

HB 1323

2008

1 A bill to be entitled
2 An act relating to telecommunications services; amending
3 s. 364.025, F.S.; extending certain dates regarding
4 universal service and the establishment of an interim and
5 permanent mechanism for such service; providing an
6 effective date.

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

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10 Section 1. Subsections (1), (2), and (3) and paragraph (a)
11 of subsection (4) of section 364.025, Florida Statutes, are
12 amended to read:

13 364.025 Universal service.--

14 (1) For the purposes of this section, the term "universal
15 service" means an evolving level of access to telecommunications
16 services that, taking into account advances in technologies,
17 services, and market demand for essential services, the
18 commission determines should be provided at just, reasonable,
19 and affordable rates to customers, including those in rural,
20 economically disadvantaged, and high-cost areas. It is the
21 intent of the Legislature that universal service objectives be
22 maintained after the local exchange market is opened to
23 competitively provided services. It is also the intent of the
24 Legislature that during this transition period the ubiquitous
25 nature of the local exchange telecommunications companies be
26 used to satisfy these objectives. Until July ~~January~~ 1, 2009,
27 each local exchange telecommunications company shall be required
28 to furnish basic local exchange telecommunications service

29 | within a reasonable time period to any person requesting such
30 | service within the company's service territory.

31 | (2) The Legislature finds that each telecommunications
32 | company should contribute its fair share to the support of the
33 | universal service objectives and carrier-of-last-resort
34 | obligations. For a transitional period not to exceed July
35 | ~~January~~ 1, 2009, the interim mechanism for maintaining universal
36 | service objectives and funding carrier-of-last-resort
37 | obligations shall be established by the commission, pending the
38 | implementation of a permanent mechanism. The interim mechanism
39 | shall be applied in a manner that ensures that each competitive
40 | local exchange telecommunications company contributes its fair
41 | share to the support of universal service and carrier-of-last-
42 | resort obligations. The interim mechanism applied to each
43 | competitive local exchange telecommunications company shall
44 | reflect a fair share of the local exchange telecommunications
45 | company's recovery of investments made in fulfilling its
46 | carrier-of-last-resort obligations, and the maintenance of
47 | universal service objectives. The commission shall ensure that
48 | the interim mechanism does not impede the development of
49 | residential consumer choice or create an unreasonable barrier to
50 | competition. In reaching its determination, the commission shall
51 | not inquire into or consider any factor that is inconsistent
52 | with s. 364.051(1)(c). The costs and expenses of any government
53 | program or project required in part II of this chapter shall not
54 | be recovered under this section.

55 | (3) If any party, prior to July ~~January~~ 1, 2009, believes
56 | that circumstances have changed substantially to warrant a

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57 | change in the interim mechanism, that party may petition the
58 | commission for a change, but the commission shall grant such
59 | petition only after an opportunity for a hearing and a
60 | compelling showing of changed circumstances, including that the
61 | provider's customer population includes as many residential as
62 | business customers. The commission shall act on any such
63 | petition within 120 days.

64 | (4) (a) Prior to July ~~January~~ 1, 2009, the Legislature
65 | shall establish a permanent universal service mechanism upon the
66 | effective date of which any interim recovery mechanism for
67 | universal service objectives or carrier-of-last-resort
68 | obligations imposed on competitive local exchange
69 | telecommunications companies shall terminate.

70 | Section 2. This act shall take effect July 1, 2008.