

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: August 12, 2013
TO: Ann Cole, Commission Clerk, Office of Commission Clerk
FROM: Catherine S. Beard, Public Utility Analyst II, Office of Telecommunications
Shalonda M. Hopkins, Research Assistant, Office of the General Counsel
RE: Docket No. 130179-TX - Application for certificate to provide local
telecommunications service by Conterra Ultra Broadband, LLC.

CSB
SMH
AK

On August 9, 2013, Conterra Ultra Broadband, LLC, (Conterra) requested to withdraw its application for certificate to provide local telecommunications service. Pursuant to APM 2.07(C)(2)(d)(4), administrative disposition may occur upon request by the petitioner if certain criteria are met.

“Other dockets initiated by the filing of a petition, application, notice, complaint or other request in which the applicant, petitioner or complainant seeks to withdraw its initial pleading and staff has determined that there are no pending issues that need to be addressed by the Commission regarding the filing, no request for refund of filing fee has been made.”

Staff requests that the above referenced docket be closed administratively. There are no pending issues that need to be addressed by the Commission and no agency action has been taken to date.

Attachment

Catherine Beard

From: Catherine Beard
Sent: Friday, August 09, 2013 11:59 AM
To: 'Tanya Gardner'; Angela Lee
Subject: RE: Conterra Ultra Broadband - Docket # 130179

Sure, please see the Statute below. Florida Statute 364.335(2) was revised to recognize telecommunication service providers regardless of the type of certificate, with the exception of pay telephones. AAV certificates now have the same authority as CLEC providers. There is no distinction between the AAV, CLEC or STS originally certificated telecommunication providers. All are considered local exchange telecommunications providers in Florida. Based on Conterra's previous email, I will prepare a memo requesting to close the docket since Conterra has officially requested its application be withdrawn. Please let me know if you have any additional questions or concerns. Thanks!

Title XXVII
RAILROADS AND OTHER REGULATED
UTILITIES

Chapter 364
TELECOMMUNICATIONS
COMPANIES

[View Entire
Chapter](#)

364.335 Application for certificate of authority.—

(1) Each applicant for a certificate of authority shall:

(a) Provide the following information:

1. The applicant's official name and, if different, any name under which the applicant will do business.
2. The street address of the principal place of business of the applicant.
3. The federal employer identification number or the Department of State's document number.
4. The name, address, and telephone number of an officer, partner, owner, member, or manager as a contact person for the applicant to whom questions or concerns may be addressed.
5. Information demonstrating the applicant's managerial, technical, and financial ability to provide telecommunications service, including an attestation to the accuracy of the information provided.

(b) File the application fee required by the commission in an amount not to exceed \$500. Such fees shall be deposited in accordance with s. [350.113](#).

(2) The commission shall grant a certificate of authority to provide telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served. The applicant shall ensure continued compliance with applicable business formation, registration, and taxation provisions of law.

(3) A certificate of authority may be terminated by the telecommunications company by submitting notice to the commission.

(4) Except as provided in s. [364.33](#), revocation, suspension, transfer, or amendment of a certificate shall be subject to the provisions of this section.

History.—s. 27, ch. 80-36; s. 2, ch. 81-318; ss. 3, 5, ch. 82-51; s. 6, ch. 83-73; s. 1, ch. 85-327; ss. 6, 7, ch. 89-163; ss. 32, 48, 49, ch. 90-244; s. 4, ch. 91-429; s. 21, ch. 95-403; s. 93, ch. 96-410; s. 18, ch. 2005-132; s. 12, ch. 2009-226; s. 31, ch. 2011-36.

Catherine Beard
Florida Public Service Commission
Public Utility Analyst II
(850) 413-7080
(850) 413-7081 fax
cbeard@psc.state.fl.us

From: Tanya Gardner [<mailto:tgardner@conterra.com>]
Sent: Thursday, August 08, 2013 4:36 PM

To: Catherine Beard; Angela Lee
Subject: RE: Conterra Ultra Broadband - Docket # 130179

Ms. Beard:

We officially would like to withdraw, but we just want to be certain. Under the AAV Certificate, are we considered a CLEC in the state of Florida and if so, can you please email us a statement stating so?

Thank you,

Tanya Gardner
Legal Assistant
704-936-1731 Phone
704-936-1801 Fax



2101 Rexford Road # 200E
Charlotte, NC 28211

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From: Catherine Beard [<mailto:CBeard@PSC.STATE.FL.US>]
Sent: Thursday, August 08, 2013 10:40 AM
To: Tanya Gardner; Angela Lee
Subject: RE: Conterra Ultra Broadband - Docket # 130179

Are you all thinking about withdrawing or do you want me to go ahead with the application that was filed? Please let me know, thanks!

Catherine Beard
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From: Catherine Beard
Sent: Tuesday, August 06, 2013 9:58 AM
To: 'Tanya Gardner'; Angela Lee
Subject: RE: Conterra Ultra Broadband - Docket # 130179

Unfortunately the application fee is non-refundable.

From: Tanya Gardner [<mailto:tgardner@conterra.com>]
Sent: Tuesday, August 06, 2013 9:39 AM
To: Catherine Beard; Angela Lee
Subject: RE: Conterra Ultra Broadband - Docket # 130179

Ms. Beard: In regards to withdrawing an application, would we receive the application fee back?

Thank you,

Tanya Gardner
Legal Assistant
704-936-1731 Phone
704-936-1801 Fax



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Charlotte, NC 28211

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From: Catherine Beard [<mailto:CBeard@PSC.STATE.FL.US>]
Sent: Wednesday, July 24, 2013 3:47 PM
To: Angela Lee
Cc: Tanya Gardner
Subject: RE: Conterra Ultra Broadband - Docket # 130179

I'm sorry, I don't think my email was as clear as it could have been. If Conterra is going to withdraw its application it is not necessary to make any updates to the CLEC application that was filed. Because Conterra has an existing AAV certificate, it is already grandfathered and is certificated to provide all telecommunications services in Florida, except pay telephone service. In order to withdraw that application, please send me a new email stating that Conterra wishes to withdraw the application filed 06/28/13 due to a filing made in error in Florida. I will then prepare a memo to have the docket closed without prejudice. Thanks Angela!

Catherine Beard
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cbeard@psc.state.fl.us

From: Angela Lee [<mailto:alee@conterra.com>]
Sent: Wednesday, July 24, 2013 1:07 PM
To: Catherine Beard
Cc: Tanya Gardner
Subject: RE: Conterra Ultra Broadband - Docket # 130179

Catherine:

Based on your email below, it appears that we only need to update the application in order to be able to provide all telecommunication services (except pay telephone). Can provide what updates we need to submit and any corresponding forms and fees? Further, I'm assuming we should withdraw our CLEC application?

Best regards,

Angela C. Lee

VP, Corporate Counsel & Secretary
704.936.1806 Phone
704.936.1801 Fax
704.609.2255 Cell



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From: Catherine Beard [<mailto:CBeard@PSC.STATE.FL.US>]
Sent: Tuesday, July 23, 2013 5:03 PM
To: Tanya Gardner
Subject: RE: Conterra Ultra Broadband - Docket # 130179

I was actually drafting an email with some questions as this email arrived. Conterra has an active certificate with the Florida Public Service Commission and I was curious as to why Conterra was requesting another one. In addition, in the application that was filed, Conterra does not list Florida as a state in which the applicant is certified. Records indicate that Conterra has an AAV certificate in Florida, company code TA075. It will be necessary to update the application. Florida does not certify AAV's anymore and grandfathered AAV certificates have the ability to provide all telecommunications service in Florida except for pay telephone service. Could you please get back with me regarding how to proceed? Thanks!

Catherine Beard
Florida Public Service Commission
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cbeard@psc.state.fl.us

From: Tanya Gardner [<mailto:tgardner@conterra.com>]
Sent: Tuesday, July 23, 2013 4:22 PM
To: Catherine Beard
Subject: Conterra Ultra Broadband - Docket # 130179

Good afternoon Ms. Beard:

Our company (Conterra Ultra Broadband, LLC) submitted an Application for a Certificate to Provide Local Telecommunications Services and I was hoping to check with you to see if you needed any additional documentation.

Thank you,

Tanya Gardner
Legal Assistant
704-936-1731 Phone
704-936-1801 Fax



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