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September 3, 2004

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
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Tallahassee, Florida 32399-0870

Re: PSC Filing

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Dear Ms. Bayo:

On behalf of Telscape Communications, Inc. enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ Petition of Telscape Communications, Inc., for Designation as an Eligible Telecommunications Carrier in the State of Florida.


Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,



Joseph A. McGlothlin

encls.

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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, KAUFMAN & ARNOLD, P.A. 9721 SEP -3 8

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: PETITION OF TELSCAPE)
COMMUNICATIONS, INC. FOR) DOCKET NO.
DESIGNATION AS AN ELIGIBLE) FILED: September 3, 2004
TELECOMMUNICATIONS CARRIER)

**PETITION OF TELSCAPE COMMUNICATIONS, INC.
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS
CARRIER IN THE STATE OF FLORIDA**

Pursuant to Section 214 (e)(1) of the Communication Act of 1934, as amended (the "Act"), governing rules of the Federal Communications Commission ("FCC") (47 C.F.R. §§54.101 and 201), and Rule 25-22.036, Florida Administrative Code, Telscape Communications, Inc. ("Telscape") hereby petitions the Commission to designate Telscape as an Eligible Telecommunications Carrier ("ETC") in the *non-rural*, major metropolitan area specified herein (hereafter, for purposes of this Petition, the "ETC service area"¹), and states:

I. NAMES OF PETITIONER AND PETITIONER'S REPRESENTATIVES

Petitioner's name and principal place of business:

Telscape Communications, Inc.
606 E. Huntington Drive
Monrovia, CA 91016
Telephone: 626.415.1000
Facsimile: 626.415.0104

Correspondence and questions regarding this Petition should be directed to:

¹ In Order No. PSC-97-1262-FOF-TP, issued in Docket Nos. 970644-TP and 970744-TP (*In re: Establishment of Eligible Telecommunications Carriers Pursuant to Section 214(e) of the Telecommunications Act of 1996; In re: implementation of changes in the Federal Lifeline Assistance Plan currently provided by telecommunications carriers of last resort*) on October 14, 1997 ("ETC Order"), the Commission recognized that, while competitive local exchange companies such as Telscape receive certificates conferring authority to operate statewide, in many instances CLECs' operations cover only a portion of Florida. In the order, the Commission provided CLECs applying for ETC status the opportunity to propose appropriate "service areas" for ETC purposes. In this Petition, Telscape identifies a service area that will enable Telscape to integrate its initial ETC service area with its overall business plan for entering the Florida market. Telscape intends to expand its initial ETC service area as its business grows.

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Kaufman & Arnold, P.A.
117 South Gadsden Street
Tallahassee, FL 32301
Telephone: 850.222.2525
Facsimile: 850.222.5606

to

Jeff Compton
Vice President – Carrier Relations
Telscape Communications, Inc.
606 E. Huntington Drive
Monrovia, CA 91016
Telephone: 626.415.1016
Facsimile: 626.415.0104

and to

Andrew O. Isar
Miller Isar, Inc.
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335
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II. TELSCAPE'S SUBSTANTIAL INTERESTS

Telscape is a provider of competitive local exchange, interexchange, and international wireline telecommunications services to residential and commercial subscribers, with a primary concentration on serving lower income residential subscribers. Telscape is a common carrier, consistent with the definition in 47 U.S.C. § 153(10) and the requirements of 47 U.S.C. § 214(e)(1). Telscape has been granted international service authority pursuant to 47 U.S.C. § 214(a), and complies with applicable federal regulations governing the provision of domestic interstate interexchange wireline telecommunications services. Telscape has been granted a Certificate of Authority by the Commission to provide competitive facilities-based and resold

local exchange wireline telecommunications in Florida² and has registered with the Commission to provide intrastate interexchange.³

Telscape has operated consistently and profitably as a facilities-based provider of local exchange and interexchange telecommunications services in the State of California, Telscape's headquarters state, for more than three years. In that time, the Company has gained the distinction of becoming the largest non-incumbent local exchange provider of telecommunications services to low-income, universal lifeline telephone service subscribers in California. When ILECs are included, Telscape is the third largest service provider to low-income, universal lifeline telephone service subscribers in California.⁴ Telscape currently provides service to more than 85,000 residential and commercial subscribers, more than two thirds of whom are low-income, support-eligible residential subscribers. Telscape serves subscribers primarily located in Los Angeles, Orange, and San Diego Counties and the Coachella Valley, which includes the area from Palm Springs to the Salton Sea. Telscape also serves the central coast and central valley regions of California.

Telscape serves subscribers through its own switching equipment and transport facilities, supplemented by network services and functions that it obtains from other carriers. Telscape deploys network equipment and facilities on a continuing basis, consistent with the needs of supporting its growing subscriber base, to maintain high service quality and economically priced services. Telscape operates the only fully bilingual (Spanish and English) network in the country. The Company has brought competitive telecommunications innovations and choices to thousands of residential customers in economically disadvantaged inner city areas, a sector of the

²Docket No. 040583-TX, Order No. PSC-04-0735-PAA-TX issued on August 3, 2004.

³Telscape *LXC Registration Form*, June 18, 2004.

⁴Telscape participates in California's state-sponsored program of support for low income subscribers. California's program bears many similarities to, and is consistent with the goals of, the federal universal service program.

market that historically has been ignored and that many would assume to be the least likely market sector to enjoy the benefits promised by the Telecommunications Act of 1996. Jeff Compton, Telscape's Vice President for Carrier Relations, was appointed to the six member working group of California's Telecommunications Program for Rural Low Income Communities, a \$10 million program formed to make low cost telephone services available to residents of insular low-income communities throughout the State.

Telscape has determined that, in important respects, the Florida market is similar to the California market that Telscape serves. Telscape believes that it can apply its California experience and success to serving Florida subscribers. While Telscape intends to grow its business to serve customers throughout Florida, initially it will offer service in portions of BellSouth's service area, beginning with metropolitan Miami. After initiating service with unbundled network elements, Telscape will establish collocations in BellSouth wire centers as quickly as its customer base grows to a size that, based on an economic analysis, is sufficient to sustain facilities-based service. Telscape has employed this formula successfully in California. Based on its past experience, Telscape anticipates it may deploy network facilities within weeks of entering new markets, provided that Telscape receives ETC designation.

Initially, as Telscape establishes a collocation in a wire center, Telscape will install facilities that will enable it to transmit calls from the wire center over a leased ATM network for switching using either newly built, Florida-based equipment or its existing DMS 500 switch in California. This will provide end users served out of each wire center in Florida the same features and functionality now available to customers served in California. As Telscape's customer base grows, Telscape will reach a cross-over point in each location within Telscape's

ETC service area beyond which it will be more efficient for Telscape to locate switching facilities in Florida.

Telscape wishes to participate in the high cost, low income support mechanisms of the federal Lifeline and Link Up universal service programs. Initially, Telscape intends to obtain federal universal service support funding applicable to low-income and potentially high-cost eligible subscribers in the *non-rural*, major metropolitan area of greater Miami. The precise ETC service area that Telscape seeks, defined in terms of specific wire centers, is discussed in a later section of this application. (As Telscape's business grows, Telscape intends to file supplemental requests to expand its ETC service area to include other metropolitan areas in Florida.) As required by federal regulation, this funding will be used exclusively to supplement Telscape's provision of low cost basic local exchange telecommunications service to low income residential subscribers who are eligible for support under the federal Lifeline and Link Up low income support mechanisms. Such supplemental funding will enable Telscape to deploy, maintain, and upgrade network facilities for which federal ETC programs were designed, and to provide low-income subscribers with a choice of competitive service options, including innovative, low cost service offerings currently unavailable in Florida. Pursuant to the Act and implementing regulations,⁵⁶⁷ to qualify for the program in Florida, a carrier must first be designated as an ETC by this Commission. Inasmuch as participation in the federal program is an integral part of Telscape's business plan for Florida, the Commission's decision on this Petition will affect Telscape's substantial interests.

⁵ See, ETC Order at 2.

⁶ 47 U.S.C. §214(e)(6).

⁷ See, *Procedures for FCC Designation of Eligible Telecommunications Carriers Pursuant to Section 214 (e)(6) of the Communications Act*, Public Notice, 12 FCC Red 22947, 22948 & n.5 (1997) ("*Public Notice*") and 47 C.F.R. §54.101(a).

III. TELSCAPE FULLY MEETS THE STATUTORY AND REGULATORY REQUIREMENTS APPLICABLE TO ETC DESIGNATION

The Commission has determined that non-incumbent local exchange carriers who wish to receive ETC status in the service area of a non-rural local exchange carrier should file a petition with the Commission for ETC status and should propose an appropriate service area.⁸ The FCC requires those entities seeking ETC designation to 1) certify that the entity offers all services designated for support by the FCC pursuant to Section 254(c); 2) certify that the petitioner offers the supported services “either using its own facilities or a combination of its own facilities and resale of another carrier’s services;” 3) describe how the applicant will advertise the availability of the supported services and the associated service charges through general distribution media; and 4) provide a detailed description of the geographic service areas for which the entity seeks ETC designation.⁹

As demonstrated below, Telscape meets the requirements for designation as an ETC imposed by the Act and related regulations and policies.

A. Telscape Provides Each of the Services Supported By the Federal Low Income and High-Cost Support Mechanism.

Pursuant to Section 214(e) of the Act and Section 54.101(a) of the FCC’s regulations, an ETC must provide the following services and functionalities throughout its ETC service area:

1. Voice-grade access to the public switched telephone network;
2. Local usage;
3. Dual-tone, multi-frequency (“DTMF”) signaling, or its functional equivalent;
4. Single-party service or its functional equivalent;

⁸ ETC Order at 2.

⁹ *Public Notice*, 12 FCC Rcd. At 22948-49.

5. Access to emergency services;
6. Access to operator services;
7. Access to interexchange service;
8. Access to directory assistance; and
9. Toll limitation for qualifying low-income consumers.

For purposes of ETC Petitions, carriers must certify that they provide each of the supported services, or where appropriate, a functional equivalent. As demonstrated below and in the Affidavit attached hereto as Exhibit A, Telscape will provide the requisite core services and functionalities throughout the area for which it seeks ETC designation.

1. Voice-grade access to the public switched network. The FCC has defined "Voice grade access" as "a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz."⁵ As it presently does in California, through a combination of its own facilities and arrangements that it will enter with other carriers Telscape commits to provide voice-grade switched access to the public switched telephone network to all of its Florida customers.

2. Local usage. ETCs must include local usage beyond providing simple access to the public switched network as part of a universal service offering. Pursuant to Federal regulation, "Local usage" means an amount of minutes of use of exchange service, prescribed by

⁵47 C.F.R. §54.101(a)(1).

the Commission, provided free of charge to end users.⁶ Telscape includes specified quantities of usage in each of its rate plans, at the option of the customer, and thereby complies with the requirement that all ETCs offer local usage.

3. Dual-tone multi-frequency (DTMF) signaling, or its functional equivalent.

“Dual tone multi-frequency” (“DTMF”) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time.”¹⁰ Telscape’s services utilize DTMF as a signaling standard in its switching equipment or through underlying carrier switching, available to all subscribers without exception. Telscape satisfies the DTMF requirement.

4. Single-party service or its functional equivalent. Pursuant to federal regulation, “[S]ingle-party service” is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission.”¹¹ Telscape meets the requirement of single-party service by providing a dedicated message path for all customer calls.

5. Access to emergency services. “Access to emergency services” includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety

⁶47 C.F.R. §54.101(a)(2). The FCC has rejected proposals to require unlimited local usage, and has not quantified any minimum amount of local usage required to be included in a universal service offering. In the *First Report and Order*, the FCC deferred a determination on the amount of local usage that a carrier would be required to provide. *Id.* At 8812-14, ¶¶ 65-69. The FCC later issued a Notice of Proposed Rulemaking seeking comment on how much, if any, local usage an ETC should be required to offer, *Federal-State Joint Board on Universal Service*, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 13 FCC Rcd 21252, 21279-81, ¶¶ 5—53 (1998), but more recently, the FCC decided to “adopt [] the Joint Board recommendation that unlimited local usage should not be added to the list of supported services.” *Definition of Universal Service Order*, ¶ 14.

¹⁰ 47 C.F.R. §54.101(a)(3).

¹¹ *Id.* §54.101(a)(4).

organizations...”¹² Telscape has, since its inception, provided subscribers with access to 911 emergency services consistent with the federal access to emergency services obligations. Telscape will provide access to emergency services throughout its ETC service area.

6. Access to operator services. “Access to operator services” is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call.”¹³ Telscape provides its subscribers with access to operator services, including bi-lingual customer service and call completion capabilities, and thus meets this requirement.

7. Access to interexchange service. “Access to interexchange service” is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network.”¹⁴ Telscape meets this requirement by providing all of its subscribers with the ability to place and receive interexchange calls. Some of Telscape’s innovative rate plans combine nationwide and international interexchange calling services with local exchange calling under a single monthly recurring charge. To the extent that subscribers would nevertheless wish to access alternative interexchange carriers, they may do so by dialing the alternative carrier’s appropriate access code.

8. Access to directory assistance. “Access to directory assistance” is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings.”¹⁵ Telscape meets this requirement by providing all of its customers with access to directory assistance by dialing “411.”

¹² *Id.* §54.101(a)(5).

¹³ *Id.* §54.101(a)(6).

¹⁴ *Id.* §54.101(a)(7).

¹⁵ *Id.* §54.101(a)(8).

9. Toll limitation for qualifying low-income consumers. An ETC must offer either “toll control” or “toll blocking” services to qualifying Lifeline customers at no additional charge.¹⁶ Once designated as an ETC, Telscape will participate in Lifeline as required, and will provide toll control and/or toll blocking capability pursuant to federal requirements. Telscape’s switching equipment enables Telscape to provide toll limitation and blocking services to subscribers at no additional charge to Lifeline customers. Pursuant to the Commission’s ETC Order, Telscape commits that it will not collect deposits from subscribers who select toll blocking, and will reduce deposits, if collected, from those subscribers who select toll control.¹⁷

B. Telscape Offers Supported Services Over Its Own Facilities Or a Combination of its Own Facilities and Resale of Another Carrier’s Services.

Pursuant to section 214(e)(1) of the Act, a carrier seeking ETC designation must, offer the services that are supported by Federal universal service support mechanisms under section 254(c) of this title, either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier);¹⁸

Telscape hereby certifies that it will offer the supported services using its existing network infrastructure, which includes switching equipment, and transport facilities, as well as interconnection facilities owned or leased by Telscape from other carriers to provide service to subscribers. Telscape currently maintains two Nortel DMS 500 switches located in Monrovia and San Diego, California. Telscape routes traffic to the switches through more than 30 collocation facilities that are interconnected with other carriers in Telscape’s current service areas. Telscape maintains redundant, back up power facilities -- including Caterpillar generators and Direct Current batteries -- through an uninterruptible power supply distribution system at

¹⁶ *Id.* § 54.101(a)(9). ETC Order at 3.

¹⁷ ETC Order at 3.

¹⁸ 47 U.S.C. §214(e)(1)(A). *Also see Public Notice*, 12 FCC Rcd. at 42298.

each switching location. Telscape's network includes fiber optic and Copper/DS# multiplexers. Database management is powered by an Oracle customer database management system, Arbor (former Lucent) billing system and back up, and a proprietary order management system and data bases.

C. Telscape Will Advertise Its Universal Service Offering.

The Act and federal regulations further require carriers who seek ETC designation to "advertise the availability of such services and the charges therefore using media of general distribution."¹⁹ Telscape informs the general public of the availability of its services and the corresponding charges by advertising within the designated service area. In Florida, Telscape will advertise its services, including Telscape's participation in the Lifeline and Link Up programs, and the rates and charges applicable to those services through prominent presentations in one or more forms of media of general distribution, which may include newspapers, television or radio, throughout the ETC service area; annual "bill stuffers;"²⁰ coordination with directory publishers for inclusion in telephone directories; and outreach to welfare agencies.

IV. TELSCAPE'S PROPOSED ETC SERVICE AREA

Pursuant to Section 54.207 of the FCC's rules, a "service area" is a "geographic area established by a state commission for the purpose of determining universal service obligations and support mechanisms."²¹ Because Telscape is not deemed a "rural telephone company" as defined in 47 U.S.C. §153(37), Telscape must describe the geographic area for which it requests ETC designation under Federal regulations and the Commission's ETC Order. As its initial ETC service area, Telscape proposes the *non-rural*, major metropolitan areas of greater Miami. A

¹⁹ 47 C.F.R. §54.201(d)(2).

²⁰ ETC Order at 3

²¹ 47. C.F.R. §54.207(a). Adopted by reference pursuant to NAC 704.680463 (4) (b), "Study area" means a geographic area defined by the Federal Communications Commission for each provider of last resort of basic service."

listing of the specific exchanges that comprise the ETC service area is attached hereto as Exhibit B.

V. GRANTING TELSCAPE'S PETITION WILL SERVE THE PUBLIC INTEREST

A grant of Telscape's Petition will serve the public interest by promoting the availability of innovative, competitive local exchange - and interexchange - services to low income households located in the non-rural major metropolitan areas served by Bell South, for which Telscape seeks ETC designation in Florida. Telscape maintains that the granting of the instant Petition will enable low-income and high-cost support mechanism-eligible subscribers to realize the benefits of additional, alternative competitive service offerings designed for lower-income subscribers, in instances not currently available to such subscribers in Florida.

In its *Virginia cellular order*²², the FCC recognized the principle that competition creates market pressure to reduce prices, increase service quality, and encourage service innovation. The granting of Telscape's Petition will be consistent with this principle. Further, the granting of the instant Petition will create the opportunity for deployment of a new telecommunications network in Florida and introduction of innovative service plans that further enhance customer choice.

Telscape has extensive experience in serving low-income and high-cost support eligible subscribers in California. As stated earlier, Telscape currently serves more than 55,000 eligible low-income and high-cost subscribers in California, making Telscape the third largest supplier of competitive wireline telecommunications services to eligible low-income subscribers in the State of California. Telscape has achieved this remarkable distinction in a period of slightly over three years, and anticipates bringing the benefit of its experience to Florida subscribers. Among

²² In the Matter of Federal-State Joint Board on Universal Service, Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338 (rel. January 22, 2004)

CLECs, Telscape is perhaps uniquely qualified to serve these subscribers in Florida, and will be able to provide a level of service, personalized attention, and support that other ETCs – including ILECs-- may be unable to provide. Telscape offers a full range of calling options and features that are geared to meet its subscribers' specific needs. Telscape's network has been designed to maintain high quality service and network redundancy, including back up power redundancy, to ensure the continued reliable availability of its services. And, through increased advertising of the availability of services (including Telscape's participation in the federal programs) provided by Telscape, the public will become more aware of the availability of universal service funded programs generally. The FCC has recognized that ETCs are in the public interest and will provide "incentives...to implement new operating efficiencies, lower prices, and offer better service to customers."²³

Telscape believes that its proposed service as an ETC will clearly advance the purposes of the 1996 Act and the interests of Floridians. Telscape's service will provide competitively priced, innovative telecommunications choices to a growing segment of Florida residents whose needs largely have been ignored. Indeed, according to the Federal Communications Commission's Wireline Competition Bureau Industry Analysis and Technology Division's June 2004 *Local Telephone Competition: Status as of December 31, 2003* Report,²⁴ competitive local exchange carriers serve 1,523,574, or 13%, of Florida's 11,498,647 access lines. Of that portion, the number of low-income support eligible subscribers served by competitive wireline carriers in Florida is *zero*, as, to the best of Telscape's knowledge, no other competitive wireline carriers

²³ *Western Wireless Corporation Petition for Designation as Eligible Telecommunications Carrier for the Pine Ridge Reservation in South Dakota*, Memorandum Opinion and Order, 16 FCC Rcd 18133, 1838-39, ¶ 15 (2001).

²⁴ *Local Telephone Competition: Status as of December 31, 2003*, Federal Communications Commission Wireline Competition Bureau Industry Analysis and Technology Division's Table 6, End-User Switched Access Lines Served by Reporting Local Exchange Carriers (As of December 31, 2003) (June 2004)

have been designated as ETCs . Telscape’s service would offer a substantial portion of low-income customers in Florida their first real choice in carriers by providing a level of service and support that incumbent local exchange carriers, have been unable or unwilling to provide. These customers should not be denied the availability of competitive choice solely because they qualify for the federal universal service programs. At the same time, however, in order to offer a choice that is meaningful to such potential subscribers, Telscape must be in a position to offer a package of services that is competitive with the full scope of services and programs offered by the incumbent local exchange carriers. Inasmuch as the incumbent local exchange carriers have been designated as ETCs, and thus are participating in the federal universal service programs, the designation as an ETC requested herein is crucial to Telscape’s ability to provide competitive alternative choices to lower income subscribers.

Moreover, Telscape’s plan for providing service in its proposed service area has been proven effective, through Telscape’s prior successful operations in California, in enabling Telscape to migrate service to an increasingly self-provisioned switching/UNE loop configuration in a financially-viable manner. In fact, in only a few short years of operation, Telscape has achieved profitability in California based on the very same service model that it proposes to deploy in Florida.

VI. DESIGNATION OF TELSCAPE AS AN ETC WILL INCREASE FLORIDA’S OVERALL PARTICIPATION IN THE FEDERAL UNIVERSAL SERVICE PROGRAM

In its *ETC Order*, the Commission observed that the level of Florida’s participation in the federal Lifeline program is “substantially below” the national average, and recognized the desirability of increasing Lifeline subscribership in Florida; in fact, the Commission observed

that “more work needs to be done” in this area.²⁵ The Commission saw the role that effective advertising can play in increasing Florida’s participation in the programs, but perceived the absence of ETCs other than incumbents as a limitation on the amount of advertising of the availability of programs that it could order the existing ETCs to implement. The Commission recognized that the advent of non-incumbent ETCs would enable it to prescribe a more comprehensive program of advertising that would be applicable to both incumbent ETCs and competitive ETCs. The broader advertising program that will be in effect at that time will in turn enhance the effectiveness of efforts to communicate the availability of the programs to all of Florida’s residents who may qualify for them. At the same time it introduces customer choice to the lower income sector of the Florida market, then, as an ETC Telscape will provide the means and opportunity to increase Florida’s participation in the federal Universal Service Program.

VII. TELSCAPE’S COMMITMENT TO SERVICE QUALITY

Telscape has maintained a high level of service quality in its service territory. In California, for example, Telscape service indices reveal that Telscape is committed to providing high quality network and customer service support and, as described above, Telscape’s network is supported by redundant facilities, over engineered back up power and access to alternative power sources, and Telscape maintains data base redundancy to ensure that critical customer and operational data remain protected under all circumstances. Telscape’s high level of network and operational quality and commitment to customers has been amply demonstrated in California, and will be mirrored in the Company’s Florida operations.

VIII. LOW-INCOME, HIGH-COST CERTIFICATION

Telscape certifies that all federal low-income and high-cost support mechanism universal services fund disbursements received in Florida will be used exclusively for the provision of

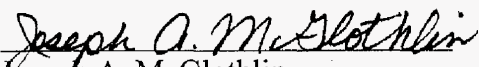
²⁵ ETC Order, at page 5.

services to low income-eligible or high-cost subscribers, for which the support is intended, pursuant to federal regulation, sections 54.313 and 54.314. Telscape certifies further that the exclusive purpose of the instant Petition is to receive disbursements under federal low-income and high-cost support mechanisms when serving eligible Florida subscribers. Telscape respectfully requests that the Commission find that Telscape has met the high-cost certification requirement and is entitled to begin receiving high-cost support upon the granting of its application.

IX. ANTI-DRUG ABUSE CERTIFICATION

Telscape certifies that no party to this Petition is subject of a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C § 862, and Sections 1.2002-1.2003 of the FCC's rules, 47 C.F.R. §§ 1.2001-1.2003.

WHEREFORE, Telscape respectfully requests the Commission to (1) expeditiously consider this Petition, (2) designate Telscape an Eligible Telecommunications Carrier within its proposed ETC service area for purposes of obtaining low income and high cost federal universal service support in Florida, and (3) grant such other relief as the Commission deems just and proper.


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Telephone: 850.222.2525
Facsimile: 850.222.5606

Attorneys for Telscape Communications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Petition of Telscape Communications, Inc., for Designation as an Eligible Telecommunications Carrier in the State of Florida has been served upon the following parties by hand delivery on this 3rd day of September, 2004.

Ms. Beth Keating
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399


Joseph A. McGlothlin

VERIFICATION

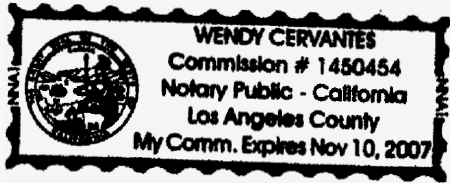
STATE OF CALIFORNIA)
)
COUNTY OF ORANGE) ss.

I, Jeff Compton, having first been duly sworn, declare that I am Vice President – Carrier Relations for Telscape Communications, Inc., and that I am authorized to make this affidavit on behalf of Telscape Communications, Inc., the Applicant in the instant proceeding. I have read the foregoing Petition and exhibits and verify that the same are true, accurate, and correct to the best of my knowledge, information, and belief.


TELSCAPE COMMUNICATIONS, INC.

By: 

Jeff Compton
Vice President – Carrier Relations
Telscape Communications, Inc.
606 E. Huntington Drive
Monrovia, CA 91016
Telephone: 626.415.1016
Facsimile: 626.415.0104



Subscribed and sworn to before me this 25th day of August, 2004.


Notary Public in and for the State
of California, residing at
606 E. Huntington Drive, Monrovia, CA

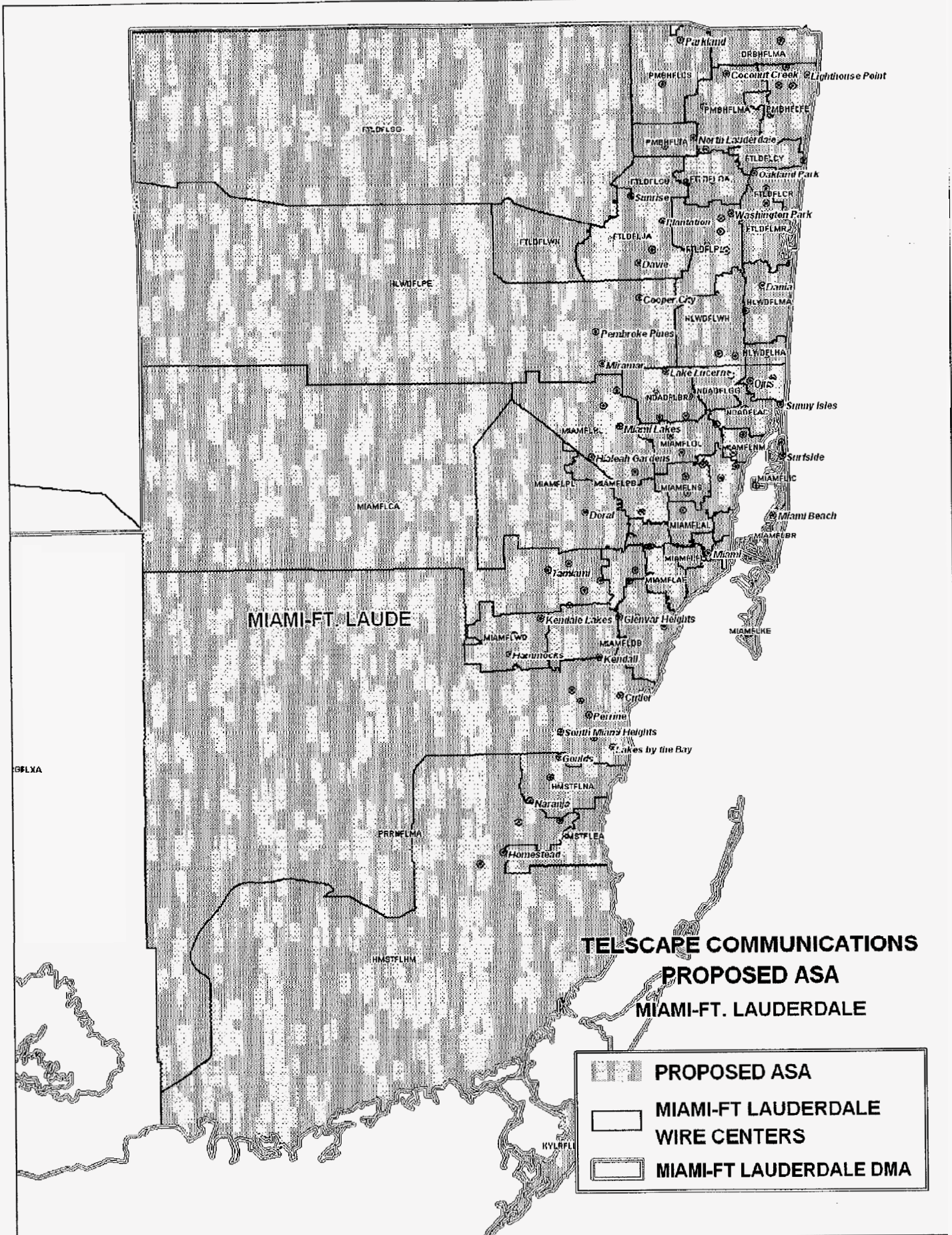
My Commission expires: Nov. 10, 2007

Telscape Communications, Inc.
 PROPOSED ETC SERVICE AREA

DMA	State_Name	WC_Code	Carrier
MIAMI-FT. LAUDE	Florida	MIAMFLHL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLCA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	PRRNFLMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLWD	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	HLWDFLPE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLAE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLWM	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLSO	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLPB	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLFL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	HMSTFLHM	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	NDADFLBR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLAL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	HLWDFLWH	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLRR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLBA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLNS	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLME	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLLOL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLBR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	PMBHFLCS	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	NDADFLAC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLIC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLWN	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLPL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLPL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	PMBHFLMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLJA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	NDADFLOL	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLSU	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLSH	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	HLWDFLMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	PMBHFLTA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	NDADFLGG	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLNM	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	PMBHFLFE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	DRBHFLMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	HMSTFLNA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL

Telscape Communications, Inc.
PROPOSED ETC SERVICE AREA

MIAMI-FT. LAUDE	Florida	FTLDFLMR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLOA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLCY	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLBC	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLCR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLKE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLGR	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	HLWDFLHA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	KYWSFLMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLAP	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MIAMFLDB	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	FTLDFLSG	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	HMSTFLEA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	KYLRFLLS	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	MRTHFLVE	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	PMBHFLNP	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	BGPIFLMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL
MIAMI-FT. LAUDE	Florida	KYLRFLMA	BELLSOUTH TELECOMM INC DBA SOUTHERN BELL TEL & TEL



Telscape requests that the ETC service area be defined in terms of the listed wire centers. The map, page 3 of the exhibit, is included for general informational purposes. It may not coincide exactly with the list.