

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
alternative access vendor
service by Fort Pierce Utilities
Authority d/b/a GigaBand
Communications.

DOCKET NO. 030907-TA
ORDER NO. PSC-03-1243-PAA-TA
ISSUED: November 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 GRANTING CERTIFICATE TO PROVIDE
ALTERNATIVE ACCESS VENDOR 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.

Fort Pierce Utilities Authority d/b/a GigaBand Communications
(GigaBand) has applied for a certificate to provide Alternative
Access Vendor (AAV) services pursuant to Section 364.337, Florida
Statutes. Upon review of its application, it appears that GigaBand
has sufficient technical, financial, and managerial capability to
provide such service. Accordingly, we hereby grant Certificate No.
8409 to GigaBand.

If this Order becomes final and effective, it shall serve as
GigaBand's certificate. GigaBand should, therefore, retain this
Order as proof of certification. We are vested with jurisdiction

DOCUMENT RELEASED

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over this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

AAV providers are subject to Chapter 25-24, Florida Administrative Code, Part XIV, Rules Governing Alternative Access Vendor services. AAV providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes.

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

Based on the foregoing, it

ORDERED by the Florida Public Service Commission that we hereby grant Certificate No. 8409 to Fort Pierce Utilities Authority d/b/a GigaBand Communications, which shall authorize it to provide Alternative Access Vendor services, subject to the terms and conditions specified in the body of this Order. It is further

ORDERED that this Order shall serve as Fort Pierce Utilities Authority d/b/a GigaBand Communications's certificate and should be retained by Fort Pierce Utilities Authority d/b/a GigaBand Communications 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 5th Day
of November, 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)

LHD

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

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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 November 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.