

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 960276-TX
certificate to provide) ORDER NO. PSC-96-0704-FOF-TX
alternative local exchange) ISSUED: May 23, 1996
telecommunications service by)
BellSouth Telecommunications,)
Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE TO PROVIDE
ALTERNATIVE LOCAL EXCHANGE SERVICE

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 March 4, 1996, BellSouth Telecommunications, Inc. filed an application for a certificate to become an alternative local exchange company (ALEC), pursuant to Section 364.337(1), Florida Statutes. Under Section 364.337(1), Florida Statutes, "[t]he commission shall grant a certificate of authority to provide alternative local exchange 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."

BellSouth has exhibited technical and managerial capability by providing local exchange service in Florida since 1921. We have reviewed information regarding its financial capability, and it appears adequate. Accordingly, we find it appropriate to grant Alternative Local Exchange Certificate No. 4455 to BellSouth.

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Under Section 364.337(2), Florida Statutes, ALECs are required to provide 911 services; however, Section 364.337(2), Florida Statutes, does not define the level of 911 services which must be provided. This could result in an ALEC offering access to 911 service which is inferior in some way to the 911 service access provided by the local exchange company (LEC) in the same area. We do not believe that such was the intent of the Legislature. Therefore, for those areas where BellSouth provides alternative local exchange service, it shall provide 911 service at a level at least equivalent to that provided by the LEC serving the same area.

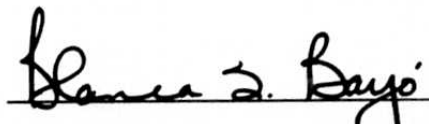
It is, therefore,

ORDERED by the Florida Public Service Commission that BellSouth Telecommunications, Inc. is granted Alternative Local Exchange Certificate No. 4455. It is further

ORDERED that, where BellSouth Telecommunications, Inc. provides alternative local exchange service, it shall provide 911 emergency services at a level at least equivalent to that provided by the local exchange company which serves the same area. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 23rd day of May, 1996.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

RJP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 13, 1996.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.