

State of Florida



Public Service Commission  
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** MARCH 21, 2002

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

**FROM:** OFFICE OF THE GENERAL COUNSEL (A. TEITZMAN) *AT ALL*  
DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (T. *[Signature]*  
WILLIAMS) *[Signature]*

**RE:** DOCKET NO. 011676-TX - APPLICATION FOR CERTIFICATE TO  
PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS  
SERVICE BY COLMENA INC.

**AGENDA:** 04/02/02 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\011676.RCM

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**CASE BACKGROUND**

On December 27, 2001, Colmena Corp. filed an application for a certificate to provide Alternative Local Exchange Telecommunications (ALEC) service with this Commission. The Commission approved the application at the February 19, 2002 Agenda Conference. Order No. PSC-02-0227-PAA-TX was issued on February 22, 2002, granting Colmena Inc. ALEC Certificate No. 8047, to memorialize the Commission's vote.

On February 23, 2002, a representative of Colmena Corp. contacted staff stating the order listed the corporate name incorrectly. Subsequently, staff retraced the application process and found that staff had requested the change of the company's listed corporate name from Colmena Corp. to Colmena Inc. in order for the proposed certificated name to match the name registered with the Secretary of State. Upon further examination, staff

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discovered that due to a clerical error, the documentation from the Secretary of State did not accurately reflect the company in question. Therefore, staff sought to obtain the proper documentation for the company.

Staff discovered that the name listed in the application was not accurate, because as a foreign corporation, Colmena Corp. was registered to do business in Florida as Colmena Corp. of Delaware. Staff contacted Colmena Corp. to advise of its finding.

On February 27, 2002, staff received a letter from Kenneth Jacobi as authorized representative of Colmena Corp. protesting Order No. PSC-02-0227-PAA-TX, stating the order incorrectly listed the corporate name. Further, the letter stated that the application, as filed, had an error in the corporate name. Therefore, staff believes that the following recommendations are appropriate.

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

#### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission grant Colmena Corp. of Delaware a certificate to provide alternative local exchange service.

**RECOMMENDATION:** Yes. Colmena Corp. of Delaware should be granted Alternative Local Exchange Certificate No. 8047 to operate within Florida.

**STAFF ANALYSIS:** As stated in the case background, due to a clerical error, the company's name was not reflected correctly in the application and staff's recommendation. Therefore, staff recommends that the Commission grant Colmena Corp. of Delaware Alternative Local Exchange Certificate No. 8047, to operate within Florida.

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**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** If the Commission approves staff's recommendation on Issue 1, the proposed agency action shall become final and effective upon the issuance of a consummating order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of this order. If no protest to the proposed agency action is filed within 21 days of the date of issuance of the order, this docket should be closed administratively upon issuance of the Consummating Order.

**STAFF ANALYSIS:** At the conclusion of the protest period, if no protest is filed, this docket should be closed upon the issuance of a consummating order.