



Public Service Commission
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DATE: DECEMBER 5, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK & ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF REGULATORY OVERSIGHT (PRUITT) *X*
DIVISION OF LEGAL SERVICES (ELLIOTT) *DLZ* *JPR* *12/5/01*

RE: DOCKET NO. 011271-TI - APPLICATION FOR CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICE BY A+ COMMUNICATIONS, INC.

DOCKET NO. 011382-TX - APPLICATION FOR CERTIFICATE TO PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE BY A+ COMMUNICATIONS, INC.

AGENDA: 12/17/01 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\RGO\WP\011271.RCM

CASE BACKGROUND

On September 26, 2001, A+ Communications, Inc. (A+) filed an application to provide interexchange telecommunications service (IXC) in Florida. On October 22, 2001, A+ filed an application to provide alternative local exchange telecommunications service (ALEC) in Florida. Although not disclosed in the applications, during staff's review it was discovered that the President of A+ was the Vice President and Commission Liaison for Worldlink Long Distance Corp. (Worldlink)

According to Commission records Worldlink's IXC Certificate was canceled in Docket No. 001301-TI, Cancellation by Florida Public Service Commission of Interexchange Telecommunications

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Certificate No. 5350 issued to Worldlink Long Distance Corp. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies. The company's ALEC certificate was canceled in Docket No. 000219-TX, Initiation of Show Cause Proceedings by Florida Public Service Commission for Apparent Violation of Section 364.183(1), F.S., Access to Company Records.

On October 30, 2001, staff sent a certified letter to the President of A+ requesting an explanation concerning her association with Worldlink and informing the applicant that the Florida Department of State, Division of Corporations, had administratively dissolved A+ for not filing an annual report. Staff requested a response by November 13, 2001. No response was received.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

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DISCUSSION OF ISSUES

ISSUE 1: Should the Commission grant A+ Communications, Inc. certificates to provide interexchange telecommunications service and alternative local exchange telecommunications service within the State of Florida as provided by Section 364.337, Florida Statutes?

RECOMMENDATION: No. A+ Communications, Inc. should not be granted an interexchange telecommunications service certificate nor an alternative local exchange telecommunications service certificate to operate in Florida. (Pruitt)

STAFF ANALYSIS: Section 364.337, Florida Statutes, requires an applicant to show that it "...has sufficient technical, financial, and managerial capability to provide such service...". Staff's letter of October 30, 2001, read in part:

If we do not hear from you by November 13, 2001, we will assume that you no longer want to pursue certification and we will recommend that the certificates be denied and the dockets closed.

To date, the company has not responded. Furthermore as explained in the Case Background, it appears that A+ failed to accurately complete its applications for the certificates. Staff does not believe that the company has sufficient managerial capability to provide telecommunications service in Florida.

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ISSUE 2: Should these dockets be closed?

RECOMMENDATION: Yes, these dockets should be closed upon the issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's proposed agency action files a written protest within 21 days of the issuance date of the proposed agency action. (Elliott)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the order, this docket should be closed upon the issuance of the consummating order.