

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
alternative local exchange
telecommunications service by
BellSouth BSE, Inc.

DOCKET NO. 971056-TX
ORDER NO. PSC-97-1347-FOF-WS
ISSUED: October 27, 1997

The following Commissioners participated in the disposition of
this matter:

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

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.

On August 15, 1997, BellSouth BSE, Inc. (BellSouth BSE) filed
an application with this Commission to provide alternative local
exchange telecommunications service in Florida. BellSouth BSE is a
wholly owned subsidiary of BellSouth BSE Holdings, Inc., which is
a wholly owned subsidiary of BellSouth Corporation.

Upon review of its application to provide alternative local
exchange service, it appears to us that BellSouth BSE has
sufficient technical, financial, and managerial capability to
provide such service. Accordingly, we hereby grant to BellSouth
BSE Certificate No. 5261, which shall authorize it to provide
alternative local exchange telecommunications services throughout
the State of Florida, except for the territories of earnings-
regulated small local exchange companies, as set forth in Section
364.337(1), Florida Statutes.

DOCUMENT NO.
11052-97
10-27-97

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If this Order becomes final and effective, it shall serve as BellSouth BSE's certificate. It should, therefore, be retained by BellSouth BSE as proof of certification.

Alternative local exchange telecommunications providers (ALECs) are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. ALECs are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapters 25-4, Florida Administrative Code.

In addition, Section 364.337(2), Florida Statutes, requires ALECs that provide basic local telecommunications service to provide access to 911 services. This Commission has no rules specifying the 911 services that either an incumbent local exchange company (ILEC) or an ALEC must provide; however, 911 service that is inferior to that provided by the ILEC would clearly not be in the public interest. Accordingly, we find that Section 364.337(2), Florida Statutes, requires ALECs that provide basic local telecommunications services to provide at least the same level of 911 services as that provided by the ILEC serving the same area.

We note that BellSouth BellSouth BSE has not applied for a certificate to provide interexchange telecommunications (IXC) services in Florida; and therefore, granting BellSouth BellSouth BSE authority to provide alternative local exchange service in Florida will not circumvent the proceeding currently before the Commission in Docket No. 960786-TL, In Re: Consideration of BellSouth Telecommunications, Inc.'s entry into interLATA services pursuant to Section 271 of the Federal Telecommunications Act of 1996. Further, we approved BellSouth Long Distance, Inc.'s application for an IXC certificate at the September 9, 1997, Agenda Conference in Docket No. 960902-TI. The Commission granted BellSouth Long Distance, Inc. authority to provide "incidental interLATA services," as defined in Section 271(g) of the Telecommunications Act of 1996. The Commission's approval of BellSouth Long Distance's application prohibited the provision of regular interLATA long distance service until BellSouth is permitted by the Federal Communications Commission to provide such service.

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant to BellSouth BSE, Inc. alternative local exchange telecommunications service Certificate No. 5261 subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as BellSouth BSE, Inc.'s certificate and should be retained by BellSouth BSE, Inc. as proof of certification. It is further


ORDERED that each alternative local exchange company which provides basic local telecommunications services shall provide at least the same level of 911 services as that provided by the incumbent local exchange company serving the same area. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 27th
day of October, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

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 November 17, 1997.

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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.

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.