

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for relinquishment of eligible  
telecommunications carrier (ETC) designation  
in Florida, by Absolute Home Phones, Inc.

DOCKET NO. 120293-TX  
ORDER NO. PSC-13-0071-PAA-TX  
ISSUED: February 5, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman  
LISA POLAK EDGAR  
ART GRAHAM  
EDUARDO E. BALBIS  
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION  
ORDER ACKNOWLEDGING ABSOLUTE HOME PHONES, INC.'S RELINQUISHMENT  
OF ELIGIBLE TELECOMMUNICATIONS CARRIER STATUS WITHOUT PREJUDICE

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.

**I. Case Background**

By Order No. PSC-09-0540-PAA-TX, issued August 4, 2009, this Commission granted Competitive Local Exchange Company (CLEC) certificate No. 8763 to Absolute Home Phones, Inc. (Absolute). By Order No. PSC-11-0334-PAA-TX, issued August 9, 2011, we designated Absolute as an Eligible Telecommunications Carrier (ETC) in the State of Florida throughout the BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) service area. On November 19, 2012, Absolute filed a request to relinquish its ETC status, without prejudice and with the ability to apply for ETC designation in the future for non-AT&T service areas. Absolute states that the request to relinquish its ETC status would have no adverse effect, as Absolute does not have any ETC customers in the State of Florida. Absolute does not wish to relinquish its CLEC certification since it plans to provide non-Lifeline service in Florida.

We are vested with jurisdiction in this matter, pursuant to Section 364.10, Florida Statutes and 47 CFR §54.205.

DOCUMENT NUMBER-DATE

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**II. Analysis**

Federal rules allow an ETC to relinquish its ETC designation. 47 CFR §54.205 provides that:

A state commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the state commission of such relinquishment.

We designated Absolute as an ETC throughout AT&T's non-rural service area. Multiple ETCs serve this area at the present time. On November 19, 2012, Absolute filed its request to relinquish its designation as an ETC in the State of Florida.

47 CFR §54.205(b) provides that:

Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the state commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The state commission shall establish a time, not to exceed one year after the state commission approves such relinquishment under this section, within which such purchase or construction shall be completed.

**III. Decision**

The requirement in 47 CFR §54.205(b) to protect existing customers is moot in this instance since Absolute has indicated it has no customers. Therefore, we hereby acknowledge Absolute's relinquishment of its ETC designation in AT&T Florida's non-rural territory without prejudice.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Absolute Home Phones, Inc.'s Request to Relinquish its Eligible Telecommunications Carrier status in AT&T Florida's non-rural territory without prejudice is hereby acknowledged. 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 Commission Clerk, 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 5th day of February, 2013.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

AJT

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

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proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on February 26, 2013.

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.