

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for ) DOCKET NO. 960213-TX  
certificate to provide ) ORDER NO. PSC-96-0707-FOF-TX  
alternative local exchange ) ISSUED: May 23, 1996  
telecommunications service by )  
Florida Public )  
Telecommunications Association, )  
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 TELECOMMUNICATIONS 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.

The Florida Public Telecommunications Association, Inc. (FPTA) filed an application to provide alternative local exchange telecommunications service pursuant to Section 364.337(1), Florida Statutes. Section 364.337(1), Florida Statutes, requires us to grant a certificate to provide alternative local exchange 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.

Upon review of FPTA's application, we find that it has sufficient technical, financial, and managerial capability to provide alternative local exchange telecommunications service. Therefore, we grant FPTA Certificate No. 4449 to provide alternative local exchange telecommunications service. FPTA should retain this Order as evidence of certification by this Commission.

The authority granted by this certificate is statewide, except as limited by Section 364.337(1), Florida Statutes. Alternative local exchange telecommunications providers (ALECs) may not provide basic local telecommunications services within the territory served

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by a company subject to Chapter 364.052, Florida Statutes, prior to January 1, 2001, unless the small local exchange telecommunications company elects price regulation.

ALECs are required to comply with Chapter 364, Florida Statutes, Chapters 25-22 and 25-24, Florida Administrative Code, and other Rules and Orders lawfully promulgated by this Commission. Section 364.337(2), Florida Statutes, provides that each ALEC that provides basic local telecommunications service must provide access to 911 services. We find that the statute requires that ALECs that provide basic local telecommunications services must provide access to 911 services at the same level as access provided by the local exchange company serving the same area.

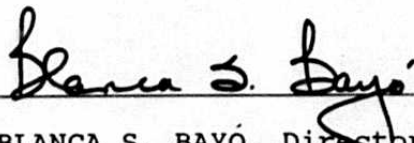
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the Florida Public Telecommunications Association is hereby granted Certificate No. 4449 to operate as an alternative local exchange telecommunications company. It is further

ORDERED that where the Florida Public Telecommunications Association provides basic local telecommunications service, it must provide the same access to 911 emergency services as provided by the local exchange company serving the same area. It is further

ORDERED that, unless a person whose substantial interests are 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, below, Certificate No. 4449 shall become effective and this docket shall be closed.

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 )

LMB

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.