

HB 817

2006
CS

CHAMBER ACTION

1 The Utilities & Telecommunications Committee recommends the
2 following:

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4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to telecommunications carriers of last
8 resort; amending s. 364.025, F.S.; providing definitions;
9 providing that a local exchange telecommunications company
10 obligated to serve as the carrier of last resort is not
11 obligated to provide basic local telecommunications
12 service to customers in a multitenant business or
13 residential property under certain circumstances;
14 requiring the local exchange telecommunications company to
15 notify the Public Service Commission when it is relieved
16 of the obligation to provide service; providing for the
17 local exchange telecommunications company to request a
18 waiver of its carrier of last resort obligation from the
19 commission; providing for carrier of last resort
20 obligation to apply when specified conditions cease to
21 exist; providing for effect of the act on the commission's
22 jurisdiction; providing an effective date.

HB 817

2006
CS

24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (6) is added to section 364.025,
27 Florida Statutes, to read:

28 364.025 Universal service.--

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

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

35 2. "Communications service provider" means any person or
36 entity providing communications services, any person or entity
37 allowing another person or entity to use its communications
38 facilities to provide communications services, or any person or
39 entity securing rights to select communications service
40 providers for a property owner or developer.

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

43 (b) A local exchange telecommunications company obligated
44 by this section to serve as the carrier of last resort is not
45 obligated to provide basic local telecommunications service to
46 any customers in a multitenant business or residential property,
47 including, but not limited to, apartments, condominiums,
48 subdivisions, office buildings, or office parks, when the owner
49 or developer thereof:

50 1. Permits only one communications service provider to
51 install its communications service-related facilities or

HB 817

2006
CS

52 equipment, to the exclusion of the local exchange
53 telecommunications company, during the construction phase of the
54 property;

55 2. Accepts or agrees to accept incentives or rewards from
56 a communications service provider that are contingent upon the
57 provision of any or all communications services by one or more
58 communications service providers to the exclusion of the local
59 exchange telecommunications company;

60 3. Collects from the occupants or residents of the
61 property charges for the provision of any communications
62 service, provided by a communications service provider other
63 than the local exchange telecommunications company, to the
64 occupants or residents in any manner, including, but not limited
65 to, collection through rent, fees, or dues; or

66 4. Restricts or limits a local exchange telecommunications
67 company's access to the property or enters into an agreement
68 with a communications service provider that restricts or limits
69 a local exchange telecommunications company's access to the
70 property or that grants incentives or rewards to such owner or
71 developer contingent upon such restriction or limitation.

72 (c) The local exchange telecommunications company relieved
73 of its carrier of last resort obligation to provide basic local
74 telecommunications service to the occupants or residents of a
75 multitenant business or residential property pursuant to
76 paragraph (b) shall notify the commission of that fact in a
77 timely manner.

78 (d) A local exchange telecommunications company that is
79 not automatically relieved of its carrier-of-last-resort

HB 817

2006
CS

80 obligation pursuant to subparagraphs (b)1.-4. may seek a waiver
81 of its carrier of last resort obligation from the commission for
82 good cause shown based on the facts and circumstances of
83 provision of service to the multitenant business or residential
84 property. Upon petition for such relief, notice shall be given
85 by the company at the same time to the relevant building owner
86 or developer. The commission shall have 90 days to act on the
87 petition. The commission shall implement this paragraph through
88 rulemaking.

89 (e) If all conditions described in subparagraphs (b)1.-4.
90 cease to exist at a property, the owner or developer requests in
91 writing that the local exchange telecommunications company make
92 service available to customers at the property and confirms in
93 writing that all conditions described in subparagraphs (b)1.-4.
94 have ceased to exist at the property, and the owner or developer
95 has not arranged and does not intend to arrange with another
96 communications service provider to make communications service
97 available to customers at the property, then the carrier of last
98 resort obligation under this section shall again apply to the
99 local exchange telecommunications company at the property;
100 however, the local exchange telecommunications company may
101 require that the owner or developer pay to the company in
102 advance a reasonable fee to recover costs that exceed the costs
103 that would have been incurred to construct or acquire facilities
104 to serve customers at the property initially, and the company
105 shall have a reasonable period of time following the request
106 from the owner or developer to make arrangements for service
107 availability. If any conditions described in subparagraphs

HB 817

2006
CS

108 | (b)1.-4. again exist at the property, then paragraph (b) shall
109 | again apply.

110 | (f) Nothing in this subsection affects the limitations on
111 | commission jurisdiction imposed by s. 364.011 or s. 364.013.

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