

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 960447-TX
certificate to provide) ORDER NO. PSC-96-0832-FOF-TX
alternative local exchange) ISSUED: June 28, 1996
telecommunications service by)
Arrow Communications, Inc.)
_____)

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE TO PROVIDE ALTERNATIVE
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed herein 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 Code.

On April 5, 1996, Arrow Communications, Inc. (Arrow) filed an application for a certificate to provide service as an alternative local exchange company (ALEC), pursuant to Section 364.337 (1), Florida Statutes. Under Section 364.337(1), Florida Statutes:

The commission shall grant a certificate of authority to provide alternative local exchange service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served. . . . It is the intent of the Legislature that the commission act expeditiously to grant certificates of authority under this section and that the grant of certificates not be affected by the application of any criteria other than that specifically enumerated in this subsection.

Arrow's application indicates that it has qualified employees in telecommunications management, marketing, and service. As for

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its technical capability, Arrow's application seems to indicate that Arrow will have the expertise to ensure that high standards are maintained at its facilities. Arrow will also rely on the network operation and management of its underlying carrier(s). In addition, our review of its financial statement indicates that Arrow has adequate financial capability.

Based upon the foregoing, we find it appropriate to grant Alternative Local Exchange Certificate No. 4468 to Arrow.

Under Section 364.337(2), Florida Statutes, each ALEC that provides basic local telecommunications service must provide access to 911 services. This Commission has no specific rules on what a local exchange company (LEC) or an ALEC must provide in terms of 911 service.

We are concerned that an ALEC may offer access to 911 service which is inferior in some way to the 911 service provided by the LEC in that same area. For example, a LEC might provide both automatic number identification and automatic location information to the emergency operator, while the ALEC might only provide the telephone number of the calling party. Inferior 911 access could result in loss of life. Accordingly, Arrow shall provide at least the same level of access to 911 service as the LEC operating in the same area.

It is, therefore,

ORDERED by the Florida Public Service Commission that Arrow Communications, Inc. is granted Alternative Local Exchange Certificate No. 4468. It is further.

ORDERED that this Order shall serve as Arrow Communications, Inc.'s certificate. Arrow Communications, Inc. shall retain this Order as evidence of certification by this Commission. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

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By ORDER of the Florida Public Service Commission, this 28th
day of June, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
Chief, Bureau of Records

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

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 herein 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 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 July 19, 1996.

In the absence of such a petition, 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 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 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.