

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer of and name change on IXC Certificate No. 3531 from CRG International, Inc. d/b/a Network One to OneStar Communications, LLC, for cancellation of OneStar Long Distance, Inc.'s IXC Certificate No. 6042; and petition for transfer of customer bases to OneStar Communications, LLC and for waiver of IXC carrier selection requirements in Rule 25-4.118, F.A.C.

DOCKET NO. 020090-TI  
ORDER NO. PSC-02-0749-PAA-TI  
ISSUED: June 3, 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 CUSTOMER BASES AND WAIVER  
OF THE CARRIER SELECTION REQUIREMENTS OF RULE 25-4.118,  
FLORIDA ADMINISTRATIVE CODE; TRANSFER OF AND NAME  
CHANGE ON INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE;  
AND CANCELING INTEREXCHANGE 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.

DOCUMENT NUMBER-DATE

05783 JUN-3 2002

FPSC-COMMISSION CLERK

On February 1, 2002, the Commission received a joint petition from CRG International, Inc. d/b/a Network One (Network One) and OneStar Long Distance, Inc. (OneStar Long Distance) to combine the companies' operations through the formation of a limited liability company and for the transfer of their customer bases to the new entity, OneStar Communications, LLC. (OneStar Communications). The companies also requested a waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code. The companies further requested that Network One's interexchange (IXC) Certificate No. 3531 be transferred to OneStar Communications and IXC Certificate No. 6042 of OneStar Long Distance be canceled.

TRANSFER OF CUSTOMER BASES AND WAIVER OF THE CARRIER SELECTION REQUIREMENTS OF RULE 25-4.118, FLORIDA ADMINISTRATIVE CODE.

Pursuant to Rule 25-4.118(1), Florida Administrative Code, a customer's carrier cannot be changed without the customer's authorization. Rule 25-4.118(2), Florida Administrative Code, provides that a carrier shall submit a change request only if one of the following has occurred:

- (a) The provider has a letter of agency from the customer requesting the change;
- (b) The provider has received a customer-initiated call for service;
- (c) A third party firm has verified the customer's requested change.

Rule 24-24.455(4), Florida Administrative Code, reads as follows:

An interexchange company may petition for a waiver of any provision of this Part. The Commission may grant a waiver to the extent that it determines that it is consistent with the public interest to do so. The Commission may grant the petition in whole or part, may limit the waiver to certain geographic areas and/or may impose reasonable alternative regulatory requirements on the petitioning company. In disposing of a petition, the Commission may consider:

- (a) The factors enumerated in Section 364.337 (4), Fla. Statutes;
- (b) The extent to which competitive forces may serve the same function as, or obviate the necessity for, the provision sought to be waived; and
- (c) Alternative regulatory requirements for the company which may serve the purpose of this Part.

Pursuant to Rule 25-24.490, Florida Administrative Code, Rule 25-4.118, Florida Administrative Code, is incorporated into Chapter 25-24, and applies to IXCs.

We believe that in this instance it is in the public interest to waive the carrier selection requirements of Rule 25-4.118, Florida Administrative Code. The companies have attested that they have provided for a seamless transition while ensuring that the affected customers understand available choices with the least amount of disruption to the customers. The companies have further attested that their customers have received ample notification of the transfer and will not experience any interruption of service, rate increases, or switching fees.

If prior authorization is required in this event, customers may fail to respond to a request for authorization, neglect to select another carrier, and lose their long distance service. Furthermore, we believe that granting this waiver will avoid unnecessary slamming complaints during this transition.

Accordingly, we find it appropriate that the interexchange carrier selection requirements in Rule 25-4.118, Florida Administrative Code, be waived in this instance.

#### TRANSFER AND NAME CHANGE ON IXC CERTIFICATE

Network One and OneStar Communications 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 transfer. IXC Certificate No. 3531 shall be amended to reflect that OneStar Communications is the holder of this certificate.

If this Order becomes final and effective, it shall serve as OneStar Communications' certificate. OneStar Communications should, therefore, retain this Order as proof of certification.

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.

#### CANCELLATION OF IXC CERTIFICATE

OneStar Long Distance has complied with the provision of Rule 25-24.474(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its IXC certificate and by submitting its Regulatory Assessment Fees (RAFs) for the year 2001. Accordingly, we find it appropriate to cancel IXC Certificate No. 6042, effective date of issuance of the Consummating Order.

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 Network One, OneStar Communications, and OneStar Long Distance for payment by January 30, 2003. Neither the transfer of the certificate nor the failure to receive a RAFs Return notice shall relieve Network One and OneStar Communications from their obligation to pay RAFs for the year 2002. Further, the cancellation of OneStar Long Distance's IXC Certificate No. 6042 nor the failure to receive a RAFs Return notice shall relieve OneStar Long Distance from its obligation to pay RAFs for the year 2002. We are vested with jurisdiction over this matter pursuant to Sections 364.335, 364.337, and 364.345, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for transfer of the customer bases of CRG International, Inc. d/b/a Network One and OneStar Long Distance, Inc. to OneStar

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Communications, LLC and relieve OneStar Communications, LLC in this instance of the interexchange carrier selection requirements of Rule 25-4.118, Florida Administrative Code, is hereby approved. It is further

ORDERED that the request for transfer of and name change on Interexchange Telecommunications Certificate No. 3531 from CRG International, Inc. d/b/a Network One to OneStar Communications, LLC, is hereby approved. It is further

ORDERED that Interexchange Telecommunications Certificate No. 3531 shall be amended to reflect that OneStar Communications, LLC, is the holder of this certificate. It is further

ORDERED that OneStar Communications, LLC's Interexchange Telecommunications Certificate No. 3531 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 OneStar Communications, LLC's certificate and should be retained by OneStar Communications, LLC as proof of certification and as evidence of the name change. It is further

ORDERED that OneStar Long Distance, Inc.'s Certificate No. 6042 to provide Interexchange Telecommunications services is hereby canceled, effective date of issuance of the Consummating Order. It is further

ORDERED that CRG International, Inc. d/b/a Network One, OneStar Communications, LLC, and OneStar Long Distance, Inc. 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

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ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 3rd Day of June, 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.

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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 24, 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.