

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Applications for
alternative local exchange
telecommunications services.

Norcom, Inc.
Pathnet, Inc. d/b/a Pathnet
Communications, Inc.
American Fiber Network, Inc.

DOCKET NO. 991465-TX

DOCKET NO. 991482-TX

DOCKET NO. 991630-TX

ORDER NO. PSC-99-2546-PAA-TX

ISSUED: December 30, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman

J. TERRY DEASON

SUSAN F. CLARK

E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATES TO
PROVIDE ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES

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 entities listed below have applied for certificates to provide Alternative Local Exchange Telecommunications (ALEC) service, pursuant to Section 364.337, Florida Statutes. Upon review of their applications, it appears that these entities have sufficient technical, financial, and managerial capability to provide such service. Accordingly, we hereby grant to each of these entities the certificates depicted below, which shall authorize them individually to provide ALEC services statewide, except that the ALEC may not offer basic local telecommunications service within the territories of earnings-regulated small local exchange companies, as set forth in Section 364.337(1), Florida Statutes.

DOCUMENT NO. DATE

15861-99 12,30,99
FPSC - COMMISSION CLERK

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exchange companies, as set forth in Section 364.337(1), Florida Statutes.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Norcom, Inc.	7298
Pathnet, Inc. d/b/a Pathnet Communications, Inc.	7299
American Fiber Network, Inc.	7303

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

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 we hereby grant, to the entities listed herein, certificates to provide Alternative Local Exchange Telecommunications service, subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as each entity's certificate and should be retained as proof of certification. It is further

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ORDERED that each Alternative Local Exchange Telecommunications 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 any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that, if a protest is filed as to the certification of any particular entity or entities, that protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. 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, these Dockets shall be closed.

By ORDER of the Florida Public Service Commission, this 30th day of December, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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 January 20, 2000.

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.

STATE OF FLORIDA

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



DIVISION OF RECORDS & REPORTING
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770

Public Service Commission

October 1, 1999

Mary Newcomer Williams, Attorney
Covington & Burling Law Firm
P. O. Box 7566
Washington, DC 20044-7566

Re: Docket No. 991482-TX

Dear Ms. Williams:

This will acknowledge receipt of an application for certificate to provide alternative local exchange service by Pathnet, Inc. d/b/a Pathnet Communications, Inc., which was filed with this office on September 30, 1999 and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6078 or FAX (850) 413-6079.

Please make notes as well that Commission Rule 25-22.005(7), F.A.C., requires certificated companies to notify the Commission of any changes in name, telephone, address, or contact person. Should your application be granted by the Commission, you will be expected to comply with this rule by advising us of any changes as they occur.

Division of Records and Reporting
Florida Public Service Commission

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

FACSIMILE: (202) 662-6291

MARY NEWCOMER WILLIAMS

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KUNSTLAAN 44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE: 32-2-549-5230

FACSIMILE: 32-2-502-1598

September 29, 1999

VIA FEDERAL EXPRESS

Florida Public Service Commission
Division of Records and Reporting
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

DEPOSIT
D 1 99
DATE
SEP 30 1999

**Re: Application of Pathnet, Inc. for
Authority to Provide Alternative Local Exchange Service**

991482-TX

To Whom It May Concern:

Submitted herewith for filing, on behalf of Pathnet, Inc. ("Pathnet"), are an original and six (6) copies of an Application for Authority to Provide Alternative Local Exchange Service Within the State of Florida, along with a check for the non-refundable application fee of \$250. Because Pathnet initially plans to provide Alternative Access Vendor services, and will not provide dial tone service, it is not submitting a price list with this application. Should Pathnet in the future decide to provide dial tone service, it will file the appropriate price list before initiating service.

Enclosed is an additional copy of this transmittal letter. Please stamp the additional copy and return it to me in the enclosed, self-addressed envelope as an acknowledgment of receipt.

Any questions regarding this application may be directed to the undersigned or to:

Gerard Waldron
Covington & Burling
1201 Pennsylvania Avenue, N.W.
P.O. Box 7566
Washington, D.C. 20044-7566
(202) 662-5360.

Respectfully submitted.

Mary Newcomer Williams

Mary Newcomer Williams
Attorney for Pathnet, Inc.

Check received with filing and forwarded to Fiscal for deposit. Receipt for a copy of check enclosed as proof of deposit.

Initials of person who forwarded check:

[Handwritten initials]

Enclosures

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W

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Covington & Burling
1201 Pennsylvania Avenue, N.W.

12503

PATHNET
1015 31ST STREET NW
WASHINGTON, DC 20007

CRESTAR BANK
BETHESDA, MARYLAND
65-270-550

012503

DATE

AMOUNT

*TWO HUNDRED FIFTY DOLLARS AND NO CENTS

PAY

09/17/99

*****250.00*

TO THE ORDER OF Florida Public Service Commission

FL PSC

⑈00012503⑈

OK [Signature]