

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer of and name change on ALEC Certificate No. 4771 from TotalTel USA Communications, Inc. to its wholly owned subsidiary, Covista, Inc.

DOCKET NO. 010477-TX  
ORDER NO. PSC-01-1235-PAA-TX  
ISSUED: June 1, 2001

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING TRANSFER 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 April 12, 2001, TotalTel USA Communications, Inc. (TotalTel) and Covista, Inc. (Covista) filed with this Commission a joint request for transfer of and name change on Alternative Local Exchange Telecommunications (ALEC) Certificate No. 4771 from TotalTel to Covista.

TotalTel and Covista have complied with Rule 25-24.815, Florida Administrative Code, regarding the transfer of ALEC certificates. We find the transfer to be in the public interest and, therefore, approve the transfer. ALEC Certificate No. 4771 shall be amended to reflect that Covista is the holder of this certificate.

DOCUMENT NUMBER-DATE

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FPCO-RECORDS-REPORTING

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If this Order becomes final and effective, it shall serve as Covista's certificate. Covista should, therefore, retain this Order as proof of certification and as evidence of the name change.

ALEC providers are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. ALEC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

Pursuant to Section 364.337(2), Florida Statutes, basic telecommunications service provided by an ALEC "... must include access to operator services, "911" services, and relay services for the hearing impaired." Further, Section 364.337(2), requires that an ALEC's "911" service "... shall be provided at a level equivalent to that provided by the local exchange telecommunications company serving the same area."

In addition, under 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 both TotalTel and Covista. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve TotalTel and Covista from their obligation to pay RAFs. The Commission is vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for transfer of and name change on Alternative Local Exchange Telecommunications Certificate No. 4771 from TotalTel USA Communications, Inc. to Covista, Inc., is hereby approved. It is further

ORDERED that Alternative Local Exchange Telecommunications Certificate No. 4771 shall be amended to reflect that Covista, Inc., is the holder of this certificate. It is further

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ORDERED that Covista, Inc.'s Alternative Local Exchange Telecommunications Certificate No. 4771 is subject to the terms and conditions set forth in the body of this Order. It is further

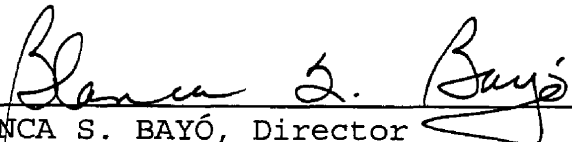
ORDERED that this Order shall serve as Covista, Inc.'s certificate and should be retained by Covista, Inc. as proof of certification and as evidence of the name change. It is further

ORDERED that TotalTel USA Communications, Inc. shall remit Regulatory Assessment Fees for the year 2001. 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 1st day of June, 2001.

  
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BLANCA S. BAYÓ, Director  
Division of Records and Reporting

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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 June 22, 2001.

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.