

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Dial Tone,
Inc. d/b/a Dial Tone of Alabama,
Inc. for cancellation of ALEC
Certificate No. 5758, effective
9/30/00.

DOCKET NO. 001526-TX
ORDER NO. PSC-00-2159-PAA-TX
ISSUED: November 14, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING 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.

Dial Tone, Inc. d/b/a Dial Tone of Alabama, Inc. (Dial Tone of Alabama), holder of Alternative Local Exchange Telecommunications Certificate (ALEC) of Public Convenience and Necessity No. 5758, has requested the cancellation of ALEC Certificate No. 5758. Dial Tone of Alabama has complied with the provision of Rule 25-24.820(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its ALEC certificate and by submitting its Regulatory Assessment Fees (RAFs) for the year 1999. Accordingly, we find it reasonable to cancel ALEC Certificate No. 5758, effective September 30, 2000. Dial Tone of Alabama shall return to

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this Commission the Order granting authority to provide ALEC services.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice for the year 2000 will be mailed to Dial Tone of Alabama. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for the year 2000 shall relieve Dial Tone of Alabama from its obligation to pay RAFs for the year 2000.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Dial Tone, Inc. d/b/a Dial Tone of Alabama, Inc.'s Certificate No. 5758 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective September 30, 2000. It is further

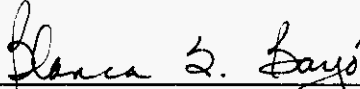
ORDERED that Dial Tone, Inc. d/b/a Dial Tone of Alabama, Inc. shall return to this Commission the Order granting authority to provide Alternative Local Exchange Telecommunications services and remit Regulatory Assessment Fees for the year CURRENT YEAR. It is further

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.

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By ORDER of the Florida Public Service Commission, this 14th
day of November, 2000.



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 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 December 5, 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.