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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2011	.	
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The Committee on Communications, Energy, and Public Utilities
(Smith) recommended the following:

Senate Amendment (with title amendment)

Delete lines 387 - 456
and insert:

(10)~~(11)~~ "Operator service" includes, but is not limited
to, billing or completion of third-party, person-to-person,
collect, or calling card or credit card calls through the use of
a live operator or automated equipment.

(11)~~(12)~~ "Operator service provider" means a person who
furnishes operator service through a call aggregator.

(12)~~(13)~~ "Service" is to be construed in its broadest and



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13 most inclusive sense. The term "service" does not include
14 broadband service or voice-over-Internet protocol service for
15 purposes of regulation by the commission. Nothing herein shall
16 affect the rights and obligations of any entity related to the
17 payment of switched network access rates or other intercarrier
18 compensation, if any, related to voice-over-Internet protocol
19 service. Notwithstanding s. 364.013, and the exemption of
20 services pursuant to this subsection, the commission may
21 arbitrate, enforce, or approve interconnection agreements, and
22 resolve disputes as provided by 47 U.S.C. ss. 251 and 252, or
23 any other applicable federal law or regulation. With respect to
24 the services exempted in this subsection, regardless of the
25 technology, the duties of a local exchange telecommunications
26 company are only those that the company is obligated to extend
27 or provide under applicable federal law and regulations.

28 (13)~~(14)~~ "Telecommunications company" includes every
29 corporation, partnership, and person and their lessees,
30 trustees, or receivers appointed by any court whatsoever, and
31 every political subdivision in the state, offering two-way
32 telecommunications service to the public for hire within this
33 state by the use of a telecommunications facility. The term
34 "telecommunications company" does not include:

35 (a) An entity that provides a telecommunications facility
36 exclusively to a certificated telecommunications company;

37 (b) An entity that provides a telecommunications facility
38 exclusively to a company which is excluded from the definition
39 of a telecommunications company under this subsection;

40 (c) A commercial mobile radio service provider;

41 (d) A facsimile transmission service;



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- 42 (e) A private computer data network company not offering
43 service to the public for hire;
- 44 (f) A cable television company providing cable service as
45 defined in 47 U.S.C. s. 522; or
- 46 (g) An intrastate interexchange telecommunications company.
47

48 However, each commercial mobile radio service provider and each
49 intrastate interexchange telecommunications company shall
50 continue to be liable for any taxes imposed under chapters 202,
51 203, and 212 and ~~any fees assessed under s. 364.025~~. Each
52 intrastate interexchange telecommunications company shall
53 continue to be subject to s. ss. 364.04, 364.10(3)(a) and (d),
54 364.163, 364.285, 364.336, 364.501, 364.603, and 364.604, shall
55 ~~provide the commission with the current information as the~~
56 ~~commission deems necessary to contact and communicate with the~~
57 ~~company,~~ and shall continue to pay intrastate switched network
58 access rates or other intercarrier compensation to the local
59 exchange telecommunications company or the competitive local
60 exchange telecommunications company for the origination and
61 termination of interexchange telecommunications service.

62 ~~(14)-(15)~~ "Telecommunications facility" includes real
63 estate, easements, apparatus, property, and routes used and
64 operated to provide two-way telecommunications service to the
65 public for hire within this state.

66 ~~(15)-(16)~~ "VoIP" means any service that:

67 (a) Enables real-time, two-way voice communications that
68 originate from or terminate to the user's location in Internet
69 Protocol or any successor protocol;

70 (b) Uses a broadband connection from the user's location;



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71 and

72 (c) Permits users generally to receive calls that originate
73 on the public switched telephone network and to terminate calls
74 to the public switched telephone network ~~the voice over Internet~~
75 ~~protocol as that term is defined in federal law.~~

76

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

78 And the title is amended as follows:

79

80 Delete lines 26 - 28

81 and insert:

82

83 364.02, F.S.; removing definition for "monopoly
84 service" and adding a definition for "VoIP";