

Bill No. CS for CS for SB 2068

Barcode 061228

CHAMBER ACTION

Senate

House

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The Committee on Government Efficiency Appropriations
(Haridopolos) recommended the following amendment:

Senate Amendment (with title amendment)

On page 21, line 23, delete that line

and insert:

Section 19. Subsection (4) of section 364.051, Florida
Statutes, is amended to read:

364.051 Price regulation.--

(4)(a) Notwithstanding ~~the provisions of~~ subsection
(2), any local exchange telecommunications company that
believes circumstances have changed substantially to justify
any increase in the rates for basic local telecommunications
services may petition the commission for a rate increase, but
the commission shall grant the ~~such~~ petition only after an
opportunity for a hearing and a compelling showing of changed
circumstances. The costs and expenses of any government
program or project required in part II may ~~shall~~ not be
recovered under this subsection unless the ~~such~~ costs and
expenses are incurred in the absence of a bid and subject to

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1 carrier-of-last-resort obligations as provided for in part II.
2 The commission shall act upon the ~~any such~~ petition within 120
3 days after ~~of~~ its filing.

4 (b) For purposes of this section, evidence of damage
5 occurring to the lines, plants, or facilities of a local
6 exchange telecommunications company that is subject to the
7 carrier-of-last-resort obligations, which damage is the result
8 of a tropical system occurring after June 1, 2005, and named
9 by the National Hurricane Center, constitutes a compelling
10 showing of changed circumstances.

11 1. A company may file a petition to recover its
12 intrastate costs and expenses relating to repairing,
13 restoring, or replacing the lines, plants, or facilities
14 damaged by a named tropical system.

15 2. The commission shall verify the intrastate costs
16 and expenses submitted by the company in support of its
17 petition.

18 3. The company must show and the commission shall
19 determine whether the intrastate costs and expenses are
20 reasonable under the circumstances for the named tropical
21 system.

22 4. A company having a storm-reserve fund may recover
23 tropical-system-related costs and expenses from its customers
24 only in excess of any amount available in the storm-reserve
25 fund.

26 5. The commission may determine the amount of any
27 increase that the company may charge its customers, but the
28 charge per line item may not exceed 50 cents per month per
29 customer line for a period of not more than 12 months.

30 6. The commission may order the company to add an
31 equal line-item charge per access line to the billing

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1 statement of the company's retail basic local
 2 telecommunications service customers, its retail nonbasic
 3 telecommunications service customers, and, to the extent the
 4 commission determines appropriate, its wholesale loop
 5 unbundled network element customers. At the end of the
 6 collection period, the commission shall verify that the
 7 collected amount does not exceed the amount authorized by the
 8 order. If collections exceed the ordered amount, the
 9 commission shall order the company to refund the excess.

10 7. In order to qualify for filing a petition under
 11 this paragraph, a company with one million or more access
 12 lines, but fewer than three million access lines, must have
 13 tropical-system-related costs and expenses exceeding \$1.5
 14 million, and a company with three million or more access lines
 15 must have tropical-system-related costs and expenses of \$5
 16 million or more. A company with fewer than one million access
 17 lines is not required to meet a minimum damage threshold in
 18 order to qualify to file a petition under this paragraph.

19 8. A company may file only one petition for storm
 20 recovery in any 12-month period for the previous storm season,
 21 but the application may cover damages from more than one named
 22 tropical system.

23
 24 This paragraph is not intended to adversely affect the
 25 commission's consideration of any petition for an increase in
 26 basic rates to recover costs related to storm damage which was
 27 filed before the effective date of this act.

28 Section 20. This act shall take effect upon becoming a
 29 law.

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 2 line 15, after the semicolon,

4

5 insert:

6 amending s. 364.051, F.S.; providing that

7 damage to the equipment and facilities of a

8 local exchange telecommunications as a result

9 of a named tropical system constitutes a

10 compelling showing of changed circumstances to

11 justify a rate increase; allowing such

12 companies to petition for recovery of such

13 costs and expenses; requiring the Public

14 Service Commission to verify the intrastate

15 costs and expenses for repairing, restoring, or

16 replacing damaged lines, plants, or facilities;

17 requiring the commission to determine whether

18 the intrastate costs and expenses are

19 reasonable; requiring a company to exhaust any

20 storm-reserve funds prior to recovery from

21 customers; providing that the commission may

22 authorize adding an equal line-item charge per

23 access line for certain customers; providing

24 for a rate cap and providing the maximum number

25 of months the rate may be imposed; providing a

26 12-month limit for the application; allowing

27 recovery for more than one storm within the

28 limit;

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