

Bill No. SB 1544

Barcode 322512

CHAMBER ACTION

Senate

House

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The Committee on Communications and Public Utilities
(Constantine) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (6) is added to section 364.025,
Florida Statutes, to read:

364.025 Universal service.--

(6)(a) For purposes of this subsection:

1. "Owner or developer" means the owner or developer
of a multitenant business or residential property, any
condominium association or homeowners' association thereof, or
any other person or entity having ownership in or control over
the property.

2. "Communications service provider" means any person
or entity providing communications services, any person or
entity allowing another person or entity to use its
communications facilities to provide communications services,
or any person or entity securing rights to select

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1 communications service providers for a property owner or
2 developer.

3 3. "Communications service" means voice service or
4 voice replacement service through the use of any technology.

5 (b) A local exchange telecommunications company
6 obligated by this section to serve as the carrier of last
7 resort is not obligated to provide basic local
8 telecommunications service to any customers in a multitenant
9 business or residential property, including, but not limited
10 to, apartments, condominiums, subdivisions, office buildings,
11 or office parks, when the owner or developer thereof:

12 1. Permits only one communications service provider to
13 install its communications service-related facilities or
14 equipment, to the exclusion of the local exchange
15 telecommunications company, during the construction phase of
16 the property;

17 2. Accepts or agrees to accept incentives or rewards
18 from a communications service provider that are contingent
19 upon the provision of any or all communications services by
20 one or more communications service providers to the exclusion
21 of the local exchange telecommunications company;

22 3. Collects from the occupants or residents of the
23 property charges for the provision of any communications
24 service, provided by a communications service provider other
25 than the local exchange telecommunications company, to the
26 occupants or residents in any manner, including, but not
27 limited to, collection through rent, fees, or dues; or

28 4. Enters into an agreement with the communications
29 service provider which grants incentives or rewards to such
30 owner or developer contingent upon restriction or limitation
31 of the local exchange telecommunications company's access to

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1 the property.

2 (c) The local exchange telecommunications company
 3 relieved of its carrier of last resort obligation to provide
 4 basic local telecommunications service to the occupants or
 5 residents of a multitenant business or residential property
 6 pursuant to paragraph (b) shall notify the commission of that
 7 fact in a timely manner.

8 (d) A local exchange telecommunications company that
 9 is not automatically relieved of its carrier-of-last-resort
 10 obligation pursuant to subparagraphs (b)1.-4. may seek a
 11 waiver of its carrier of last resort obligation from the
 12 commission for good cause shown based on the facts and
 13 circumstances of provision of service to the multitenant
 14 business or residential property. Upon petition for such
 15 relief, notice shall be given by the company at the same time
 16 to the relevant building owner or developer. The commission
 17 shall have 90 days to act on the petition. The commission
 18 shall implement this paragraph through rulemaking.

19 (e) If all conditions described in subparagraphs
 20 (b)1.-4. cease to exist at a property, the owner or developer
 21 requests in writing that the local exchange telecommunications
 22 company make service available to customers at the property
 23 and confirms in writing that all conditions described in
 24 subparagraphs (b)1.-4. have ceased to exist at the property,
 25 and the owner or developer has not arranged and does not
 26 intend to arrange with another communications service provider
 27 to make communications service available to customers at the
 28 property, then the carrier of last resort obligation under
 29 this section shall again apply to the local exchange
 30 telecommunications company at the property; however, the local
 31 exchange telecommunications company may require that the owner

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1 or developer pay to the company in advance a reasonable fee to
 2 recover costs that exceed the costs that would have been
 3 incurred to construct or acquire facilities to serve customers
 4 at the property initially, and the company shall have a
 5 reasonable period of time following the request from the owner
 6 or developer to make arrangements for service availability. If
 7 any conditions described in subparagraphs (b)1.-4. again exist
 8 at the property, then paragraph (b) shall again apply.

9 (f) Nothing in this subsection affects the limitations
 10 on commission jurisdiction imposed by s. 364.011 or s.
 11 364.013.

12 Section 2. This act shall take effect July 1, 2006.

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

16 And the title is amended as follows:

17 Delete everything before the enacting clause

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19 and insert:

20 A bill to be entitled

21 An act relating to telecommunications carriers

22 of last resort; amending s. 364.025, F.S.;

23 providing definitions; providing that a local

24 exchange telecommunications company obligated

25 to serve as the carrier of last resort is not

26 obligated to provide basic local

27 telecommunications service to customers in a

28 multitenant business or residential property

29 under certain circumstances; requiring the

30 local exchange telecommunications company to

31 notify the Public Service Commission when it is

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1 relieved of the obligation to provide service;
2 providing for the local exchange
3 telecommunications company to request a waiver
4 of its carrier of last resort obligation from
5 the commission; providing for carrier of last
6 resort obligation to apply when specified
7 conditions cease to exist; providing for effect
8 of the act on the commission's jurisdiction;
9 providing an effective date.

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