

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for certificate to provide alternative local exchange telecommunications service by Network Access Solutions Corporation.

DOCKET NO. 990737-TX

In re: Application for certificate to provide alternative local exchange telecommunications service by Metromedia Fiber Network Services, Inc.

DOCKET NO. 990560-TX

In re: Application for certificate to provide alternative local exchange telecommunications service by JATO Operating Two Corp.

DOCKET NO. 990714-TX

In re: Application for certificate to provide alternative local exchange telecommunications service by Nexstar Communications, Inc.

DOCKET NO. 990521-TX

In re: Application for certificate to provide alternative local exchange telecommunications service by Sun-Tel USA, Inc.

DOCKET NO. 990713-TX

In re: Application for certificate to provide alternative local exchange telecommunications service by Access Integrated Networks, Inc.

DOCKET NO. 990666-TX  
ORDER NO. PSC-99-1491-PAA-TX  
ISSUED: August 3, 1999

ORDER NO. PSC-99-1491-PAA-TX  
DOCKET NOS. 990737-TX, 990560-TX, 990714-TX, 990521-TX,  
990713-TX, 990666-TX  
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The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER GRANTING CERTIFICATES TO  
PROVIDE ALTERNATIVE LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES

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.

The entities listed below have applied for certificates to provide Alternative Local Exchange Telecommunications (ALEC) service, pursuant to Section 364.337, Florida Statutes. Upon review of their applications, it appears that these entities have sufficient technical, financial, and managerial capability to provide such service. Accordingly, we hereby grant to each of these entities the certificates depicted below, which shall authorize them individually to provide ALEC services statewide, except that the ALEC may not offer basic local telecommunications service within the territories of earnings-regulated small local exchange companies, as set forth in Section 364.337(1), Florida Statutes.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Network Access Solutions Corporation	7109
Metromedia Fiber Network Services, Inc.	7124
JATO Operating Two Corp.	7127

ORDER NO. PSC-99-1491-PAA-TX  
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<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>
Nexstar Communications, Inc.	7123
Sun-Tel USA, Inc.	7126
Access Integrated Networks, Inc.	7130

If this Order becomes final and effective, it shall serve as each entity's certificate. It should, therefore, be retained by each entity as proof of certification.

In addition, Section 364.337(2), Florida Statutes, requires ALECs which provide basic local telecommunications service to provide access to 911 services. This Commission has no rules specifying the 911 services that either an incumbent local exchange company (ILEC) or an ALEC must provide; however, 911 service that is inferior to that provided by the ILEC would clearly not be in the public interest. Accordingly, we find that Section 364.337(2), Florida Statutes, requires ALECs which provide basic local telecommunications services to provide at least the same level of 911 services as that provided by the ILEC serving the same area.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant, to the entities listed herein, certificates to provide Alternative Local Exchange Telecommunications service, subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as each entity's certificate and should be retained as proof of certification. It is further

ORDERED that each Alternative Local Exchange Telecommunications company which provides basic local telecommunications services shall provide at least the same level of 911 services as that provided by the incumbent local exchange company serving the same area. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

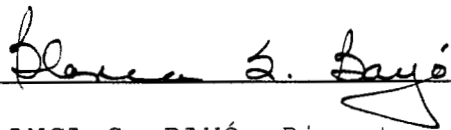
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ORDERED that, if a protest is filed as to the certification of any particular entity or entities, that protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

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 Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, these Dockets shall be closed.

By ORDER of the Florida Public Service Commission, this 3rd day of August, 1999.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

KMP

ORDER NO. PSC-99-1491-PAA-TX  
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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 Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 24, 1999.

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 docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 5/3/97

Number of Originals 5

Copies Per Original 19

Requested By [Signature]

Item Presented

Agenda For (Date) \_\_\_\_\_ Order No. 10291-P.A.2 In Docket No. 870731

Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. 870731

Other \_\_\_\_\_ 870731  
790666

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>		
<u>20</u>	<u>Docket Mailing List - Mailed</u>		
<u>21</u>	<u>Docket Mailing List - Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 37 Verified By [Signature]

Date and Time Completed 8/5 Job Checked For Correctness and Quality (Initial) "

Mail Room Verification

Date Mailed / Verified By /

M E M O R A N D U M

August 2, 1999

RECEIVED-FPSC

99 AUG -3 AM 9:38

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *KMP CB*

RE: DOCKET NOS. 990737-TX, 990560-TX, 990714-TX, 990521-TX,  
990713-TX, 990666-TX - APPLICATION FOR CERTIFICATE TO  
PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS  
SERVICE

1491-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING  
CERTIFICATES TO PROVIDE ALTERNATIVE LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICES, to be issued in the above-referenced  
docket. (Number of pages in order - 5)

KMP/anc  
Attachment  
cc: Division of Communications  
I: 990666.kmp

*faxed - 2/10 -*  
*units -*