

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer
of ALEC Certificate No. 4867
from HTR & L Enterprises, Inc.
d/b/a Hart Communications to Tel
West Communications, LLC.

DOCKET NO. 011176-TX
ORDER NO. PSC-01-2343-PAA-TX
ISSUED: December 5, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER ON ALTERNATIVE LOCAL
EXCHANGE TELECOMMUNICATIONS CERTIFICATE

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 September 4, 2001, HTR & L Enterprises, Inc. d/b/a Hart
Communications (Hart Communications) and Tel West Communications,
LLC (Tel West Communications) filed with this Commission a joint
request for transfer on Alternative Local Exchange
Telecommunications (ALEC) Certificate No. 4867 from Hart
Communications to Tel West Communications.

Hart Communications and Tel West Communications have complied
with Rule 25-24.815, Florida Administrative Code, regarding the
transfer of ALEC certificates. We find the transfer to be in the
public interest and, therefore, approve the transfer. ALEC

DOCUMENT NUMBER-DATE

15223 DEC-5

FPSC-COMMISSION CLERK

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Certificate No. 4867 shall be amended to reflect that Tel West Communications is the holder of this certificate.

If this Order becomes final and effective, it shall serve as Tel West Communications' certificate. Tel West Communications should, therefore, retain this Order as proof of certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

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

Pursuant to Section 364.337(2), Florida Statutes, basic telecommunications service provided by an ALEC "... must include access to operator services, "911" services, and relay services for the hearing impaired." Further, Section 364.337(2), requires that an ALEC's "911" service "... shall be provided at a level equivalent to that provided by the local exchange telecommunications company serving the same area."

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to both Hart Communications and Tel West Communications. Neither the transfer of the certificate nor the failure to receive a RAFs Return notice shall relieve Hart Communications and Tel West Communications from their obligation to pay RAFs for the year 2001.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for transfer on Alternative Local Exchange Telecommunications Certificate No. 4867 from HTR & L Enterprises, Inc. d/b/a Hart Communications to Tel West Communications, LLC, is hereby approved. It is further

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ORDERED that Alternative Local Exchange Telecommunications Certificate No. 4867 shall be amended to reflect that Tel West Communications, LLC, is the holder of this certificate. It is further

ORDERED that Tel West Communications, LLC's Alternative Local Exchange Telecommunications Certificate No. 4867 is subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as Tel West Communications, LLC's certificate and should be retained by Tel West Communications, LLC as proof of certification. It is further

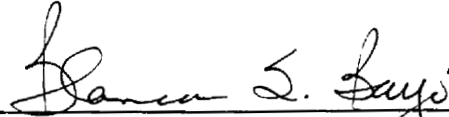
ORDERED that HTR & L Enterprises, Inc. d/b/a Hart Communications and Tel West Communications, LLC shall remit Regulatory Assessment Fees for the year 2001. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 5th Day
of December, 2001.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
And Administrative Services

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 26, 2001.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.