

By Senator Bennett

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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.

7
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, and
19 affordable rates to customers, including those in rural,
20 economically disadvantaged, and high-cost areas. It is the intent
21 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 used
26 to satisfy these objectives. Until January 1, 2012 ~~2009~~, each
27 local exchange telecommunications company shall be required to
28 furnish basic local exchange telecommunications service within a

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29 reasonable time period to any person requesting such service
30 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 January 1,
35 2012 ~~2009~~, the interim mechanism for maintaining universal
36 service objectives and funding carrier-of-last-resort obligations
37 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 carrier-
46 of-last-resort obligations, and the maintenance of universal
47 service objectives. The commission shall ensure that the interim
48 mechanism does not impede the development of residential consumer
49 choice or create an unreasonable barrier to competition. In
50 reaching its determination, the commission shall not inquire into
51 or consider any factor that is inconsistent with s.
52 364.051(1)(c). The costs and expenses of any government program
53 or project required in part II of this chapter shall not be
54 recovered under this section.

55 (3) If any party, prior to January 1, 2012 ~~2009~~, believes
56 that circumstances have changed substantially to warrant a change
57 in the interim mechanism, that party may petition the commission

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

63 | (4) (a) Prior to January 1, 2012 ~~2009~~, the Legislature shall
64 | establish a permanent universal service mechanism upon the
65 | effective date of which any interim recovery mechanism for
66 | universal service objectives or carrier-of-last-resort
67 | obligations imposed on competitive local exchange
68 | telecommunications companies shall terminate.

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