

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
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M E M O R A N D U M

APRIL 4, 1996

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM: DIVISION OF COMMUNICATIONS (WILLIAMS, STAVANJA) *WJ*
DIVISION OF LEGAL SERVICES (EDMONDS) *WJ*

RE: DOCKET NO. 960153-TX; NOTICE OF INTENT TO PROVIDE
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE
BY ALTERNATIVE ACCESS VENDOR CERTIFICATE NO. 3172,
FLORIDA TELECOMMUNICATIONS SERVICES, INC.

AGENDA: 04/16/96 - REGULAR AGENDA - ONLY ISSUE 2 IS PROPOSED
AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE.

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:\PSC\CMU\WP\960153TX.RCM

CASE BACKGROUND

Pursuant to Section 364.337 (6) (b), Florida Statutes, any certificated alternative access vendor certificated as of July 1, 1995 and wishing to provide alternative local exchange telecommunications service may do so effective January 1, 1996, upon furnishing to the Florida Public Service Commission written notice of its intention.

STAFF DISCUSSION

ISSUE 1: Should the Commission acknowledge FLORIDA TELECOMMUNICATIONS SERVICES, INC.'s (FTS) notification of intention to provide alternative local exchange telecommunications service within the State of Florida as provided by Section 364.337(6)(b), Florida Statutes, and should that authority be statewide, except in areas precluded by Section 364.337(1), Florida Statutes?

DOCUMENT NUMBER-DATE

03878 APR-4 1996

FPSC-RECORDS/REPORTING

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RECOMMENDATION: Yes, the Commission should acknowledge FTS's notification of intention to provide alternative local exchange telecommunications service within the State of Florida as provided by Section 364.337(6)(b), Florida Statutes, with the authority being statewide, except in areas precluded by Section 364.337(1), Florida Statutes.

STAFF ANALYSIS: Pursuant to Section 364.337(6)(b), Florida Statutes, effective July 1, 1995, any alternative access vendor certificated as of July 1, 1995 and wishing to provide alternative local exchange telecommunications service (ALEC) may do so effective January 1, 1996, upon furnishing written notice to the Commission.

FTI was certificated as an AAV before July 1, 1995 and has furnished written notice of its intention to provide ALEC service in Florida. This notice (attached) satisfies the requirements of Section 364.337(6)(b), Florida Statutes.

As an AAV, this company was granted statewide authority by this Commission to provide approved AAV service. Therefore, staff concludes that the ALEC authority should also be statewide except for those areas of the state (territories of earnings regulated small LECs) that are precluded by Section 364.337(1), Florida Statutes.

Staff recommends that the company listed in Issue 1 be acknowledged as an alternative local exchange company pursuant to Section 364.337(6)(b), Florida Statutes, with authority to provide alternative local exchange telecommunications service in Florida effective immediately, and that authority be recognized as statewide except in areas (earnings regulated small LEC territories) precluded by Section 364.337(1), Florida Statutes.

ISSUE 2: (PAA) Should the Commission require the company listed in Issue 1 to provide access to 911 service effective on the date the company begins to provide basic local telecommunications service at a level equivalent to the 911 access services of the LEC serving in the same area?

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RECOMMENDATION: Yes.

STAFF ANALYSIS: To ensure that Florida end users are allowed high quality access to emergency services, Section 364.337(2), Florida Statutes, provides that each alternative local exchange telecommunications company that provides basic local telecommunications service must provide access to 911 services.

Staff believes it is necessary to clarify that this company be required to comply with Section 364.337(2), Florida Statutes which requires that basic ALEC service include access to 911. Language referencing this requirement should be included in the order acknowledging this company as having ALEC authority.

The Commission has no specific rules on what a LEC or an ALEC must provide in terms of 911 service access. Section 364.337(2), Florida Statutes, requires that an ALEC must include access to 911 in its basic service but does not define what type of 911 services must be provided. 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 loss of life which is not something that can be corrected at a later date. For now, staff believes it should be a specific requirement of the order that the ALEC's 911 service be at a level equivalent to that provided by the LEC serving that same area.

ISSUE 3: Should this docket be closed?

RECOMMENDATION: Yes, if no person whose substantial interests are affected by the Commission's Proposed Agency Action in Issue 2 files a protest within 21 days of the issuance date of the order this docket should be closed.

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STAFF ANALYSIS: The order acknowledging granting ALEC authority to this company listed in Issue 1 is final. This authority is granted by Section 364.337(1) and the order is simply an acknowledgment. Section 364.337(1) also requires the Commission to expeditiously grant certificates and that the grant of certificates not be affected by the application of any criteria other than specifically enumerated in subsection (1).

However, the decision concerning Issue 2 is a proposed agency action order outside of subsection (1) and should not affect the granting of ALEC authority to this company.

Accordingly, this docket should be closed, if no person whose substantial interests are affected by the Commission's Proposed Agency Action in Issue 2, files a protest within 21 days of the issuance date of the order.