

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer  
of Alternative Local Exchange  
Telecommunications Certificate  
No. 5762 and name change from  
YourTel, Inc. to YourTel Telecom  
Corporation.

DOCKET NO. 990550-TX  
ORDER NO. PSC-99-1495-PAA-TX  
ISSUED: August 3, 1999

The following Commissioners participated in the disposition of  
this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING ASSIGNMENT OF AND NAME CHANGE ON  
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS 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 a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On May 4, 1999, YourTel, Inc. (YourTel) and YourTel Telecom Corporation (YourTel Telecom) filed with this Commission a joint request for assignment of and name change on Alternative Local Exchange Telecommunications (ALEC) Certificate No. 5762 from YourTel to YourTel Telecom. YourTel Telecom has stated that it will continue to operate in Florida under YourTel's existing certificate and price list.

YourTel and YourTel Telecom have complied with Rule 25-24.815, Florida Administrative Code, regarding the assignment of ALEC certificates. We find the assignment to be in the public interest and, therefore, approve the assignment. ALEC Certificate No. 5762

DOCUMENT NUMBER-DATE

09139 AUG-3 99

PSC-RECORDS/REPORTING

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shall be amended to reflect that YourTel Telecom is the holder of this certificate.

If this Order becomes final and effective, it shall serve as YourTel Telecom's certificate. It should, therefore, be retained by YourTel Telecom as proof of certification and as evidence of the name change.

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 which 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 which 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.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for assignment of and name change on Alternative Local Exchange Telecommunications Certificate No. 5762 from YourTel, Inc. to YourTel Telecom Corporation, is hereby approved. It is further

ORDERED that YourTel Telecom Corporation's Alternative Local Exchange Telecommunications Certificate No. 5762 is subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that Alternative Local Exchange Telecommunications Certificate No. 5762 shall be amended to reflect that YourTel Telecom Corporation, is the holder of this certificate. It is further

ORDERED that this Order will serve as YourTel Telecom Corporation's certificate and that this Order should be retained as

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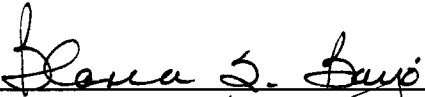
proof of certification and as evidence of the name change. It is further

ORDERED that YourTel Telecom Corporation 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 upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, 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 3rd day of August, 1999.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

KMP

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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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 24, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

**Requisition for Photocopying and Mailing**

Date 8/3/99

Number of Originals 4

Copies Per Original 19

Requested By Ruth

**Item Presented**

Agenda For (Date) \_\_\_\_\_ Order No. 1495-PAA In Docket No. 990550-TX  
 Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
 Other \_\_\_\_\_

**Special Handling Instructions**

**Distribution/Mailing**

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	_____
<u>0</u>	<u>Docket Mailing List - Mailed</u>	_____	_____
<u>11</u>	<u>Docket Mailing List - Faxed</u>	_____	_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

**Print Shop Verification**

Job Number 41 Verified By Michael  
 Date and Time Completed 8/5 Job Checked For Correctness and Quality (Initial) U

**Mail Room Verification**

Date Mailed / Verified By /

M E M O R A N D U M

August 2, 1999

RECEIVED-FPSC

AUG -3 AM 9:39

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP LB*  
RE: DOCKET NO. 990550-TX - APPLICATION FOR TRANSFER OF  
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE  
NO. 5762 AND NAME CHANGE FROM YOURTEL, INC. TO YOURTEL  
TELECOM CORPORATION.

1495-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING  
ASSIGNMENT OF AND NAME CHANGE ON ALTERNATIVE LOCAL EXCHANGE  
TELECOMMUNICATIONS CERTIFICATE, to be issued in the above-  
referenced docket. (Number of pages in order - 4)

KMP/anc  
Attachment  
cc: Division of Communications  
I: 990550.kmp

*See 2*

*11/0*