~  
6 ~~confidential and exempt under this subsection to the extent~~  
7 ~~the information is otherwise publicly available or from~~  
8 ~~disclosing to a customer his or her own account record through~~  
9 ~~telephonic means.~~

10 ~~"c. Any officer or employee of a telecommunications~~  
11 ~~carrier who intentionally discloses information in violation~~  
12 ~~of this subsection is guilty of a Class B misdemeanor.~~

13 "(c) Beginning of the effective date of the act  
14 amending this section, each state agency that administers  
15 public assistance programs, consumer participation which  
16 qualifies a consumer for federal Tribal Link-Up, federal  
17 Lifeline benefits, or both, shall fully cooperate with the  
18 Federal Communications Commission and the Universal Service  
19 Administrative Company, or its designees, in establishing  
20 access to the agency's data files as solely necessary to allow  
21 the Universal Service Administrative Company, National  
22 Eligibility Verifier, and the national Lifeline eligibility  
23 database to perform Lifeline and Tribal Link-Up eligibility,  
24 enrollment, and other necessary related administrative  
25 functions, as required by the Federal Communications  
26 Commission with respect to Alabama consumers."

1                   Section 3. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.

4                   Section 4. This act shall become effective  
5 immediately following its passage and approval by the  
6 Governor, or its otherwise becoming law.