

State of Florida



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: April 12, 2002
TO: Chairman Lila A. Jaber
Commissioner J. Terry Deason
Commissioner Braulio L. Baez
Commissioner Michael A. Palecki
Commissioner Rudolph "Rudy" Bradley
FROM: Cindy Miller, Division of External Affairs *CW/ck*
RE: Legislative Wrap-Up -- 2002 Session

A condensed legislative wrap-up, with Chapter Law citations, will be provided after we see which bills are vetoed and which become law.

BILLS THAT PASSED

TELECOMMUNICATIONS

CS/HB 1683 - Access Charges

Lifeline Assistance - Enhancements are made to the Lifeline program.

- Each local exchange company authorized by the FPSC to reduce its access charges shall provide a Lifeline Assistance Plan service to any otherwise eligible customer who meets an income eligibility test at 125% of the federal poverty guideline.
- Each IXC must, effective March 31, 2003, file a tariff providing its current Lifeline Assistance Plan benefits to those meeting the eligibility test of 125% or less of poverty guidelines. (AT&T appears to be the only IXC with a current Lifeline Assistance Plan).
- The Office of Public Counsel will certify and maintain claims submitted by eligible customers.
- Each LEC must provide each state and federal agency that provides benefits to eligible Lifeline service persons with applications and other materials. Such state agency must furnish the materials to affected persons when they apply for benefits. Those customers eligible for Lifeline will be notified by these agencies of their eligibility along with the name of the LEC, by December 31, 2002.
- Each LEC customer receiving Lifeline benefits shall not be subject to a rate increase from Section 364.164, F.S., until the LEC reaches "parity" or the customer no longer qualifies for Lifeline.

- The FPSC shall report to the Governor, the House Speaker and Senate President by December 31 annually, on the number of customers who are subscribing to Lifeline.

Access Charge Reduction

- Legislative findings for access charge reductions are set out. Each LEC with more than 1 million access lines in service (BellSouth, Verizon, Sprint) may, after December 1, 2002, petition the FPSC to reduce its access charges in a revenue neutral manner. Other LECs may petition after December 1, 2003.
- The FPSC shall grant the petition if it finds that certain enumerated conditions are met.
- If the FPSC grants the petition, the LEC is authorized to immediately establish a price cap category consisting of basic local service revenues and intrastate switched network access revenues. Rate changes to this category are to achieve revenue neutrality.
- The FPSC has authority only to verify the pricing units to ensure that the company's specific adjustments make the revenue category revenue neutral for each filing. Any discovery or information requests are limited to verification of historical pricing units necessary to fulfill the FPSC's specific responsibilities of ensuring that the company's rate adjustments make the revenue category revenue-neutral for each filing.
- After a LEC's intrastate switched network access rates are reduced to or below parity, the company's access rates shall be capped for 3 years.
- Provisions direct the IXCs to decrease intrastate long distance revenues by the amount necessary to return the benefits of the access charge reductions to both business and residential customers. The IXC may determine the specific intrastate rates to be decreased, provided that residential and business customers benefit proportionally from the rates decrease.
- An IXC's in-state connection fee should be eliminated before the IXC reduces its long distance toll rates.
- The FPSC has continuing regulatory oversight of reasonable service quality criteria and assuring resolution of service complaints.

The Act takes effect upon becoming law.

CS/SB 1276 - Health and Human Services/211 Number for Non-emergency Social Services - The Agency for Human Care Administration (AHCA) is given the lead role in certifying 211 providers. If any provider of information and referral services or other entity leases a 211 number from a LEC and is not certificated by AHCA, the AHCA shall, after consultation with the LEC and the FPSC, request that the FCC direct the LEC to revoke the use of the 211 number. The AHCA shall seek the assistance and guidance of the FPSC and the FCC in resolving any disputes arising over jurisdiction relating to 211 numbers.

The Act takes effect upon becoming law.

HB 1439 - Interception of Communications - Revisions are made to Chapter 934 to better address possible terrorism action. Also the bill authorizes an investigative or law enforcement officer to require a provider of telecommunications service or remote computing service to disclose local and long distance connection records.

- Certain steps must be taken if an investigative or law enforcement agency is seeking to install a trap-and-trace device on a packet-switched data network of a provider of electronic communications service to the public.

SB 358 - Cell Phones and Motor Vehicles - The Department of Highway Safety and Motor Vehicles will collect data concerning motor vehicle accidents involving driver distractions. A report will be presented to the Senate President and House on February 28, 2003.

- Regulation of operator or passenger use of commercial mobile radio services and other electronic communication devices in a motor vehicle is expressly preempted to the state.

ELECTRIC/ENERGY

HB 1601 - Environmental Cost Recovery (SB 1142) - This law modified 366.8255, F.S., to allow certain costs resulting from agreements entered into between regulated electric utilities and the Florida Department of Environmental Protection (DEP) or the U.S. Environmental Protection Agency to be subject to recovery under the Environmental Cost Recovery Clause.

- The FPSC, in consultation with the Florida Department of Environmental Protection, is directed to perform a study for the purpose of defining public policy with respect to the use of renewable resources in Florida. "Biomass," "green energy" and "renewable energy" are specifically defined.
- At a minimum, the study shall assess cost, feasibility, deployment schedules, and impacts on the environment of increased use of renewable. In addition, the study shall describe options and mechanisms to encourage the increased deployment of renewables within our state. The results of this study shall be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2003.

The act takes effect upon becoming a law.

CS/HB 1475 - Underground Facility Damage Prevention and Safety Act - Revisions are made to the "call before you dig law" in Chapter 556. Funding for the cost of administration is revised. The term "excavate" is revised to include "land beneath the waters of the state" and includes trenchless technologies.

WATER/WASTEWATER

SB 1906 - Growth Management - This 156-page bill ended up incorporating amendments on water matters. Includes language expanding the exemptions in Section 367.022(11), F.S., for non-potable water uses for irrigation and "fireflow."

ADMINISTRATIVE

HB 727 - Disaster Preparedness - Agency emergency coordination officers shall be responsible for ensuring that each state agency and facility has a disaster preparedness plan that is coordinated with the applicable emergency management agency and approved by the Division of Emergency Management of the Department of Community Affairs.

- The disaster preparedness plan must outline a comprehensive and effective program to ensure continuity of essential state functions under all circumstances. The DCA Division of Emergency Management will develop and distribute guidelines. Each agency is encouraged to initiate and complete development of its plan immediately but no later than July 1, 2003.

HB 868 - FPSC Trust Fund - The FPSC Trust fund is re-created. All current balances are carried forward and all current sources and use of the trust fund are continued. The Act takes effect November 4, 2004, when the current trust fund would have otherwise terminated.

KEY BILLS THAT FAILED

HB 257 - Administrative Procedure Act (APA)

SB 1070 - Digital Subscriber Line (DSL)

SB 2122 - Alternative Water Supplies prohibiting merchants from locating in certain coastal areas.

SB 676 - Medically Essential, which would extend the medically essential program.

SB 1096 and HB 305 - The Florida Renewable Energy Act

SB 1954 - Intergovernmental Programs restricting the Government Utility Authority from serving outside its boundaries.

SB 2198 - Emergency Telephone Number "911" would have revised the distribution of 911 funds and addressed administration of wireless 911 fees. **HB 1511** - which passed, modified wireless E911 to provide that "each home service provider shall collect a monthly fee imposed on each customer whose place of primary use is within the state."

CBM:cj

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