

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for relinquishment of eligible
telecommunications carrier (ETC) designation
in Florida, by Express Phone Service, Inc.

DOCKET NO. 130300-TX
ORDER NO. PSC-14-0144-PAA-TX
ISSUED: March 31, 2014

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING REQUEST FOR
RELINQUISHMENT OF ETC DESIGNATION 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.

Case Background

By Order No. PSC-00-1495-PAA-TX, issued August 18, 2000, in Docket No. 000776-TX, we approved the transfer of Competitive Local Exchange Company Certificate No. 5636 to Express Phone Service, Inc. By Order No. PSC-08-0836-PAA-TX, issued December 24, 2008, in Docket No. 080169-TX, we designated Express Phone Service, Inc. as an Eligible Telecommunications Carrier (ETC) in the AT&T and Verizon service areas of Florida.

By Order No. PSC-14-0054-FOF-TX, issued January 27, 2014, in Docket No. 130299-TX, we granted Express Phone Service, Inc.'s request to cancel Certificate No. 5636 effective December 30, 2013. On December 31, 2013, Express Phone Service, Inc. filed a request for relinquishment of its ETC designation in Florida. We have jurisdiction in this matter, under Section 364.10, Florida Statutes and C.F.R. §54.205.

Decision

Federal rules allow an ETC to relinquish its ETC designation. 47 C.F.R. §54.205(a) 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.

Federal rules also require state commissions to ensure that existing customers are served. 47 C.F.R. §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.

The requirement in 47 C.F.R. §54.205(b) to protect existing customers is moot in this instance since Express Phone Service, Inc. has no existing customers and its CLEC certification has been cancelled. Therefore, we find it appropriate to grant Express Phone Service, Inc.'s request for relinquishment of its ETC designation in AT&T and Verizon's non-rural service areas in Florida without prejudice.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Express Phone Service, Inc.'s request for relinquishment of its ETC designation in AT&T's and Verizon's service areas in Florida without prejudice. 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, Division of 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 31st day of March, 2014.



CARLOTTA S. STAUFFER

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.

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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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 21, 2014.

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.