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American Dial Tone

Bianca S. Bayo, Director
Division of the Commission
Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

050542-TX

August 8 , 2005

Subject: Petition for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. 214(e).


Dear Ms. Bayo:

Please accept this letter as a petition to the Commission for designation of Ganoco Inc, dba American Dial Tone as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. 214 (e).

Enclosed for filing with the Commission are the original and seven copies of the supporting documentation of this petition. Ganoco Inc, dba American Dial Tone, has met the requirements for ETC designation. Grant of this request will serve the public good by allowing American Dial Tone to serve current and additional low-income subscribers.

Please date and time stamp the extra copy as proof of filing and return it in the enclosed self addressed stamped envelope. Please refer any questions about this application to Ganoco Inc, dba American Dial Tone at 2323 Curlew Road Suite 7C, Dunedin FL 34698 or telephone at 727-450-4980.

Sincerely,



Stephen D. Klein
President
Ganoco, Inc.

Let's get Connected

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FPSC-COMMISSION CLERK

Before the
FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition of
Ganoco, Inc. dba American Dial Tone
For Designation as an Eligible
Telecommunications Carrier

Docket No. _____

PETITION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER IN THE STATE OF FLORIDA
(NO RURAL REDEFINITION REQUESTED)

Ganoco, Inc. dba. American Dial Tone (“American Dial Tone” or the “Company”), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the “Act”)¹ and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission (“FCC”),² hereby petitions the Florida Public Service Commission (“Commission”) for designation as an Eligible Telecommunications Carrier (“ETC”) in certain BellSouth, Sprint, and Verizon exchanges as described herein (“Designated Area”) for the purpose of receiving federal universal service support. As demonstrated below, American Dial Tone satisfies all of the statutory and regulatory requirements for designation as an ETC in the Designated Area. Furthermore, designation of American Dial Tone in the Designated Area will serve the public interest. Accordingly, American Dial Tone respectfully requests that the Commission grant this Petition.

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101- 54.207.

I. Background

1. American Dial Tone is a Florida corporation. The Company has been certified by the Commission as a Competitive Local Exchange Company (“CLEC”) in Florida (Docket No. 981874-TX Certificate No. 5805). The principal office of the Company is located at 2323 Curlew Rd. Suite 7C Dunedin, Florida 34698. The Company provides local exchange and exchange access services in the BellSouth, Sprint, and Verizon exchanges using a combination of unbundled network elements (“UNEs” and resale lines) as provided by these companies that allows end-to-end switching delivery of calls.
2. As set forth in Section 214(e)(2) of the Act, the Commission “shall upon its own motion or upon request designate a common carrier that meets the requirements of [Section 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the State commission.”³ Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.⁴
3. The requirements for designation as an ETC set forth in Section 214(e)(1) are that the carrier must:

³ 47 U.S.C. § 214(e)(2); see 47 C.F.R. § 54.201(b) (FCC Rules citing the Act’s requirements).

⁴ 47 U.S.C. § 214(e)(1).

- (A) offer the services that are supported by Federal universal support mechanisms under section 254(c), 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); and using the media of general distribution?
- (B) advertise the availability of such services and the charges therefore using the media of general distribution.⁵

II. American Dial Tone Satisfies the Requirements for Designation as an ETC to Serve the Designated Area

- 4. American Dial Tone is a common carrier as that term is defined in the Act.⁶ The Company provides competitive Docket No. 981874-TX Certificate No. 5805.
- 5. American Dial Tone offers all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs and resale lines from BellSouth, Sprint and Verizon. According to FCC Rules, facilities obtained as UNEs satisfy the requirement that an ETC provide the supported services using either its own facilities *or* a combination of its own facilities and resale of another carrier's services.⁷ Accordingly, the Company satisfies the requirement set forth in Section 214(e)(1)(A).

⁵ *Id.*

⁶ See 47 U.S.C. § 153(10) ((the term 'common carrier' or 'carrier' means any person engaged as a common carrier for hire, in interstate or foreign communication by wire *or* radio or in interstate or foreign radio transmission of energy . . .)).

⁷ Section 54.201(f) of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to Part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart." 47 C.F.R. § 54.201(f). The term "facilities" under Section 54.201 is defined as "any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part." 47 C.F.R. § 54.201(e). American Dial Tone's use of BellSouth's, Sprint's, and Verizon's UNEs meets this definition of "facilities."

6. The services that are supported by Federal universal support mechanisms under section 254(c) are enumerated in the rules of the Federal Communications Commission ("FCC") at 47 C.F.R. 54.101 (a)(1)-(9). These services are:

a) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signalling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal 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;

b) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users;

c) Dual tone multi-frequency 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;

d) Single-party service or its functional equivalent. "Single-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;

e) Access to emergency services. "Access to emergency services" includes access to services, such as 9 1 1 and enhanced 9 1 1, provided by local governments or other public safety organizations. 91 1 is defined as a service that permits a telecommunications user, by dialing the three-digit code "9 1 1" to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 9 1 1" is defined as 9 1 1 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 91 1 and enhanced 91 1 services to the extent the local government in an eligible carrier's service area has implemented 9 1 1 or enhanced 9 1 1 systems;

f) 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;

g) 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;

h) 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; and

i) Toll limitation for qualifying low-income consumers. Toll limitation for qualifying low-income consumers.

7. Upon designation as an ETC, American Dial Tone will participate in, and offer, LifeLine and Link-Up programs to qualifying low-income consumers and publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules.⁸

8. American Dial Tone will advertise the availability of the above-referenced services and the charges for those services in the Designated Area using media of general distribution, as required by FCC Rules.⁹

⁸ See 47 C.F.R. §§ 54.401-54.417; 54.405(b)& 54.411(d)..

⁹ See 47 C.F.R. §§ 54.201(d)(2).

III. Matching Program, Interstate Subscriber Line Charge Waiver and Link Up Credit

9. American Dial Tone will participate in the matching program where American Dial Tone will match the FCC Supplemental Amount of \$1.75 and the Additional FCC Supplemental Amount of \$1.75 for a total matching contribution of \$3.50 provided by American Dial Tone.
10. American Dial Tone will pass on the FCC Interstate subscriber line charge of \$6.50 to the customer. The total possible reduction in a customers phone bill with the Lifeline assistance funds from the FCC and American Dial Tones matching funds will be \$1.75 + \$1.75 + \$1.75 + \$1.75 + \$6.50 for a total of \$13.50 on a monthly basis.
11. American Dial Tone will pass on the Link Up credits received to the Customer. The Link Up credit is equal to 50% of the connection charge up to a limit of \$30.00.

IV. Area for Which ETC Designation is Requested

12. American Dial Tone has served and will continue to serve the exchanges where it leases UNEs or resells the services of the non-rural telephone companies, BellSouth, Sprint, and Verizon in the state of Florida.

V. Granting American Dial Tone's Petition will Serve the Public Interest

13. Congress requires that the Commission grant competitive ETC petitions in non-rural areas.¹⁰ No specific public interest test is mentioned, as in the case for areas served by rural telephone companies.¹¹ Thus, the Act provides that the

¹⁰ See 47 U.S.C. 214(e)(2).

Commission “shall” designate American Dial Tone as an ETC upon finding that the company meets the nine-point list of services and that it agrees to advertise the supported services throughout the designated service area. Notwithstanding, the designation of American Dial Tone as an ETC will serve the public interest.

14. A central purpose of the Telecommunications Act of 1996 was to “promote competition and reduce regulation ... [thereby securing] lower prices and higher quality services ... and encourage the rapid deployment of new telecommunications technologies.”¹² Designation of American Dial Tone as an ETC would further these goals. Granting ETC status to American Dial Tone would allow the Company to obtain federal universal service support, which it will use to offer innovative telecommunications services at competitive prices to rural consumers in the BellSouth, Sprint, and Verizon service areas.
15. American Dial Tone will announce and advertise telecommunications services as an ETC where it provides service in the BellSouth, Sprint, and Verizon service areas in Florida and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Florida residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to American Dial Tone’s service.

¹¹ *See Id.*

¹² The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1 1996).

For the foregoing reasons, American Dial Tone respectfully requests that the Commission grant its petition and designate the Company as an ETC for the BellSouth, Sprint, and Verizon exchanges specified herein.

Respectfully Submitted,

By: 

Stephen D. Klein.

It's President

Ganoco, Inc.