



527954

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2011	.	
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The Committee on Commerce and Tourism (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete lines 670 - 815
and insert:

364.16 ~~Connection of lines and transfers;~~ Local
interconnection, unbundling, and resale; ~~telephone number~~
~~portability.~~-

(1) The Legislature finds that the competitive provision of
local exchange service requires appropriate continued regulatory
oversight of carrier-to-carrier relationships in order to
provide for the development of fair and effective competition.



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13 (2) It is the intent of the Legislature that in resolving
14 disputes, the commission treat all providers of
15 telecommunications services fairly by preventing anticompetitive
16 behavior, including, but not limited to, predatory pricing.

17 (3) The commission shall, upon request, arbitrate and
18 enforce interconnection agreements pursuant to 47 U.S.C. ss. 251
19 and 252 and the Federal Communications Commission's orders and
20 regulations implementing those sections. The commission has the
21 authority to resolve disputes among carriers concerning
22 violations of this chapter and under the authority conferred by
23 federal law to resolve such disputes, including, but not limited
24 to, federal law addressing resale of services, local
25 interconnection, unbundling, number portability, dialing parity,
26 access to rights-of-way, access to poles and conduits, and
27 reciprocal compensation. However, this section does not confer
28 jurisdiction on the commission for services that are exempt from
29 commission jurisdiction under s. 364.011 or s. 364.013.

30 Additionally, a competitive local exchange telecommunications
31 company is entitled to interconnection with a local exchange
32 telecommunications company to transmit and route voice traffic
33 between both the competitive local exchange telecommunications
34 company and the local exchange telecommunications company
35 regardless of the technology by which the voice traffic is
36 originated by and terminated to an end user. The commission
37 shall afford the competitive local exchange telecommunications
38 company all substantive and procedural rights available to such
39 companies regarding interconnection under the law.

40 (4) A telecommunications company may not knowingly deliver
41 traffic, for which terminating access service charges would



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42 otherwise apply, through a local interconnection arrangement
43 without paying the appropriate charges for such terminating
44 access service. Any party having a substantial interest may
45 petition the commission for an investigation of any suspected
46 violation of this subsection. If a telecommunications company
47 knowingly violates this subsection, the commission has
48 jurisdiction to arbitrate bona fide complaints arising from the
49 requirements of this subsection and shall, upon such complaint,
50 have access to all relevant customer records and accounts of any
51 telecommunications company.

52 (5) The commission shall adopt rules to prevent the
53 unauthorized changing of a subscriber's telecommunications
54 service. Such rules shall be consistent with the
55 Telecommunications Act of 1996, provide for specific
56 verification methodologies, provide for the notification to
57 subscribers of the ability to freeze the subscriber's choice of
58 carriers at no charge, allow for a subscriber's change to be
59 considered valid if verification was performed consistent with
60 commission rules, provide remedies for violations of the rules,
61 and allow for the imposition of other penalties available under
62 this chapter. The commission shall resolve on an expedited basis
63 any complaints of anticompetitive behavior concerning a local
64 preferred carrier freeze. The telecommunications company that is
65 asserting the existence of a local preferred carrier freeze,
66 which is the subject of a complaint, has the burden of proving
67 through competent evidence that the subscriber did in fact
68 request the freeze.

69 (6) Upon petition, the commission may conduct a limited or
70 expedited proceeding to consider and act upon any matter under



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71 this section. The commission shall determine the issues to be
72 considered during such a proceeding and may grant or deny any
73 request to expand the scope of the proceeding to include other
74 matters. The commission shall implement an expedited process to
75 facilitate the quick resolution of disputes between
76 telecommunications companies. The process implemented by the
77 commission shall, to the greatest extent feasible, minimize the
78 time necessary to reach a decision on a dispute. The commission
79 may limit the use of the expedited process based on the number
80 of parties, the number of issues, or the complexity of the
81 issues. For any proceeding conducted pursuant to the expedited
82 process, the commission shall make its determination within 120
83 days after a petition is filed or a motion is made. The
84 commission shall adopt rules to administer this subsection.

85 ~~(1) Whenever the commission finds that connections between~~
86 ~~any two or more local exchange telecommunications companies,~~
87 ~~whose lines form a continuous line of communication or could be~~
88 ~~made to do so by the construction and maintenance of suitable~~
89 ~~connections at common points, can reasonably be made and~~
90 ~~efficient service obtained, and that such connections are~~
91 ~~necessary, the commission may require such connections to be~~
92 ~~made, may require that telecommunications services be~~
93 ~~transferred, and may prescribe through lines and joint rates and~~
94 ~~charges to be made, used, observed, and in force in the future~~
95 ~~and fix the rates and charges by order to be served upon the~~
96 ~~company or companies affected.~~

97 ~~(2) Each competitive local exchange telecommunications~~
98 ~~company shall provide access to, and interconnection with, its~~
99 ~~telecommunications services to any other provider of local~~



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100 ~~exchange telecommunications services requesting such access and~~
101 ~~interconnection at nondiscriminatory prices, terms, and~~
102 ~~conditions. If the parties are unable to negotiate mutually~~
103 ~~acceptable prices, terms, and conditions after 60 days, either~~
104 ~~party may petition the commission and the commission shall have~~
105 ~~120 days to make a determination after proceeding as required by~~
106 ~~s. 364.162(2) pertaining to interconnection services.~~

107 ~~(3) Each local exchange telecommunications company shall~~
108 ~~provide access to, and interconnection with, its~~
109 ~~telecommunications facilities to any other provider of local~~
110 ~~exchange telecommunications services requesting such access and~~
111 ~~interconnection at nondiscriminatory prices, rates, terms, and~~
112 ~~conditions established by the procedures set forth in s.~~
113 ~~364.162.~~

114 ~~(a) No local exchange telecommunications company or~~
115 ~~competitive local exchange telecommunications company shall~~
116 ~~knowingly deliver traffic, for which terminating access service~~
117 ~~charges would otherwise apply, through a local interconnection~~
118 ~~arrangement without paying the appropriate charges for such~~
119 ~~terminating access service.~~

120 ~~(b) Any party with a substantial interest may petition the~~
121 ~~commission for an investigation of any suspected violation of~~
122 ~~paragraph (a). In the event any certificated local exchange~~
123 ~~service provider knowingly violates paragraph (a), the~~
124 ~~commission shall have jurisdiction to arbitrate bona fide~~
125 ~~complaints arising from the requirements of this subsection and~~
126 ~~shall, upon such complaint, have access to all relevant customer~~
127 ~~records and accounts of any telecommunications company.~~

128 ~~(7)(4)~~ In order to ensure assure that consumers have access



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129 to different local exchange service providers without being
130 disadvantaged, deterred, or inconvenienced by having to give up
131 the consumer's existing local telephone number, the commission
132 must make sure that all providers of local exchange services
133 ~~must~~ have access to local telephone numbering resources and
134 assignments on equitable terms that include a recognition of the
135 scarcity of such resources and that are in accordance with
136 national assignment guidelines. ~~Each local exchange provider,~~
137 ~~except small local exchange telecommunications companies under~~
138 ~~rate of return regulation, shall provide a temporary means of~~
139 ~~achieving telephone number portability. The parties, under the~~
140 ~~direction of the commission, shall set up a number portability~~
141 ~~standards group by no later than September 1, 1995, for the~~
142 ~~purposes of investigation and development of appropriate~~
143 ~~parameters, costs, and standards for number portability. If the~~
144 ~~parties are unable to successfully negotiate the prices, terms,~~
145 ~~and conditions of a temporary number portability solution, the~~
146 ~~commission shall establish a temporary number portability~~
147 ~~solution by no later than January 1, 1996. Each local exchange~~
148 ~~service provider shall make necessary modifications to allow~~
149 ~~permanent portability of local telephone numbers between~~
150 ~~certificated providers of local exchange service as soon as~~
151 ~~reasonably possible after the development of national standards.~~
152 ~~The parties shall negotiate the prices, terms, and conditions~~
153 ~~for permanent telephone number portability arrangements. In the~~
154 ~~event the parties are unable to satisfactorily negotiate the~~
155 ~~prices, terms, and conditions, either party may petition the~~
156 ~~commission and the commission shall, after opportunity for a~~
157 ~~hearing, set the rates, terms, and conditions. The prices and~~



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158 ~~rates shall not be below cost. Number portability between~~
159 ~~different certificated providers of local exchange service at~~
160 ~~the same location shall be provided temporarily no later than~~
161 ~~January 1, 1996.~~

162 (8)~~(5)~~ When requested, each certificated telecommunications
163

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

165 And the title is amended as follows:

166 Delete lines 51 - 62

167 and insert:

169
170 facilities; amending s. 364.16, F.S., relating to
171 local interconnection, unbundling, and resale of
172 telecommunication services; providing legislative
173 intent; requiring the Public Service Commission to,
174 upon request, arbitrate and enforce interconnection
175 agreements; providing that certain services are exempt
176 from the commission jurisdiction; providing that a
177 competitive local exchange telecommunications company
178 is entitled to interconnection with a local exchange
179 telecommunications company for certain purposes;
180 prohibiting a telecommunications company from
181 knowingly delivering traffic for which terminating
182 access service charges would otherwise apply;
183 authorizing any party having a substantial interest to
184 petition the commission for an investigation;
185 requiring the commission to adopt rules to prevent the
186 unauthorized changing of a subscriber's



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187 telecommunications service; requiring the commission
188 to conduct an expedited proceeding to resolve
189 disputes; providing that the telecommunications
190 company that asserts the existence of a local
191 preferred carrier freeze has a certain burden of
192 proof; removing obsolete provisions relating to local
193 exchange telecommunications companies; repealing ss.
194 364.161