

1 any other person or entity having ownership in or control over
2 the property.

3 2. "Communications service provider" means any person
4 or entity providing communications services, any person or
5 entity allowing another person or entity to use its
6 communications facilities to provide communications services,
7 or any person or entity securing rights to select
8 communications service providers for a property owner or
9 developer.

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

12 (b) A local exchange telecommunications company
13 obligated by this section to serve as the carrier of last
14 resort is not obligated to provide basic local
15 telecommunications service to any customers in a multitenant
16 business or residential property, including, but not limited
17 to, apartments, condominiums, subdivisions, office buildings,
18 or office parks, when the owner or developer thereof:

19 1. Permits only one communications service provider to
20 install its communications service-related facilities or
21 equipment, to the exclusion of the local exchange
22 telecommunications company, during the construction phase of
23 the property;

24 2. Accepts or agrees to accept incentives or rewards
25 from a communications service provider that are contingent
26 upon the provision of any or all communications services by
27 one or more communications service providers to the exclusion
28 of the local exchange telecommunications company;

29 3. Collects from the occupants or residents of the
30 property charges for the provision of any communications
31 service, provided by a communications service provider other

1 than the local exchange telecommunications company, to the
2 occupants or residents in any manner, including, but not
3 limited to, collection through rent, fees, or dues; or

4 4. Enters into an agreement with the communications
5 service provider which grants incentives or rewards to such
6 owner or developer contingent upon restriction or limitation
7 of the local exchange telecommunications company's access to
8 the property.

9 (c) The local exchange telecommunications company
10 relieved of its carrier of last resort obligation to provide
11 basic local telecommunications service to the occupants or
12 residents of a multitenant business or residential property
13 pursuant to paragraph (b) shall notify the commission of that
14 fact in a timely manner.

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

26 (e) If all conditions described in subparagraphs
27 (b)1.-4. cease to exist at a property, the owner or developer
28 requests in writing that the local exchange telecommunications
29 company make service available to customers at the property
30 and confirms in writing that all conditions described in
31 subparagraphs (b)1.-4. have ceased to exist at the property,

1 and the owner or developer has not arranged and does not
2 intend to arrange with another communications service provider
3 to make communications service available to customers at the
4 property, then the carrier of last resort obligation under
5 this section shall again apply to the local exchange
6 telecommunications company at the property; however, the local
7 exchange telecommunications company may require that the owner
8 or developer pay to the company in advance a reasonable fee to
9 recover costs that exceed the costs that would have been
10 incurred to construct or acquire facilities to serve customers
11 at the property initially, and the company shall have a
12 reasonable period of time following the request from the owner
13 or developer to make arrangements for service availability. If
14 any conditions described in subparagraphs (b)1.-4. again exist
15 at the property, then paragraph (b) shall again apply.

16 (f) Nothing in this subsection affects the limitations
17 on commission jurisdiction imposed by s. 364.011 or s.
18 364.013.

19 Section 2. This act shall take effect July 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1544

4 The committee substitute provides for definitions and creates
5 an automatic waiver of the carrier-of-last-resort (COLR)
6 obligation for a local exchange telecommunications company
7 under certain circumstances. Notice to the commission in a
8 timely manner is required for automatic waivers. The bill also
9 allows a local exchange telecommunications company (LEC) to
10 petition for waiver for good cause shown based upon the facts
11 and circumstances. Notice to the building owner or developer
12 is required.

13 Where conditions of exclusion cease to exist, the owner or
14 developer request in writing that the LEC make service
15 available, and no other arrangements are made for service by
16 another provider, the COLR obligation applies. The owner or
17 developer may be responsible for certain costs and the LEC is
18 allowed a reasonable time to arrange service availability.

19 The commission's limitations of jurisdiction under ss. 364.011
20 and 364.013, F.S., remain effective.

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