

FLORIDA PUBLIC SERVICE COMMISSION
Fletcher Building
101 East Gaines Street
Tallahassee, Florida 32399-0850

M E M O R A N D U M

MAY 21, 1992

TO : DIVISION OF RECORDS AND REPORTING

FROM : DIVISION OF COMMUNICATIONS [WILLIAMS] *RW*
DIVISION OF LEGAL SERVICES [WILSON] *HW*

RE : DOCKET NO. 920218-TA; APPLICATION BY CONTINENTAL FIBER
TECHNOLOGIES, INC. FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AUTHORIZING OPERATION TO
PROVIDE ALTERNATE ACCESS VENDOR SERVICES IN FLORIDA.

: DOCKET NO. 920250-TA; APPLICATION BY HYPERION
TELECOMMUNICATIONS OF FLORIDA, INC. FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING
OPERATION TO PROVIDE ALTERNATE ACCESS VENDOR SERVICES
IN FLORIDA.

AGENDA : JUNE 2, 1992 - CONTROVERSIAL AGENDA - PROPOSED AGENCY
ACTION - PARTIES MAY PARTICIPATE

PANEL : FULL COMMISSION

CASE BACKGROUND

- * The Commission established the requirements and guidelines for Alternative Access Vendor (AAV) service on August 2, 1991, in Order No. 24877.
- * On March 6, 1992, Continental Fiber Technologies, Inc., filed an application to provide AAV services in Florida.
- * On March 17, 1992, Hyperion Telecommunications of Florida, Inc. filed an application to provide AAV services in Florida.

DOCUMENT NUMBER-DATE

05190 MAY 21 1992

FPSC-RECORDS/REPORTING

DISCUSSION OF ISSUES

ISSUE 1: Does CONTINENTAL FIBER TECHNOLOGIES, INC. and HYPERION TELECOMMUNICATIONS OF FLORIDA, INC. applications to provide Alternative Access Vendor services within the State of Florida meet the Commission's requirements?

RECOMMENDATION: Yes, CONTINENTAL FIBER TECHNOLOGIES, INC. and HYPERION TELECOMMUNICATIONS OF FLORIDA, INC. applications do meet the Commission's requirements to provide Alternative Access Vendor services within the State of Florida.

STAFF ANALYSIS: On August 2, 1991, the Commission issued Order No. 24877 which established the requirements and guidelines for any company wanting to provide AAV services within the State of Florida. Listed below are the major requirements and guidelines established in that order.

- * All companies that want to provide AAV services shall file an application on Form CMU/PSC 31, excluding the tariff requirement.

- * AAV services - defined as dedicated intraexchange and interexchange private line between affiliated entities, special access to an interexchange carrier point of presence and special access which is part of an end-to-end dedicated service, only between affiliates.
 - * Affiliated Entities - defined as corporation partnerships, proprietorships or other groups that hold stock in excess of 50 percent of the stock of the entity which claims to be affiliated.

- * No AAV will initiate service before January 1, 1992.

- * No company shall provide intrastate bypass of LFC facilities unless it obtains an AAV certificate from this Commission.

- * An AAV will only provide dedicated service.

Docket No. 920218-TA & 920250-TA
June 2, 1992

ISSUE 2: Should a certificate be granted to CONTINENTAL FIBER TECHNOLOGIES, INC. and HYPERION TELECOMMUNICATIONS OF FLORIDA, INC. to provide Alternative Access Vendor services in Florida, and should these dockets be closed?

RECOMMENDATION: Yes, certificates should be granted to CONTINENTAL FIBER TECHNOLOGIES, INC. and HYPERION TELECOMMUNICATIONS OF FLORIDA, INC. to provide Alternative Access Vendor services in Florida.

These dockets should be closed after the effective date of the proposed agency action (PAA) order, assuming no protest is received.

STAFF ANALYSIS: CONTINENTAL FIBER TECHNOLOGIES, INC. plans to initially offer service in the Jacksonville area.

HYPERION TELECOMMUNICATIONS OF FLORIDA, INC. plans to initially offer service in the Riviera Beach and Stuart area.

The Companies applications satisfy our certification requirements, provided the companies comply with all conditions listed in Commission Order No. 24877. Also, the order issued in these dockets should put CONTINENTAL FIBER TECHNOLOGIES, INC. and HYPERION TELECOMMUNICATIONS OF FLORIDA, INC. on notice that they must also comply with any rules that are developed from the AAV rulemaking process.