

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
alternative local exchange
telecommunications service by
Florida Phone Service, Inc.

DOCKET NO. 010951-TX
ORDER NO. PSC-02-0215-PAA-TX
ISSUED: February 20, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE 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.

Florida Phone Service, Inc. (Florida Phone Service) has applied for a certificate to provide Alternative Local Exchange Telecommunications (ALEC) service, pursuant to Section 364.337, Florida Statutes. Upon review of its application, it appears that Florida Phone Service has sufficient technical, financial, and managerial capability to provide such service. Accordingly, we hereby grant to Florida Phone Service Certificate No. 7905 which shall authorize it to provide ALEC services throughout the State of Florida.

Section 364.337(1), Florida Statutes provides that we shall grant a certificate to provide alternative local exchange service to any applicant demonstrating sufficient technical, financial, and

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managerial capability. Florida Phone Service, Inc. filed an application with this us on July 9, 2001, to offer alternative local exchange company telecommunications service in Florida. A review of the application indicates that the company appears to meet the requirements of Section 364.337(1), Florida Statutes. The president of the company also issued a statement as part of its application that reads in part:

...please be advised that I have taken steps to insure that we remain in compliance with the Florida Public Service Commission. The measures that I have taken should ensure that this will not occur again.

Even though we canceled Florida Phone Service, Inc.'s Certificate No. 7237 on April 9, 2001, due to its failure to pay the 2000 RAFs and failure to respond to Order PSC-01-0643-PAA-TX, Mr. Aous Uweyda, President of Florida Phone Service, Inc., advised staff that he is now more familiar with our Rules and Regulations, and that he is more personally involved with the day-to-day operations of the company and assures these oversights would not occur again. Staff accepts the company's representation that failure to pay the 2000 RAFs was an oversight and the company's assurance that it will remain in compliance. Therefore, staff recommends that the Commission grant Florida Phone Service, Inc. a certificate to provide alternative local exchange telecommunications service.

If this Order becomes final and effective, it shall serve as Florida Phone Service's certificate. Florida Phone Service should, therefore, retain this Order as proof of certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

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.

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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 each December to Florida Phone Service for payment by January 30th. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve Florida Phone Service from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant Certificate No. 7905 to Florida Phone Service, Inc., which shall authorize it to provide Alternative Local Exchange Telecommunications services, subject to the terms and conditions set forth in the body of this Order. It is further

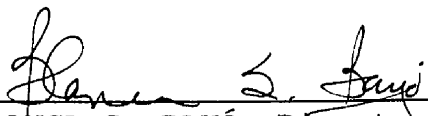
ORDERED that this Order shall serve as Florida Phone Service, Inc.'s certificate and should be retained by Florida Phone Service, Inc. as proof of certification. It is further

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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 20th
Day of February, 2002.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

JAE

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

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Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 13, 2002.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.