

By Representative Allen

1 A bill to be entitled
2 An act relating to telecommunications; amending
3 s. 364.025, F.S.; extending certain time
4 periods for provision of universal service
5 obligations; providing an effective date.
6

7 Be It Enacted by the Legislature of the State of Florida:
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9 Section 1. Subsections (1), (2), and (3) and paragraph
10 (a) of subsection (4) of section 364.025, Florida Statutes,
11 are amended to read:

12 364.025 Universal service.--

13 (1) For the purposes of this section, the term
14 "universal service" means an evolving level of access to
15 telecommunications services that, taking into account advances
16 in technologies, services, and market demand for essential
17 services, the commission determines should be provided at
18 just, reasonable, and affordable rates to customers, including
19 those in rural, economically disadvantaged, and high-cost
20 areas. It is the intent of the Legislature that universal
21 service objectives be maintained after the local exchange
22 market is opened to competitively provided services. It is
23 also the intent of the Legislature that during this transition
24 period the ubiquitous nature of the local exchange
25 telecommunications companies be used to satisfy these
26 objectives. For a period of 9 ~~8~~ years after January 1, 1996,
27 each local exchange telecommunications company shall be
28 required to furnish basic local exchange telecommunications
29 service within a reasonable time period to any person
30 requesting such service within the company's service
31 territory.

1 (2) The Legislature finds that each telecommunications
2 company should contribute its fair share to the support of the
3 universal service objectives and carrier-of-last-resort
4 obligations. For a transitional period not to exceed January
5 1, 2005 ~~2004~~, the interim mechanism for maintaining universal
6 service objectives and funding carrier-of-last-resort
7 obligations shall be established by the commission, pending
8 the implementation of a permanent mechanism. The interim
9 mechanism shall be applied in a manner that ensures that each
10 alternative local exchange telecommunications company
11 contributes its fair share to the support of universal service
12 and carrier-of-last-resort obligations. The interim mechanism
13 applied to each alternative local exchange telecommunications
14 company shall reflect a fair share of the local exchange
15 telecommunications company's recovery of investments made in
16 fulfilling its carrier-of-last-resort obligations, and the
17 maintenance of universal service objectives. The commission
18 shall ensure that the interim mechanism does not impede the
19 development of residential consumer choice or create an
20 unreasonable barrier to competition. In reaching its
21 determination, the commission shall not inquire into or
22 consider any factor that is inconsistent with s.
23 364.051(1)(c). The costs and expenses of any government
24 program or project required in part II of this chapter shall
25 not be recovered under this section.

26 (3) In the event any party, prior to January 1, 2005
27 ~~2004~~, believes that circumstances have changed substantially
28 to warrant a change in the interim mechanism, that party may
29 petition the commission for a change, but the commission shall
30 grant such petition only after an opportunity for a hearing
31 and a compelling showing of changed circumstances, including

1 that the provider's customer population includes as many
2 residential as business customers. The commission shall act
3 on any such petition within 120 days.

4 (4)(a) Prior to January 1, 2005 ~~2004~~, the Legislature
5 shall establish a permanent universal service mechanism upon
6 the effective date of which any interim recovery mechanism for
7 universal service objectives or carrier-of-last-resort
8 obligations imposed on alternative local exchange
9 telecommunications companies shall terminate.

10 Section 2. This act shall take effect upon becoming a
11 law.

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13 HOUSE SUMMARY

14 Extends for an additional year time periods for provision
15 of universal service obligations. See bill for details.
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