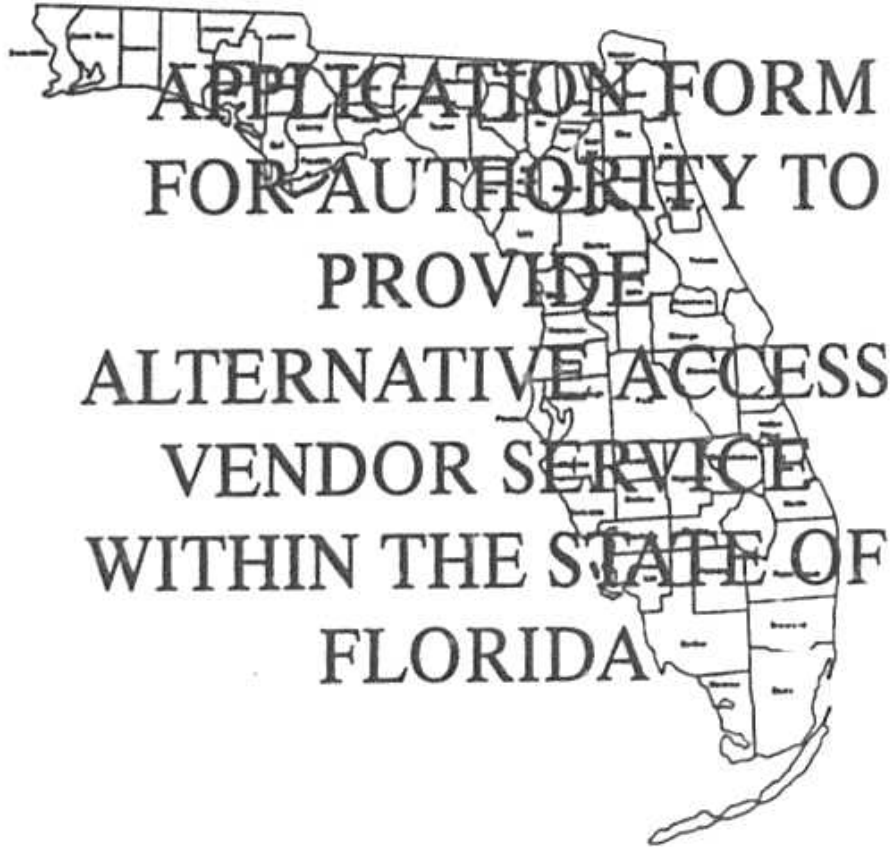


971262-7A

ORIGINAL



APPLICATION FORM
FOR AUTHORITY TO
PROVIDE
ALTERNATIVE ACCESS
VENDOR SERVICE
WITHIN THE STATE OF
FLORIDA

DOCUMENT NUMBER - DATE

10011 SEP 2005

FPSC-RECORDS/REPORTING

**** FLORIDA PUBLIC SERVICE COMMISSION ****

DIVISION OF COMMUNICATIONS
BUREAU OF SERVICE EVALUATION

APPLICATION FORM

for

AUTHORITY TO PROVIDE ALTERNATIVE ACCESS VENDOR SERVICE
WITHIN THE STATE OF FLORIDA

Instructions

- A. This form is used for an original application for a certificate and for approval of sale, assignment or transfer of an existing certificate. In case of a sale, assignment or transfer, the information provided shall be for the purchaser, assignee or transferee.
- B. Respond to each item requested in the application and appendices. If an item is not applicable, please explain why.
- C. Use a separate sheet for each answer which will not fit the allotted space.
- D. If you have questions about completing the form, contact:

Florida Public Service Commission
Division of Communications
Bureau of Service Evaluation
2540 Shumard Oak Blvd.
Gunter Building
Tallahassee, Florida 32399-0850
(904) 413-6600

- E. Once completed, submit the original and twelve (12) copies of this form along with a non-refundable application fee of \$250.00 to:

Florida Public Service Commission
Division of Administration
2540 Shumard Oak Blvd.
Gunter Building
Tallahassee, Florida 32399-0850
(904) 413-6251

1. This is an application for (check one):

- Original Authority (New company).
- Approval of Transfer (To another certificated company).
- Approval of Assignment of existing certificate (To a noncertificated company).
- Approval for transfer of control (To another certificated company).

2. Name of corporation, partnership, cooperative, joint venture or sole proprietorship:

City of Tallahassee, a Florida Municipal Corporation

3. Name under which the applicant will do business (fictitious name, etc.):

City of Tallahassee, Florida

4. National address (including street name & number, post office box, city, state and zip code).

300 South Adams Street
Tallahassee, Florida 32301-1731

5. Florida address (including street name & number, post office box, city, state and zip code):

300 South Adams Street
Tallahassee, Florida 32301-1731

6. Structure of organization;

- Individual
- Foreign Corporation
- General Partnership
- Other, Municipal Corporation
- Corporation
- Foreign Partnership
- Limited Partnership

7. If applicant is an individual or partnership, please give name, title and address of sole proprietor or partners.

- (a) Provide proof of compliance with the foreign limited partnership statute (Chapter 620.169 FS), if applicable.

- (b) Provide proof of compliance with the fictitious name statute (Chapter 865.09 FS), if applicable.

Fictitious name registration number: _____

- (c) Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.

(2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

8. If incorporated, please give:

- (a) Proof from the Florida Secretary of State that the applicant has authority to operate in Florida.

Corporate charter number: _____

- (b) Name and address of the company's Florida registered agent.

- (c) Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

(1) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, please explain.

(2) officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

9. Who will serve as liaison with the Commission in regard to the following? (please give name, title, address and telephone number): Gary S. Brinkworth, P.E.
Manager, Utility Business & Customer Services
300 South Adams Street
Tallahassee, Florida 32301
(850) 891-8903
- (a) The application;
- (b) Official Point of Contact for the ongoing operations of the company;
Same as above.
- (c) Complaints / Inquire from customers

Customers can contact our Customer Service Office at (850) 891-0000 located in City Hall.

10. List the states in which the applicant:
- (a) Has operated as an Alternate Access Vendor.
N/A
- (b) Has applications pending to be certificated as an interexchange carrier.
N/A
- (c) Is certificated to operate as an Alternate Access Vendor.
N/A
- (d) Has been denied authority to operate as an Alternate Access Vendor and the circumstances involved.
N/A
- (e) Has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

N/A

(f) Has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

11. The applicant will provide the following AAV services (Check all that apply).

- a. X Intraexchange private line service to an affiliate.
- b. X Interexchange private line service to an affiliate.
- c. X Special access as part of a private line dedicated service.
- d. X Special access to an IXC switched network.
- e. X Private line services (Channel Services)

<u> X </u>	DS-0, 64 kb/s
<u> X </u>	DS-1, 1.54 Mb/s
<u> X </u>	DS-2, 6.31 Mb/s
<u> X </u>	DS-3, 44.76 Mb/s

12. How does the end user access each of the AAV services that were checked above.

Through specialized connection points.

13. Please provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services, and if not who will the billed party contact to ask questions about the bill (provide name and phone number) and how is this information provided?

Yes

(b) Name and address of the firm who will bill for your service.

**** APPENDIX A ****

CERTIFICATE TRANSFER STATEMENT

I, (TYPED NAME),
current holder of certificate number _____, have
reviewed this application and join in the petitioner's request.

UTILITY OFFICIAL:

J. Sam Bell, Jr.
Signature
Mr. J. Sam Bell, Jr.

9/30/97
Date

Assistant City Manager - Utility Services (850)891-8580
Title Telephone No.

**** APPENDIX B ****

CUSTOMER DEPOSITS AND ADVANCE PAYMENTS

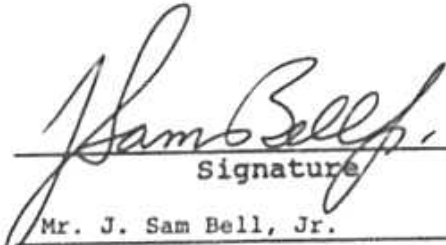
A statement of how the Commission can be assured of the security of the customer's deposits and advance payments may be responded to in one of the following ways (applicant please check one):

To be determined at a future date.

- () The applicant will not collect deposits nor will it collect payments for service more than one month in advance.

- () The applicant will file with the Commission and maintain a surety bond in an amount equal to the current balance of deposits and advance payments in excess of one month. (Bond must accompany application.)

UTILITY OFFICIAL:



Signature

9/30/97
Date

Mr. J. Sam Bell, Jr.

Assistant City Manager-Utility Services (850) 891-8580

Title Telephone No.

** APPENDIX C **

SERVICE AREA NETWORK

1. **SERVICE AREA:** Please provide the list of exchanges where you are proposing to provide private line and/or special access service within thirty (30) days after the effective date of the certificate.

891

2. **CURRENT FLORIDA INTRASTATE SERVICES:** Applicant has () or has not () previously provided intrastate telecommunications in Florida. If the answer is has, fully describe the following:

- a) What services have been provided and when did these services begin?
- b) If the services are not currently offered, when were they discontinued?

UTILITY OFFICIAL:

J. Sam Bell, Jr.
Signature

9/30/97
Date

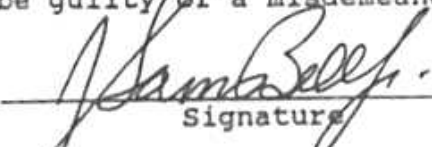
Mr. J. Sam Bell, Jr.

Assistant City Manager - Utility Services (850) 891-8580
Title Telephone No.

**** APPLICANT ACKNOWLEDGEMENT STATEMENT ****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of its gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.
2. **GROSS RECEIPTS TAX:** I understand that all telephone companies must pay a gross receipts tax of two and one-half percent on all intra and interstate business.
3. **SALES TAX:** I understand that a seven percent sales tax must be paid on intra and interstate revenues.
4. **APPLICATION FEE:** A non-refundable application fee of \$250.00 must be submitted with the application.
5. **RECEIPT AND UNDERSTANDING OF RULES:** I acknowledge receipt and understanding of the Florida Public Service Commission's Rules and Orders relating to my provision of interexchange telephone service in Florida. I also understand that it is my responsibility to comply with all current and future Commission requirements regarding AAV service.
6. **ACCURACY OF APPLICATION:** By my signature below, I the undersigned owner or officer of the named utility in the application, attest to the accuracy of the information contained in this application and associated attachments. I have read the foregoing and declare that to the best of my knowledge and belief, the information is a true and correct statement. Further, I am aware that pursuant to Chapter 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree.

UTILITY OFFICIAL:



Signature

9/30/97

Date

Mr. J. Sam Bell, Jr.

Assistant City Manager-Utility Services

(850) 891-8580

Title

Telephone No.

ATTACHMENTS:

- A - CERTIFICATE TRANSFER STATEMENT
- B - CUSTOMER DEPOSITS AND ADVANCE PAYMENTS
- C - SERVICE AREA NETWORK

Rules of the Florida Public Service Commission

CHAPTER 25-24

PART XIV

Rules Governing Telephone Service Provided By Alternative Access Vendors

NOTE: This brochure was compiled by staff of the Florida Public Service Commission for information purposes only.

TELEPHONE COMPANIES
CHAPTER 25-24
PART XIV

RULES GOVERNING ALTERNATIVE ACCESS VENDOR (AAV) SERVICES

- 25-24.700 Reserved
- 25-24.705 Scope and Waiver
- 25-24.710 Terms and Definitions
- 25-24.715 Certificate of Public Convenience and Necessity Required
- 25-24.720 Application for Certificate
- 25-24.721 Tariffs Not Required
- 25-24.725 Certificate Not Transferable
- 25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate
- 25-24.735 Cancellation of a Certificate
- 25-24.740 AAV Service Provider Operations; Rules Incorporated
- 25-24.745 Records and Reports; Rules Incorporated
- 25-24.747 Notification Requirements

25-24.700 Reserved

25-24.705 Scope and Waiver.

(1) This part applies to every person or company providing Alternative Access Vendor (AAV) service. Chapters 25-4, 25-9 and 25-14, Florida Administrative Code, shall apply to Alternative Access Vendor service only as provided in this part.

(2) An AAV service provider may petition for a waiver of any provision of this part. The Commission may grant a waiver to the extent that it determines that a waiver is in the public interest. The Commission may grant the petition in whole or in part and may prescribe different requirements than are set forth in this part. In disposing of a petition, the Commission shall consider the factors enumerated in Section 364.337(2), Florida Statutes (1991).
Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.337(1), (2), F.S.

History: New 1/8/95.

25-24.710 Terms and Definitions.

For purposes of this part the following definitions apply:

(1) "Affiliated Entity." An entity (whether corporation, partnership, proprietorship or other form of business organization) is affiliated with another entity if one has a majority ownership interest in the other.

(2) "Alternative Access Vendor (AAV)." A provider, other than a local exchange telecommunications company, of Alternative Access Vendor Service.

(3) "Alternative Access Vendor Service." The provision of local private line service between an entity and its own facilities or the facilities of an affiliated entity at another location or the provision of special access service between an end-user and an interexchange company.

(4) "Private line service." Any point-to-point or point-to-multipoint service dedicated to the exclusive use of the end-user for the transmission of any telecommunications service.

(5) "Special Access Service." Private line service which is connected from the end user's premises to an interexchange company.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.01, 364.02, 364.337, F.S.

History: New 1/8/95.

25-24.715 Certificate of Public Convenience and Necessity Required.

(1) No person shall provide Alternative Access Vendor Service without first obtaining a Certificate of Public Convenience and Necessity from the Commission.

(2) A certificate authorizes the vendor to provide Alternative Access Vendor Service statewide as well as authority to provide interexchange private line service.

(3) A certificate to provide Alternative Access Vendor Service does not authorize provision of interexchange switched service, shared tenant service, pay telephone service or any other telecommunications services requiring certification by this Commission. A separate application must be made for such authority.

(4) Applicants for a certificate shall not provide service, collect deposits or collect payment for services until a certificate becomes effective. However, at their own risk, applicants may acquire equipment and facilities and may advertise and engage in promotional activities before a certificate becomes effective. In contacts with potential customers or advertisements before certification, applicants shall advise the potential customer that certification has not and may never be granted.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.33, 364.335, 364.337, F.S.

History: New 1/8/95.

25-24.720 Application for Certificate.

(1) An applicant seeking to provide Alternative Access Vendor service shall submit an application on Commission Form PSC/CMU 43 (1/95), entitled "Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida," which is incorporated into this rule by reference. The form may be obtained from the Division of Communications. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission's acceptance of the application fee does not imply that a certificate will be granted.

(2) An original and 12 copies of the application shall be filed with the Division of Records and Reporting.

(3) A certificate will be granted if the Commission determines that such approval is in the public interest.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.33, 364.335, 364.337, 364.345, F.S.

History: New 1/8/95.

25-24.725 Certificates Not Transferrable.

Certificates of public convenience and necessity authorizing Alternative Access Vendor service may not be sold, assigned or transferred by the holder without prior Commission approval. Certificates shall not be used as collateral for any purpose.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.33, 364.335, 364.337, 364.345, F.S.

History: New 1/8/95.

25-24.721 Tariffs Not Required.
Alternative Access Vendors are not required to file tariffs.
Specific Authority: 350.127(2), F.S.
Law Implemented: 364.337, F.S.
History: New 1/8/95.

25-24.735 Cancellation of a Certificate.

(1) The Commission may cancel an AAV service provider's certificate for any of the following reasons:

(a) violation of the terms and conditions under which the authority was originally granted;

(b) violation of Commission rules or orders;

(c) violation of Florida statutes; or

(d) failure to provide service for a period of 6 months.

(2) If a certificated AAV service provider seeks to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following information with its request:

(a) the date the final Regulatory Assessment Fee was paid;

(b) a statement of the reasons for cancellation;

(c) a statement on the treatment of customer deposits and final bills; and

(d) a representative copy of a customer notice regarding discontinuance of service.

Specific Authority: 350.127(2), F.S.

Law Implemented: 350.113, 350.127(1), 364.285, 364.337,
364.345, F.S.

History: New 1/8/95.

25-24.730 Application for Approval of Sale, Assignment, or Transfer of Certificate.

(1) A person seeking to obtain a certificate by sale, assignment or transfer from the holder shall submit an application jointly with the certificate holder on Commission Form PSC/CMU 43 (1/95) (entitled "Application Form for Authority To Provide Alternative Access Vendor Service within the State of Florida"). The application form may be obtained from the Division of Communications. A nonrefundable application fee of \$250.00 must accompany each application to cover processing costs. The Commission's acceptance of the application fee does not imply that the application for sale, assignment or transfer of a certificate will be granted.

(2) An original and 12 copies of the application shall be filed with the Division of Records and Reporting.

(3) An application for sale, assignment or transfer of a certificate will be granted if the Commission determines that such approval is in the public interest.

(4) A certificate may be sold, assigned or transferred only as a whole.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.32, 364.33, 364.335, 364.337, 364.345, F.S.

History: New 1/8/95.

25-24.745 Records and Reports; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to Alternative Access Vendor service companies: Section

	<u>Title</u>
25-4.019	Records & Reports in General
25-4.020(1), (2)	Location & Preservation of Records
25-4.043	Inquiries
25-4.0161	Regulatory Assessment Fees

(2) Each AAV service provider shall file with the Commission's Division of Communications updated information for the following items within 10 days after any such change occurs:

(a) mailing address of the certificate holder; and
(b) name, title and phone number of the individual responsible for Commission contacts.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.337, F.S.

History: New 1/8/95.

25-24.740 AAV Service Provider Operations; Rules Incorporated.

(1) The following rules are incorporated herein by reference and apply to Alternative Access Vendor service companies:

<u>Section</u>	<u>Title</u>
25-4.022	Complaint - Trouble Reports, Etc.
25-4.036	Design and Construction of Plant
25-4.038	Safety
25-4.041	Courtesy

(2) An AAV service provider may act as an agent of its customer in obtaining service from the local exchange company, provided the local exchange company bills the customer directly for the service rendered.

(3) An AAV service provider shall not resell local exchange company private line or foreign exchange (FX) service.

(4) Each AAV service provider shall require each customer to provide in writing, at least once every 12 months, the intrastate percentage of the customer's traffic carried over the AAV's facilities.

Specific Authority: 350.127(2), F. S.

Law Implemented: 364.337, F.S.

History: New 1/8/95.

25-24.747 Notification Requirements.

(1) Each AAV service provider shall provide the following to each customer before providing service:

- (a) amount of nonrecurring charge;
- (b) amount of recurring charge;
- (c) terms of agreement;
- (d) penalties for violating service arrangements;
- (e) description of service being provided;
- (f) quality of service to be provided; and
- (g) applicable charges for termination of service.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.337, F.S.

History: New 1/8/95.

07/07/97

FIRST UNION NATIONAL BANK of FL



CITY OF TALLAHASSEE
TREASURY OPERATING ACCOUNT

00558486

VOID AFTER 12 MONTHS

\$850.00

*****EIGHT HUNDRED FIFTY DOLLARS AND 00 CENTS*****

PAY TO THE ORDER OF
FLORIDA PUBLIC SERVICE COMMISSION
2540 SHUMARD OAK BLVD.
TALLAHASSEE, FLA 32399-2876

Steve Bankoff
CITY MANAGER

Paul B. Lynn
CITY TREASURER-CLERK

07/07/97		CITY OF TALLAHASSEE REMITTANCE ADVICE		00558486
VOUCHER #	INVOICE #	P.O. #	AMOUNT	
97463571	FEES/ALTER ACCESS 971262-TA	000000	\$250.00	
97463575	FEES/INTER TELECOMM SERV 971261	000000	\$250.00	
97463580	FEES/SHARED TENANT SERVIC 971263	000000	\$100.00	
97463585	FEES/ALTER LOCAL EXCHANGE 971260	000000	\$250.00	

VENDOR # 006026

NET AMOUNT: \$850.00

FOR INQUIRY CALL 891-8427

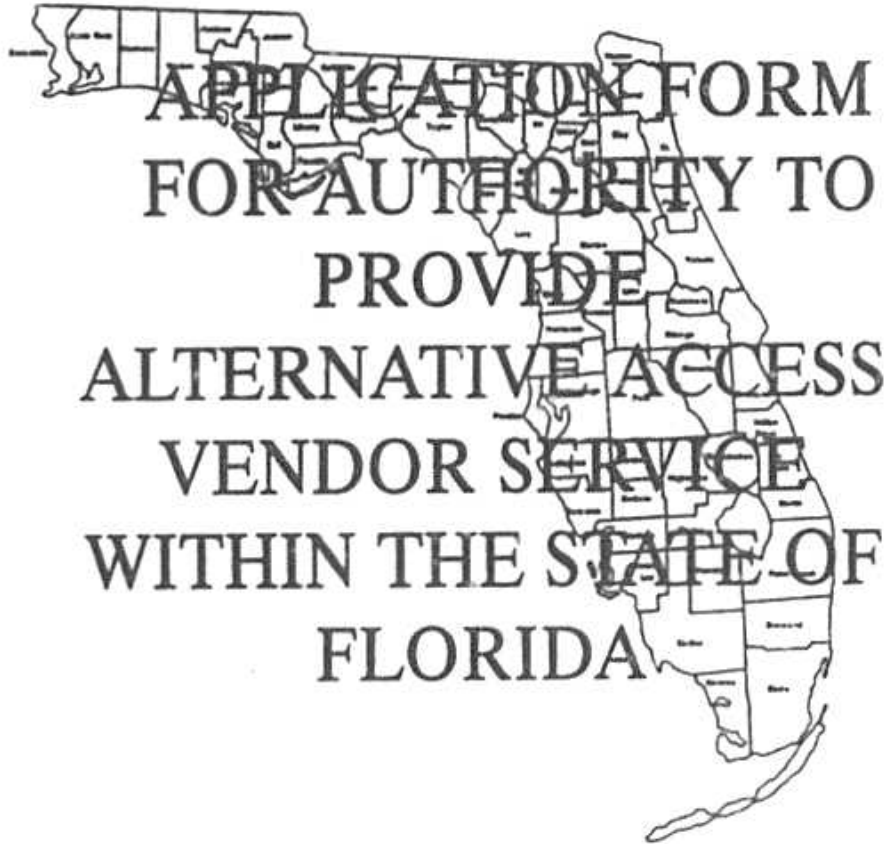
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DEPOSIT

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OCT 01 1997



APPLICATION FORM
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FLORIDA

DOCUMENT NUMBER-DATE

10011 SEP 205

FPSC-RECORDS/REPORTING