

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer
of AAV Certificate No. 3172
(with ALEC authority) from
Comcast Telephony Communications
of Florida, Inc. to Comcast
Business Communications, Inc.

DOCKET NO. 011341-TA
ORDER NO. PSC-01-2226-PAA-TA
ISSUED: November 15, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF AND NAME CHANGE ON
ALTERNATIVE ACCESS VENDOR CERTIFICATE

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.

On October 5, 2001, Comcast Telephony Communications of
Florida, Inc. (CTC) and Comcast Business Communications, Inc.
(CBC) filed with this Commission a joint request for transfer of
Alternative Access Vendor (AAV) Certificate No. 3172 (with
Alternative Local Exchange Telecommunications authority) from CTC
to CBC.

CTC and CBC have complied with Rule 25-24.730, Florida
Administrative Code, regarding the transfer of AAV certificates.
We find the transfer to be in the public interest and, therefore,
approve the transfer. AAV Certificate No. 3172 shall be amended to
reflect that CBC is the holder of this certificate.

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If this Order becomes final and effective, it shall serve as CBC's certificate. CBC should, therefore, retain this Order as proof of certification and as evidence of the name change. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

AAV providers with Alternative Local Exchange Telecommunications authority are subject to Chapter 25-24, Florida Administrative Code, Part XIV, Rules Governing Alternative Access Vendor Services and Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. AAV and ALEC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes.

Pursuant to Section 364.337(2), Florida Statutes, basic telecommunications service provided by an ALEC "... must include access to operator services, "911" services, and relay services for the hearing impaired." Further, Section 364.337(2), requires that an ALEC's "911" service "... shall be provided at a level equivalent to that provided by the local exchange telecommunications company serving the same area."

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to both CTC and CBC. Neither the transfer of the certificate nor the failure to receive a RAFs Return notice shall relieve CTC and CBC from their obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for transfer of Alternative Access Vendor Certificate No. 3172 (with Alternative Local Exchange Telecommunications authority) from Comcast Telephony Communications of Florida, Inc. to Comcast Business Communications, Inc., is hereby approved. It is further

ORDERED that Alternative Access Vendor Certificate No. 3172 (with Alternative Local Exchange Telecommunications authority) shall be amended to reflect that Comcast Business Communications, Inc., is the holder of this certificate. It is further

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ORDERED that Comcast Business Communications, Inc.'s Alternative Access Vendor Certificate No. 3172 (with Alternative Local Exchange Telecommunications authority) is subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as Comcast Business Communications, Inc.'s certificate and should be retained by Comcast Business Communications, Inc. as proof of certification. It is further

ORDERED that Comcast Telephony Communications of Florida, Inc. and Comcast Business Communications, Inc. shall remit Regulatory Assessment Fees for the year 2001. 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 the Commission Clerk and Administrative Services, 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 15th day of November, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

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AJT

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 6, 2001.

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.