

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer  
of ALEC Certificate No. 5324  
from ALEC, Inc. d/b/a Volaris  
Telecom, Inc. to O1  
Communications of Florida, Inc.

DOCKET NO. 021268-TX  
ORDER NO. PSC-03-0299-PAA-TX  
ISSUED: March 5, 2003

The following Commissioners participated in the disposition of  
this matter:

LILA A. JABER, Chairman  
J. TERRY DEASON  
BRAULIO L. BAEZ  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING TRANSFER OF 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 December 31, 2002, ALEC, Inc. d/b/a Volaris Telecom, Inc.,  
(ALEC, Inc.) and O1 Communications of Florida, Inc., (O1  
Communications) filed with this Commission a joint request for  
transfer of Alternative Local Exchange Telecommunications (ALEC)  
Certificate No. 5324 from ALEC, Inc. to O1 Communications.

We are vested with jurisdiction over this matter pursuant to  
Sections 364.335 and 364.345, Florida Statutes.

ALEC, Inc. and O1 Communications have complied with Rule 25-  
24.815, Florida Administrative Code, regarding the transfer of ALEC

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certificates. Therefore, pursuant to Section 364.345(2), Florida Statutes, we find the transfer to be in the public interest and, therefore, approve the transfer. ALEC Certificate No. 5324 shall be amended to reflect that O1 Communications is the holder of this certificate.

If this Order becomes final and effective, it shall serve as O1 Communications' certificate. O1 Communications 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 ALEC, Inc. and O1 Communications for payment by January 30th. Neither the transfer of the certificate nor the failure to receive a RAFs Return notice shall relieve ALEC, Inc. and O1 Communications from their obligation to pay RAFs the year 2003.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for transfer of Alternative Local Exchange Telecommunications Certificate No. 5324 from ALEC, Inc. d/b/a Volaris Telecom, Inc. to O1 Communications of Florida, Inc., is hereby approved. It is further

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ORDERED that Alternative Local Exchange Telecommunications Certificate No. 5324 shall be amended to reflect that O1 Communications of Florida, Inc., is the holder of this certificate. It is further

ORDERED that O1 Communications of Florida, Inc.'s Alternative Local Exchange Telecommunications Certificate No. 5324 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 O1 Communications of Florida, Inc.'s certificate and should be retained by O1 Communications of Florida, Inc. as proof of certification and as evidence of the name change. It is further

ORDERED that ALEC, Inc. d/b/a Volaris Telecom, Inc. and O1 Communications of Florida, Inc. shall remit Regulatory Assessment Fees for the year 2003. 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 5th Day  
of March, 2003.

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 )

BRT

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 March 26, 2003.

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.