

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Notice of intent to ) DOCKET NO. 961223-TX  
provide alternative local ) ORDER NO. PSC-96-1554-FOF-TX  
exchange telecommunications ) ISSUED: December 23, 1996  
service under Alternative Access )  
Vendor Certificate No. 3118 by )  
MH Lightnet of Florida, 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 SERVICES

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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

MH LIGHTNET OF FLORIDA, INC., which currently possesses a certificate of public convenience and necessity to provide alternative access vendor (AAV) services, has served the Commission with a Notice of Intent to provide alternative local exchange carrier (ALEC) services under its AAV certificate. Having considered MH LIGHTNET OF FLORIDA, INC.'s notice of intent, we acknowledge its authority to provide ALEC services under its Certificate No. 3118, in accordance with Chapter 364.337(6)(b), Florida Statutes.

AAV services providers are subject to Chapter 25-24, Florida Administrative Code, Part XIV, Rules Governing Alternative Access Vendor Services, as well as the terms and conditions of Order No. 24877, issued August 2, 1991.

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ALEC providers are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. ALECs are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapters 25-4, Florida Administrative Code.

In addition, Section 364.337(2), Florida Statutes, requires ALECs that provide basic local telecommunications service to provide access to 911 services. ALECs that provide basic local telecommunications services must provide at least the same level of 911 services as that provided by the incumbent local exchange company (ILEC) serving the same area.

If this Order becomes final and effective, it shall serve as MH LIGHTNET OF FLORIDA, INC.'s certificate. MH LIGHTNET OF FLORIDA, INC. should, therefore, retain this Order as proof of its certification.

It is, therefore,

ORDERED by the Florida Public Service Commission that MH LIGHTNET OF FLORIDA, INC. is hereby granted authority under Certificate No. 3118 to provide alternative local exchange services, subject to the terms and conditions specified in the body of this Order. It is further

ORDERED that this Order shall serve as MH LIGHTNET OF FLORIDA, INC.'s certificate to provide alternative access vendor and alternative local exchange carrier services. MH LIGHTNET OF FLORIDA, INC. should retain this Order as proof of its certification. It is further

ORDERED that, as an alternative local exchange company which provides basic local telecommunications services, MH LIGHTNET OF FLORIDA, INC. shall provide at least the same level of 911 services as that provided by the incumbent local exchange company serving the same area. It is further

ORDERED that, unless a person whose substantial interests are 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 effective and this docket shall be closed.

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By ORDER of the Florida Public Service Commission, this 23rd  
day of December, 1996.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay J. [Signature]  
Chief, Bureau of Records

( S E A L )

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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 January 13, 1997.

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.