

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Original

In re: Applications for
alternative local exchange
telecommunications services.

High Tech Communications of
Central Florida, Inc.
Telergy Network Services, Inc.
U.S. TelePacific Corp. d/b/a
TelePacific Communications
Network Information Solutions,
Inc.
Deland Actel, Inc.
Progress Telecommunications
Corporation
Yipes Transmission, Inc.

DOCKET NO. 000306-TX

DOCKET NO. 000473-TX

DOCKET NO. 000378-TX

DOCKET NO. 000388-TX

DOCKET NO. 000366-TX

DOCKET NO. 000370-TX

DOCKET NO. 000401-TX

ORDER NO. PSC-00-1145-PAA-TX

ISSUED: June 23, 2000

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.
LILA A. JABER

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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. PSC-00-1145-PAA-TX

DOCKETS NOS. 000306-TX, 000473-TX, 000378-TX, 000388-TX,
000366-TX, 000370-TX, 000401-TX

PAGE 2

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.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
High Tech Communications of Central Florida, Inc.	7489
Telergy Network Services, Inc.	7490
U.S. Telepacific Corp. d/b/a Telepacific Communications	7493
Network Information Solutions, Inc.	7495
Deland Actel, Inc.	7497
Progress Telecommunications Corporation	7448
Yipes Transmission, Inc.	7500

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

ORDER NO. PSC-00-1145-PAA-TX

DOCKETS NOS. 000306-TX, 000473-TX, 000378-TX, 000388-TX,
000366-TX, 000370-TX, 000401-TX

PAGE 3

telecommunications services to provide at least the same level of 911 services as that provided by the ILEC serving the same area.

Further, pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to each of the entities listed above. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice shall relieve any of these entities from its obligation to pay RAFs.

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

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

ORDER NO. PSC-00-1145-PAA-TX
DOCKETS NOS. 000306-TX, 000473-TX, 000378-TX, 000388-TX,
000366-TX, 000370-TX, 000401-TX

PAGE 4

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 23rd day of June, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(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 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

ORDER NO. PSC-00-1145-PAA-TX

DOCKETS NOS. 000306-TX, 000473-TX, 000378-TX, 000388-TX,
000366-TX, 000370-TX, 000401-TX

PAGE 5

Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee,
Florida 32399-0850, by the close of business on July 14, 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.