

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
alternative local exchange
telecommunications service by
Colmena Corp. of Delaware.

DOCKET NO. 011676-TX
ORDER NO. PSC-02-0476-PAA-TX
ISSUED: April 8, 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 SERVICE

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 December 27, 2001, Colmena Corp. filed an application for a certificate to provide Alternative Local Exchange Telecommunications (ALEC) service. We approved the application at the February 19, 2002, Agenda Conference. Order No. PSC-02-0227-PAA-TX was issued on February 22, 2002, granting Colmena Inc. ALEC Certificate No. 8047, to memorialize our vote.

On February 23, 2002, a representative of Colmena Corp. contacted the Commission stating the order listed the corporate name incorrectly. Subsequently, we retraced the application process and found that our staff had requested the change of the

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company's listed corporate name from Colmena Corp. to Colmena Inc. in order for the proposed certificated name to match the name registered with the Secretary of State. Upon further examination, we discovered that due to a clerical error, the documentation from the Secretary of State did not accurately reflect the company in question. Therefore, we sought to obtain the proper documentation for the company.

We discovered that the name listed in the application was not accurate, because as a foreign corporation, Colmena Corp. was registered to do business in Florida as Colmena Corp. of Delaware. We contacted Colmena Corp. to advise of our finding.

On February 27, 2002, we received a letter from Kenneth Jacobi as authorized representative of Colmena Corp. protesting Order No. PSC-02-0227-PAA-TX, stating the order incorrectly listed the corporate name. Further, the letter stated that the application, as filed, had an error in the corporate name.

We find that due to a clerical error, the company's name was not reflected correctly in the application and our staff's recommendation. Upon review of its corrected application, it appears that Colmena Corp. has sufficient technical, financial, and managerial capability to provide such services. Accordingly, we grant Colmena Corp. of Delaware Alternative Local Exchange Certificate No. 8047, to operate within Florida.

If this Order becomes final and effective, it will serve as Colmena Corp.'s certificate. Colmena Corp. should, therefore, retain this Order as proof of certification. The Commission is vested with jurisdiction in 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.

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 Colmena Corp. for payment by January 30th. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice shall relieve Colmena Corp. 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. 8047 to Colmena Corp. of Delaware, 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

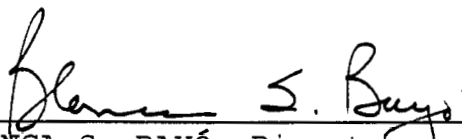
ORDERED that this Order shall serve as Colmena Corp. of Delaware's certificate and should, therefore, be retained by Colmena Corp. of Delaware as proof of certification. It is further

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 8th Day
of April, 2002.



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

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 29, 2002.

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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.