

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notification by Hayes  
Telecommunications Services,  
Inc. of intent to provide  
alternative local exchange  
telecommunications service under  
AAV Certificate No. 4032,  
pursuant to Section  
364.337(6)(b), F.S.

DOCKET NO. 980738-TX  
ORDER NO. PSC-98-0943-FOF-TX  
ISSUED: July 13, 1998

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING AUTHORITY TO PROVIDE  
ALTERNATIVE LOCAL EXCHANGE SERVICES  
UNDER ALTERNATIVE ACCESS VENDOR CERTIFICATE

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 formal proceeding  
pursuant to Rule 25-22.029, Florida Administrative Code.

Pursuant to Section 364.337(6)(b), Florida Statutes, any  
company holding a certificate of public convenience and necessity  
to provide alternative access vendor (AAV) services as of July 1,  
1995 and wishing to provide alternative local exchange  
telecommunications (ALEC) services, may do so, effective January 1,  
1996, by furnishing written notice of its intentions to this  
Commission.

DOCUMENT NUMBER-DATE

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FILED-RECORDS-REGISTRATION

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Hayes Telecommunications Services, Inc. (Hayes Telecommunications), holder of Alternative Access Vendor Certificate (AAV) of Public Convenience and Necessity No. 4032, has served the Commission with a Notice of Intent to provide Alternative Local Exchange Telecommunications (ALEC) services under its AAV certificate. Hayes Telecommunications was certificated as an AAV provider on June 21, 1995. Having considered Hayes Telecommunications' Notice of Intent, we acknowledge its authority to provide ALEC services under its AAV Certificate No. 4032, in accordance with Section 364.337(6)(b), Florida Statutes.

AAV services providers are subject to Chapter 25-24, Florida Administrative Code, Part XIV, Rules Governing Alternative Access Vendor Services, as well as the terms and conditions of Order No. 24877, issued August 2, 1991.

ALEC providers 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 Chapter 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. ALECs that provide basic local telecommunications services must provide at least the same level of 911 services as that provided by the incumbent local exchange company serving the same area.

If this Order becomes final and effective, it shall serve as Hayes Telecommunications' authority to provide alternative local exchange telecommunications services, under its AAV Certificate No. 4032. Hayes Telecommunications should, therefore, retain this Order as proof of its authority.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Hayes Telecommunications Services, Inc. is hereby granted authority to provide alternative local exchange services under Certificate No. 4032, subject to the terms and conditions specified in the body of this Order. It is further

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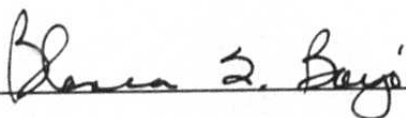
ORDERED that this Order shall serve as Hayes Telecommunications Services, Inc.'s authority to provide alternative local exchange telecommunications services, under alternative access vendor Certificate No. 4032. Hayes Telecommunications Services, Inc. should retain this Order as proof of its authority. It is further

ORDERED that, as an alternative local exchange company which provides basic local telecommunications services, Hayes Telecommunications Services, Inc. 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.

By ORDER of the Florida Public Service Commission, this 13th day of July, 1998.

  
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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 August 3, 1998.

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.

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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.