

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 150165-TX  
ORDER NO. PSC-15-0392-PAA-TX  
ISSUED: September 16, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
JULIE I. BROWN  
JIMMY PATRONIS

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-98-0093-FOF-TX, issued January 14, 1998, FLATEL, Inc. (FLATEL) was granted certificate No. 5315. By Order No. PSC-08-0631-PAA-TX, issued September 24, 2008, in Docket No. 070683-TX, FLATEL was designated as an eligible telecommunications carrier (ETC), making it eligible to receive low-income support from the Federal universal service fund for providing landline Lifeline service to Florida consumers.

On July 2, 2015, FLATEL requested, by letter, that its landline ETC designation be relinquished in the state of Florida. In its letter, FLATEL asserts that the future for Lifeline customers is through wireless providers, and FLATEL has a wireless ETC petition for Florida pending at the FCC.

Decision

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.

Federal rules also require state commissions to ensure that existing customers are served. 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.

The requirement in 47 CFR §54.205(b) to protect existing customers is moot in this instance since FLATEL has indicated it has no existing Lifeline customers. Therefore, we find it appropriate to grant FLATEL's request for relinquishment of its landline ETC designation in AT&T's 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 FLATEL, Inc.'s request for relinquishment of its ETC designation in AT&T's and Verizon's non-rural service areas in Florida is granted 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 16th day of September, 2015.



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.

LAA

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 October 7, 2015.

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.

DOCKET NO. 150165-TX  
FILED JUL 13, 2015  
DOCUMENT NO. 04359-15  
FPSC - COMMISSION CLERK



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July 2, 2015

Bob Casey  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

RECEIVED FPSC  
15 JUL 13 AM 9:35  
COMMISSION  
CLERK

Dear Mr. Casey,

In accordance with 47 C.F.R. 54.205, FLATEL, Inc. hereby relinquishes its ETC designation in the State of Florida.

FLATEL believes the future for Lifeline customers is through wireless providers, and FLATEL has had a pending wireless ETC petition for Florida pending at the FCC since December 14, 2012.

We presently have no Lifeline customers, so transfer of existing Lifeline customers to other remaining ETCs is moot.

Also, please note that FLATEL's address has changed. Correspondence can be delivered to PO Box 211192, Royal Palm Beach, FL 33421

Regards,

Abby Matari  
CEO

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