

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for )  
Certificates to Provide )  
Alternative Local Exchange )  
Telecommunications Service by: )  
)  
MCI METRO ACCESS TRANSMISSION ) DOCKET NO. 950754-TX  
SERVICES, INC. )  
METROPOLITAN FIBER SYSTEMS OF ) DOCKET NO. 950759-TX  
FLORIDA, INC. )  
DIGITAL MEDIA PARTNERS ) DOCKET NO. 950904-TX  
TIME WARNER Axs OF FLORIDA, L.P. ) DOCKET NO. 950906-TX  
CONTINENTAL FIBER TECHNOLOGIES, ) DOCKET NO. 950928-TX  
INC. d/b/a ALTERNET )  
INTERMEDIA COMMUNICATIONS OF ) DOCKET NO. 950954-TX  
FLORIDA, INC. )  
WINSTAR WIRELESS OF FLORIDA, ) DOCKET NO. 950998-TX  
INC. (F/K/A AVANT-GARDE )  
TELECOMMUNICATIONS OF )  
FLORIDA, INC.) )  
CITY OF LAKELAND ) DOCKET NO. 951014-TX  
)  
) ORDER NO. PSC-95-1256-FOF-TX  
) ISSUED: October 11, 1995

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman  
J. TERRY DEASON  
JOE GARCIA  
JULIA L. JOHNSON  
DIANE K. KIESLING

ORDER ACKNOWLEDGING INTENT TO PROVIDE  
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES AND  
NOTICE OF PROPOSED AGENCY ACTION  
ORDER MANDATING LEVEL OF 911 SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed in Section II of this Order is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative

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Code.

I. Acknowledgement of Intent to Provide Alternative  
Local Exchange Services

Pursuant to Section 364.337(6)(b), Florida Statutes, any company holding a Certificate of Public Convenience and Necessity to provide alternative access vendor (AAV) services as of July 1, 1995 and wishing to provide alternative local exchange telecommunications service may do so, effective January 1, 1996, by furnishing written notice of its intention to this Commission. Each of the companies listed in the caption of this Order held certificates to provide AAV service on or before July 1, 1995 and furnished notice of its intention to provide alternative local exchange service effective January 1, 1996. Accordingly, pursuant to Section 364.337(6)(b), Florida Statutes, we acknowledge these companies' intent to provide alternative local exchange services. Each company will be permitted to provide alternative local exchange services effective January 1, 1996. The company name and certificate number are listed below.

<u>Company Name</u>	<u>Certificate No.</u>
MCI Metro Access Transmission Services, Inc.	2986
Metropolitan Fiber Systems of Florida, Inc.	3151
Digital Media Partners	3135
Time Warner AXS of Florida, L.P.	3167
Continental Fiber Technologies, Inc. d/b/a AlterNet	2973
Intermedia Communications of Florida, Inc.	2939
WinStar Wireless of Florida, Inc. (f/k/a Avant- Garde Telecommunications of Florida, Inc.)	4025
City of Lakeland	3572

The companies listed above should retain this Order as evidence of certification by this Commission.

As AAVs, these companies were granted statewide authority by this Commission to provide AAV services. We believe that alternative local exchange authority should also be statewide except for those areas precluded by Section 364.337(1), Florida Statutes.

Alternative local exchange telecommunications providers (ALECs) may not begin operation until January 1, 1996. Companies are required to comply with Chapter 364, Florida Statutes, Chapters 25-22 and 25-24, Florida Administrative Code, and other Rules and Orders lawfully promulgated by this Commission.

## II. 911 Service

To ensure that Florida end users are allowed high quality access to emergency services, Section 364.337(2), Florida Statutes, provides that each ALEC that provides basic local telecommunications service must provide access to 911 services. We find that the statute requires that ALECs that provide basic local telecommunications services must provide access to 911 services at the same level as access provided by the local exchange company (LEC) serving the same area.

We have no specific rules on what a LEC or an ALEC must provide in terms of 911 service access. This could result in an ALEC offering access to 911 service which is inferior in some way to the 911 service access provided by the LEC in that same area. For example, a LEC might provide both automatic number identification (telephone number) and automatic location (address) information to the public service answering point while the ALEC might only provide the telephone number of the calling party. Inferior 911 access could result in death or serious injury. Although the issue of 911 access may be resolved in the number portability docket and the individual local interconnection agreements, we believe ALECs should be put on notice that 911 service must be at a level equivalent to that provided by the LEC serving that same area.

It is, therefore,

ORDERED by the Florida Public Service Commission that the companies listed in the caption of this Order are acknowledged as alternative local exchange telecommunications companies effective January 1, 1996, pursuant to Section 364.337(6)(b), Florida Statutes, as described in Section I of this Order. It is further

ORDERED that each alternative local exchange company must provide the same access to 911 emergency services as provided by the local exchange company serving the same area, as described in Section II of this Order. It is further

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ORDERED that, unless a person whose substantial interests are affected by the action proposed in Section II of this Order files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, these dockets shall be closed. A protest of our action in Section II of this Order filed in one docket shall not prevent that action from becoming final in the other dockets.

By ORDER of the Florida Public Service Commission, this 11th day of October, 1995.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )  
LMB

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW  
SECTION I

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in Section I of this Order may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or

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wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900 (a), Florida Rules of Appellate Procedure.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW  
SECTION II

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed in Section II of this order is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by Section II of this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 1, 1995.

In the absence of such a petition, Section II of this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If Section II of this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an

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electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.