

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP ORIGINAL

3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647

NEW YORK OFFICE
919 THIRD AVENUE
NEW YORK, NY 10022

January 7, 1999

VIA OVERNIGHT MAIL

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0870

981974-TI

Re: Application of Hyperion Communications of Florida, LLC for Authority to Provide Interexchange Telecommunications Service in Florida (filed December 23, 1998)

Dear Ms. Bayo:

On behalf of Hyperion Communications of Florida, LLC ("Hyperion"), enclosed please find an original Affidavit, Applicant Acknowledgment Statement and Appendices A through C to supplement the above-referenced Application. The initial filing included copies of these signed statements.

Please date-stamp the enclosed copy of this filing and return in the self-addressed, stamped envelope provided. Should you have any questions concerning this filing, please do not hesitate to contact us. Thank you very much.

Respectfully yours,

Kemal Hawa

Dana Frix
Kemal Hawa

Counsel for Hyperion Communications
of Florida, LLC.

- ACK _____
- AFA 1
- APP _____
- CAF _____
- CMU 1
- CTR _____
- EAG _____
- LEG 1 Enclosures
- LIN _____
- OPC _____ cc: Phil Fraga
- RCH _____ Janet S. Livengood
- SEC 1 Jennifer Schneider
- WAS _____ 265564.1
- DTH _____

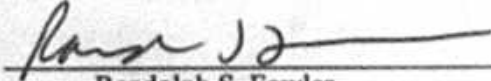
RECEIVED & FILED
[Signature]
FPSC BUREAU OF RECORDS

MAIL ROOM
SI 11 11 8 - NOV 66
RECEIVED
DOCUMENT NUMBER-DATE
00356 JAN-88
FPSC-RECORDS/REPORTING

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative local exchange service in the State of Florida. I have read the foregoing and declare that to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

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, punishable as provided in s. 775.082 and s. 775.083".

Official:  Date: 12/23/98
Randolph S. Fowler

Title: Senior Vice President, Business Operations 412-221-1888
Hyperion Telecommunications, Inc. Telephone number

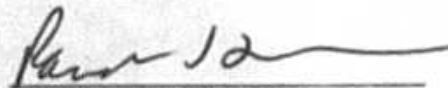
Address: DDI Plaza Two
500 Thomas Street, Suite 400
Bridgeville, PA 15017-2838

**** APPLICANT ACKNOWLEDGMENT 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 interexchange telephone service.
6. **ACCURACY OF APPLICATION:** By my signature below, I have authority to make this statement on behalf 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, punishable as provided in s. 775.082 and s. 775-083."

UTILITY OFFICIAL:



Randolph S. Fowler
Senior Vice President
Business Operations
Hyperion Telecommunications, Inc.

12/23/98
Date

412-221-1888
Telephone Number

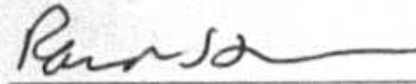
**** APPENDIX A ****

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):

- () 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:



Randolph S. Fowler
Senior Vice President
Business Operations
Hyperion Telecommunications, Inc.

12/23/98
Date

(412) 221-1888
Telephone Number

**** APPENDIX B ****

INTRASTATE NETWORK

HCF seeks to provide all forms of intraexchange and interexchange services, both facilities based and resold throughout the state of Florida.¹ HCF seeks authority to provide these services utilizing a combination of its own facilities, and (where necessary) the unbundled network elements and resold facilities of other carriers.

1. **POP:** Addresses where located, and indicate if owned or leased.

See Above.

2. **SWITCHES:** Addresses where located, by type of switch, and indicate if owned or leased.

See Above.

3. **TRANSMISSION FACILITIES:** POP-to-POP facilities by type of facilities (microwave, fiber, copper, satellite, etc.) and indicate if owned or leased.

See Above.

4. **ORIGINATING SERVICE:** Please provide the list of exchanges where you are proposing to provide originating service within thirty (30) days after the effective date of the certificate (Appendix D).

Hyperion Communications of Florida, LLC seeks authority to originate interexchange telecommunications service throughout the State of Florida.

¹Please note that although Hyperion seeks authority to provide local exchange services on a statewide basis, Hyperion does not at this time seek to terminate any small or rural LEC exemption claimed by any incumbent in Florida..

**** APPENDIX B ****

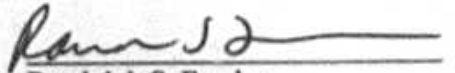
INTRASTATE NETWORK (continued)

5. **TRAFFIC RESTRICTIONS:** Please explain how the applicant will comply with the EAEA requirements contained in Commission Rule 25-24.471(4)(a) (copy enclosed).

Initially, Hyperion Communications of Florida, LLC will provide interexchange service only on a resale basis. The certificated carrier from which Hyperion Communications of Florida, LLC purchases services for resale will be responsible for complying with Commission Rule 25-24.471(4)(a).

6. **CURRENT FLORIDA INTRASTATE SERVICES:** Applicant has () or has not (X) 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:


Randolph S. Fowler
Senior Vice President
Business Operations
Hyperion Telecommunications, Inc.

12/23/98
Date

412-221-1888
Telephone Number

**** APPENDIX C ****

FLORIDA TELEPHONE EXCHANGES AND EAS ROUTES

Describe the service area in which you hold yourself out to provide service by telephone company exchange. If all services listed in your tariff are not offered at all locations, so indicate.

In an effort to assist you, attached is a list of major exchanges in Florida showing the small exchanges with which each has extended area service (EAS).

**** FLORIDA EAS FOR MAJOR EXCHANGES ****

Extended Service Area	with These Exchanges
PENSACOLA:	Cantonment, Gulf Breeze Pace, Milton Holley-Navarre.
PANAMA CITY:	Lynn Haven, Panama City Beach, Youngstown-Fountain and Tyndall AFB.
TALLAHASSEE:	Crawfordville, Havana, Monticello, Panacea, Sopchoppy and St. Marks.
JACKSONVILLE:	Baldwin, Ft. George, Jacksonville Beach, Callahan, Maxville, Middleburg, Orange Park, Ponte Vedra and Julington.
GAINESVILLE:	Alachua, Archer, Brooker, Hawthorne, High Springs, Melrose, Micanopy, Newberry and Waldo.
OCALA:	Belleview, Citra, Dunnellon, Forest Lady Lake (B21), McIntosh, Oklawaha, Orange Springs, Salt Springs and Silver Springs Shores.
DAYTONA BEACH:	New Smyrna Beach.

**** APPENDIX C ****

FLORIDA TELEPHONE EXCHANGES AND EAS ROUTES (continued)

TAMPA:	Central East North South West	None Plant City Zephyrhills Palmetto Clearwater
CLEARWATER:	St. Petersburg, Tampa-West and Tarpon Springs.	
ST. PETERSBURG:	Clearwater.	
LAKELAND:	Bartow, Mulberry, Plant City, Polk City and Winter Haven.	
ORLANDO:	Apopka, East Orange, Lake Buena Vista, Oviedo, Windermere, Winter Garden, Winter Park, Montverde, Reedy Creek and Oviedo-Winter Springs.	
WINTER PARK:	Aopoka, East Orange, Lake Buena Vista, Orlando, Oviedo, Sanford, Windermere, Winter Garden, Oviedo-Winter Springs Reedy Creek, Geneva and Montverde.	
TITUSVILLE:	Cocoa and Cocoa Beach.	
COCOA:	Cocoa Beach, Eau Gallie, Melbourne and Titusville.	
MELBOURNE:	Cocoa, Cocoa Beach, Eau Gallie and Sebastian.	
SARASOTA:	Bradenton, Myakka and Venice.	

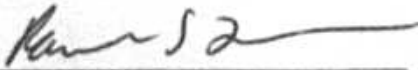
**** APPENDIX C ****

FLORIDA TELEPHONE EXCHANGES AND EAS ROUTES (continued)

FT. MYERS:	Cape Coral, Ft. Myers Beach, North Cape Coral, North Ft. Myers, Pine Island, Lehigh Acres and Sanibel-Captiva Islands
NAPLES:	Marco Island and North Naples.
WEST PALM BEACH:	Boyston Beach and Jupiter.
POMPANO BEACH:	Boca Raton, Coral Springs, Deerfield Beach and Ft. Lauderdale
FT. LAUDERDALE:	Coral Springs, Deerfield Beach, Hollywood and Pompano Beach.
HOLLYWOOD:	Ft. Lauderdale and North Dade.
NORTH DADE:	Hollywood, Miami and Perrine.
MIAMI:	Homestead, North Dade and Perrine.

Hyperion Communications of Florida, LLC seeks authority to originate interexchange telecommunications services throughout the State of Florida at the rates identified in its proposed tariff attached hereto as Exhibit 4.

UTILITY OFFICIAL:



Randolph S. Fowler
Senior Vice President
Business Operations
Hyperion Telecommunications, Inc

12/23/98
Date

412-221-1888
Telephone Number