



Public Service Commission

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JUL 24 AM 11:40
COMMISSION CLERK

DATE: JULY 24, 2002

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: OFFICE OF THE GENERAL COUNSEL (MCKAY) *VSM* DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (WILLIAMS) *for JEW*

RE: DOCKET NO. 030041-TX - APPLICATION FOR CERTIFICATE TO PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE BY FERONETWORKS, INC.

AGENDA: 08/05/03 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMP\WP\030041.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request filed on January 9, 2003, by FeroNetworks, Inc. By Order No. PSC-03-0693-PAA-TX issued on June 9, 2003, the Commission granted the company Alternative Local Exchange Telecommunications service (ALEC) Certificate No. 8347. However, by letters dated May 30 and June 22, 2003, the company asked to withdraw its original application for ALEC certification. Therefore, an Order, consummating Order No. PSC-03-0693-PAA-TX, was not issued in view of the company's May 30 and June 22, 2003 letters. Staff notes that prior to the enacted Tele-Competition Innovation and Infrastructure Enhancement Act which took effect on May 23, 2003, Competitive Local Exchange Companies were known as Alternative Local Exchange Companies. Since the recommendation was approved at the May 20, 2003 Agenda Conference, staff has continued to use the term Alternative Local Exchange Company in this recommendation.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

DOCKET NO. 030041-TX

DATE: July 24, 2003

The Commission is vested with jurisdiction in this matter pursuant to Section 364.337, Florida Statutes.

In view of the foregoing, staff makes the following recommendation.

DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-03-0693-PAA-TX, which granted FeroNetworks, Inc. ALEC certificate No. 8347, be vacated?

RECOMMENDATION: Yes, the Commission should vacate Order No. PSC-03-0693-PAA-TX. (Williams, McKay)

STAFF ANALYSIS: On June 25, 2003, the Commission received a request to withdraw FeroNetworks, Inc.'s Application to Provide Alternative Local Exchange Telecommunications (ALEC) services. The letter was received prior to the issuance of a Consummating Order in this Docket. Accordingly, staff is recommending that Order No. PSC-03-0693-PAA-TX be vacated.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon the issuance of the Commission's vacating Order. (McKay)

STAFF ANALYSIS: This docket should be closed upon the issuance of the Commission order vacating its approval of an Application for an Alternative Local Exchange certificate.