

## **TELECOMMUNICATIONS**

### **CS/CS/SB 2626 — Telecommunications Companies**

by Commerce Committee; Communications, Energy, and Public Utilities Committee; and Senators Haridopolos, Ring, Oelrich, Smith, Bennett, Gaetz, Altman, Pruitt, and Baker

The bill:

- Directs the Florida Department of Management Services (DMS) to engage in certain activities necessary to draw down federal stimulus funds to provide broadband service in rural, unserved, or underserved areas of Florida. DMS may enter into contracts, establish work groups and adopt rules.
- Exempts from Public Service Commission jurisdiction broadband and voice over Internet protocol (VOIP) service. It entitles a competitive local exchange telecommunications company to interconnect with a local exchange telecommunication company for voice traffic purposes and requires the commission to afford procedural and substantive rights available to companies with regard to interconnection.
- Amends the definitions of “basic local telecommunications service” and “nonbasic service” to provide that only single-line, flat-rate residential service taken with no additional calling features or other services is classified as basic service. It provides that combining basic with nonbasic or unregulated service is nonbasic service for the purpose of regulation.
- Reduces from 20 percent to 10 percent the amount of rate increase in a 12-month period for any nonbasic telecommunication service, where competition exists. The price for any service that was treated as basic service before July 1, 2009, cannot be increased more than CPI – 1. The cap for certain multi-line business and SUNCOM service is removed. Provides that the price charged for a nonbasic service must cover the direct costs of providing that service.
- Removes PSC authority to oversee otherwise exempt services as specifically authorized by federal law, resolve service complaints concerning nonbasic services, compel repairs to secure adequate service or facilities for the provision of nonbasic services, regulate the terms of telecommunications service contracts of companies subject to price cap regulation and establish maximum rates and charges for all providers of operator services within the state.
- Repeals the section prohibiting the giving of rebates or special rates.
- Raises the income eligibility test for Lifeline service to 150 percent of the federal poverty income level, up from the current 135 percent.
- Allows telecommunications companies to publish their rate schedules through electronic or physical media and removing the requirement that companies file the schedules with

the PSC. These provisions also apply to operator services. Other requirements relating to the publishing of schedules are deleted.

- Allows the holder of a certificate, granted by the commission for purposes of constructing, operating, and controlling a telecommunications facility, to transfer the certificate to another certificate holder, its parent, or affiliate for purposes of acquiring ownership or control of a telecommunications facility without prior commission approval.
- Removes the condition that a local exchange telecommunications company must be subject to the expired carrier-of-last-resort obligation in order to be eligible to request recovery of storm damage costs from the commission.
- Amends the methodology for changing telecommunications providers, to require the commission to resolve anticompetitive behavior concerning a local preferred carrier freeze (“pick freeze”) and placing a burden of proof on the carrier asserting the existence of a freeze.

If approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 36-2; House 117-1*

## **PUBLIC RECORDS**

### **HB 7093 — Public Records/Proprietary Business Information/DMS**

by Economic Development and Community Affairs Policy Council and Reps. Murzin and Brise (CS/CS/SB 2126 by Governmental Oversight and Accountability Committee; Communications, Energy, and Public Utilities Committee; and Senator King)

This bill creates an exemption from public records requirements for proprietary confidential business information obtained from a telecommunications company or broadband company by the Department of Management Services. The exemption applies to any proprietary or otherwise confidential information or documentation, including plans, billing and payment records, trade secrets, or other information that is intended to be confidential and not otherwise publicly available. The exemption does not apply to aggregate information related to maps and location of facilities and broadband services, or the speed of services that are available in the state. The provision stands repealed on October 2, 2014, unless reviewed and reenacted.

If CS/CS/SB 2626 and this provision are approved by the Governor, these provisions take effect July 1, 2009.

*Vote: Senate 39-0; House 108-7*