

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Governmental Operations Committee

BILL: PCS/CS/SB 1818

INTRODUCER: Communications and Public Utilities Committee and Senator Haridopolis

SUBJECT: Telecommunications Industry Reports

DATE: April 13, 2007 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Caldwell	Caldwell	CU	Fav/CS
2.	McKay	Wilson	GO	Pre-meeting
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill amends s. 364.386, F.S., relating to the annual Report on the Status of Competition in the Telecommunications Industry. The bill changes the dates for the Public Service Commission (commission) to request data, for certain companies to provide data, and the due date for the report to be provided to the Legislature. The bill also changes the data criteria.

This bill substantially amends section 364.386 of the Florida Statutes.

II. Present Situation:

Section 364.386, Florida Statutes, requires the commission to report to the President of the Senate, the Speaker of the House of Representatives, and the majority and minority leaders of the Senate and the House of Representatives, on December 1 of each year on the status of competition in the telecommunications industry. The statute requires the commission to provide a “detailed exposition” of the following issues:

- (1) The overall impact of local exchange telecommunications on the continued availability of universal service;
- (2) The ability of competitive providers to make functionally equivalent local exchange services available to both residential and business customers at competitive rates, terms, and conditions;
- (3) The ability of consumers to obtain functionally equivalent services at comparable rates, terms, and conditions;
- (4) The overall impact of price regulation on the maintenance of reasonably affordable and reliable high-quality telecommunications service;

- (5) What additional services, if any, should be included in the definition of basic local telecommunications services, taking into account advances in technology and market demand; and
- (6) Any other information and recommendations which may be in the public interest.

The statute does not restrict the information the commission may request nor does it provide for alternative means of response through federally required reports.

The Federal Communications Commission collects data on local telephone competition and broadband Internet access via its Form 477. The Form 477 is due every six months of each year. Companies are required to file the Form 477 September 1st of each year for the reporting period January 1 through June 30, and March 1st of each year for the reporting period July 1 through December 31.

III. Effect of Proposed Changes:

The bill changes the due date for the report to August 1 from December 1 of each year beginning in 2008. The bill requires the commission to make its request by March 1 of each year for data necessary to complete the report and requires affected companies to file the data by April 15. The bill further provides that in lieu of the qualitative information required by the commission to complete the report, a local exchange telecommunications services provider may file a copy of the FCC Form 477 filed with the FCC which must identify Florida-specific access line data and provisioned Florida access line data identified by telephone exchange location.

According to the commission, because of the December 1 due date for the report, it collects information for the reporting period June 1 through May 31. The commission states this makes for the timeliest data possible for the December 1 completion date. The commission states that using FCC Form 477 data available September 1 would not provide enough time for analysis in order to meet a statutory deadline of December 1; using March 1 FCC data would mean that the data in the report was 11 months old at the time of publication. Allowing use of generalized data makes unclear the quality of future reports.

The bill takes effect July 1, 2007.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Not having to provide Florida-specific data as required by the commission could lessen the reporting burden on certain local exchange telecommunications carriers.

C. Government Sector Impact:

The commission can comply with the provisions of this bill with existing staff and resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
