

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for transfer of ALEC Certificate No. 7448 from Progress Telecommunications Corporation to Progress Telecom Corporation; transfer of IXC Certificate No. 7058 from Caronet, Inc. to Progress Telecom Corporation; cancellation of ALEC Certificate No. 7038 held by Caronet, Inc.; and cancellation of AAV Certificate No. 5764 held by Progress Telecommunications Corporation, due to acquisition and merger of Florida Progress and Carolina Power & Light.

DOCKET NO. 020123-TP
ORDER NO. PSC-02-0738-PAA-TP
ISSUED: May 31, 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 APPROVING TRANSFER OF ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATE AND INTEREXCHANGE
TELECOMMUNICATIONS CERTIFICATE; AND CANCELLATION OF
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS
CERTIFICATE AND ALTERNATIVE ACCESS VENDOR 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

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ORDER NO. PSC-02-0738-PAA-TP
DOCKET NO. 020123-TP
PAGE 2

substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On February 14, 2002, and March 22, 2002, Progress Telecommunications Corporation filed with this Commission a request for transfer of Alternative Local Exchange Telecommunications (ALEC) Certificate No. 7448 from Progress Telecommunications Corporation (Progress Telecommunications) to Progress Telecom Corporation (Progress Telecom); transfer of Interexchange Telecommunications (IXC) Certificate No. 7058 from Caronet, Inc. (Caronet) to Progress Telecom; cancellation of ALEC Certificate No. 7038 held by Caronet; and cancellation of Alternative Access Vendor (AAV) Certificate No. 5764 held by Progress Telecommunications, due to acquisition and merger of Florida Progress and Carolina Power & Light.

Progress Telecommunications and Progress Telecom 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. 7448 shall be amended to reflect that Progress Telecom is the holder of this certificate.

Progress Telecommunications, Caronet, and Progress Telecom have complied with Rule 25-24.473, Florida Administrative Code, regarding the transfer of IXC certificates. We find the transfer to be in the public interest and, therefore, approve the assignment/transfer. IXC Certificate No. 7058 shall be amended to reflect that Progress Telecom is the holder of this certificate.

If this Order becomes final and effective, it shall serve as Progress Telecom's certificates. Progress Telecom should, therefore, retain this Order as proof of certification.

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."

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

Caronet 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 2001 and given a date certain for payment of the 2002 RAFs. Accordingly, we find it appropriate to cancel ALEC Certificate No. 7038, effective date of issuance of the Consummating Order.

Progress Telecommunications has complied with the provision of Rule 25-24.735(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its AAV certificate and by submitting its RAFs for the year 2001 and given a date certain for payment of the 2002 RAFs. Accordingly, we find it appropriate to cancel AAV Certificate No. 5764, effective date of issuance of the Consummating Order.

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. RAFs Return notices will be mailed to Progress Telecom for payment by January 30th. Neither the transfer of the certificates nor the failure to receive a RAFs Return notices shall relieve Progress Telecom from its obligation to pay RAFs the year 2002. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

Based on the foregoing, it is

ORDER NO. PSC-02-0738-PAA-TP
DOCKET NO. 020123-TP
PAGE 4

ORDERED by the Florida Public Service Commission that the request by Progress Telecommunications Corporation for transfer of Alternative Local Exchange Telecommunications Certificate No. 7448 from Progress Telecommunications Corporation to Progress Telecom Corporation, is hereby approved. It is further

ORDERED that Alternative Local Exchange Telecommunications Certificate No. 7448 shall be amended to reflect that Progress Telecom Corporation, is the holder of this certificate. It is further

ORDERED that Progress Telecom Corporation's Alternative Local Exchange Telecommunications Certificate No. 7448 is subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that the request by Progress Telecommunications Corporation for transfer of Interexchange Telecommunications Certificate No. 7058 from Caronet, Inc. to Progress Telecom Corporation, is hereby approved. It is further

ORDERED that Interexchange Telecommunications Certificate No. 7058 shall be amended to reflect that Progress Telecom Corporation, is the holder of this certificate. It is further

ORDERED that Progress Telecom Corporation's Interexchange Telecommunications Certificate No. 7058 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 Progress Telecom Corporation's certificates and should be retained by Progress Telecom Corporation as proof of certification. It is further

ORDERED that Caronet, Inc.'s Certificate No. 7038 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective date of issuance of the Consummating Order. It is further

ORDERED that Progress Telecommunications Corporation's Certificate No. 5764 to provide Alternative Access Vendor services is hereby canceled, effective date of issuance of the Consummating Order. It is further

ORDER NO. PSC-02-0738-PAA-TP
DOCKET NO. 020123-TP
PAGE 5

ORDERED that Progress Telecom Corporation shall remit Regulatory Assessment Fees for the year 2002. 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.

By ORDER of the Florida Public Service Commission this 31st Day of May, 2002.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 21, 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.