

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for
certificate to provide
interexchange telecommunications
service by Nextelcom Corp.

DOCKET NO. 020146-TI
ORDER NO. PSC-02-0721-PAA-TI
ISSUED: May 24, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER APPROVING SETTLEMENT OFFER
AND
NOTICE OF PROPOSED AGENCY ACTION ORDER
GRANTING CERTIFICATE TO PROVIDE
INTEREXCHANGE TELECOMMUNICATIONS SERVICE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein regarding our granting a certificate to Nextelcom Corp. to provide interexchange telecommunications service 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.

BACKGROUND

On February 21, 2002, we received an application to provide interexchange telecommunications service (IXC) by Nextelcom Corp. In the application review process, it was discovered that an affiliate company, World Access Communications Corp. (World Access), had previously been certificated as an alternative local exchange provider (ALEC) and had its certificate canceled on April

DOCUMENT NUMBER-DATE

05556 MAY 24 02

FPSC-COMMISSION CLERK

7, 2001, in Show Cause Docket No. 010137-TX (Initiation of Show Cause Proceedings by Florida Public Service Commission for Apparent Violation of Section 364.183(1), Florida Statutes, Access to Company Records). World Access had not responded to our request for information for the annual local competition report, nor had it responded to the Show Cause Order.

By letter dated April -9, 2002, Nextelcom Corp. offered a settlement of \$7,500 to be paid within 20 days of the issuance date of the Commission Order, and an agreement to establish procedures for complying with our filing requirements and data requests.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.285, 364.335 and 364.337, Florida Statutes.

SETTLEMENT OFFER

The Commission has approved settlement offers of \$7,500 from companies in similar situations. Upon consideration we find that the terms of the settlement offer as summarized in this recommendation are fair and reasonable. Therefore, we accept Nextelcom Corp.'s offer of settlement. The \$7,500 contribution shall be received by the Commission within 20 days from the issuance date of the Commission Order and shall identify this docket number and company name. We shall forward the contribution to the Office of the Comptroller for deposit in the State of Florida General Revenue Fund pursuant to Section 364.285, Florida Statutes.

CERTIFICATE TO PROVIDE INTEREXCHANGE TELECOMMUNICATIONS SERVICES

Section 364.337(3), Florida Statutes, reads:

The Commission shall grant a certificate of authority to provide intrastate interexchange telecommunications service upon a showing that the applicant has sufficient technical, financial, and managerial capability to provide such service in the geographic area proposed to be served.

ORDER NO. PSC-02-0721-PAA-TI
DOCKET NO. 020146-TI
PAGE 3

A review of Nextelcom Corp.'s application indicates that the company appears to meet the requirements of Section 364.337(3), Florida Statutes.

Even though the Commission canceled the ALEC certificate of an affiliate company in 2001, due to its failure to respond to the data request and the Show Cause Order, we accept the company's representation that these were oversights which will not occur again. Therefore, Nextelcom Corp.'s application for certificate to provide interexchange telecommunications service is hereby granted and upon timely receipt of the \$7,500 voluntary settlement offer we grant certificate no. 8116. If the payment is not received within 20 days of the issuance of the Commission Order, the application will be denied.

If this Order becomes final and effective, it shall serve as Nextelcom Corp.'s certificate. Nextelcom Corp. should, therefore, retain this Order as proof of certification. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.337, Florida Statutes.

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

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 each December to Nextelcom Corp. for payment by January 30th. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve Nextelcom Corp. from its obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the settlement proposed by Nextelcom Corp. is hereby approved and shall

ORDER NO. PSC-02-0721-PAA-TI
DOCKET NO. 020146-TI
PAGE 4

be remitted to this Commission within 20 days of the issuance of this Order. It is further

ORDERED that if Nextelcom Corp. remits the settlement offer within 20 days from the issuance of this Order, we hereby grant Certificate No. 8116 to Nextelcom Corp., which shall authorize it to provide Interexchange Telecommunications services, subject to the terms and conditions specified in the body of this Order. It is further

ORDERED that this Order shall serve as Nextelcom Corp.'s certificate and should be retained by Nextelcom Corp. as proof of certification. 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 the Proposed Agency Action portions of this Order become final and the \$7,500 voluntary settlement is filed within 20 days from the issuance of this Order, this docket shall be closed.

ORDER NO. PSC-02-0721-PAA-TI
DOCKET NO. 020146-TI
PAGE 5

By ORDER of the Florida Public Service Commission this 24th
Day of May, 2002.

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

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

(S E A L)

LHD

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

ORDER NO. PSC-02-0721-PAA-TI
DOCKET NO. 020146-TI
PAGE 6

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 June 14, 2002.

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