

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for transfer of
and name change on ALEC
Certificate No. 8092 from Susan
R. Mulhall d/b/a Actel Wireless
to Actel Wireless, Inc.

DOCKET NO. 020949-TX
ORDER NO. PSC-02-1570-PAA-TX
ISSUED: November 14, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF AND NAME CHANGE ON
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS 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 August 26, 2002, Susan R. Mulhall d/b/a Actel Wireless and
Actel Wireless, Inc. filed with this Commission a joint request for
transfer of and name change on Alternative Local Exchange
Telecommunications (ALEC) Certificate No. 8092 from Susan R.
Mulhall d/b/a Actel Wireless to Actel Wireless, Inc.

Susan R. Mulhall d/b/a Actel Wireless and Actel Wireless, Inc.
have complied with Rule 25-24.815, Florida Administrative Code,
regarding the transfer of ALEC certificates. We find the transfer

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to be in the public interest and, therefore, approve the transfer. ALEC Certificate No. 8092 shall be amended to reflect that Actel Wireless, Inc. is the holder of this certificate.

If this Order becomes final and effective, it shall serve as Actel Wireless, Inc.'s certificate. Actel Wireless, Inc. 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.

ALEC providers are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. ALEC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

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 Susan R. Mulhall d/b/a Actel Wireless and Actel Wireless, Inc. for payment by January 30th. Neither the transfer of the certificate nor the failure to receive a RAFs Return notice shall relieve Susan R. Mulhall d/b/a Actel Wireless and Actel Wireless, Inc. from their obligation to pay RAFs the year 2002.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that the request for transfer of and name change on Alternative Local Exchange Telecommunications Certificate No. 8092 from Susan R. Mulhall d/b/a Actel Wireless to Actel Wireless, Inc., is hereby approved. It is further

ORDERED that Alternative Local Exchange Telecommunications Certificate No. 8092 shall be amended to reflect that Actel Wireless, Inc., is the holder of this certificate. It is further

ORDERED that Actel Wireless, Inc.'s Alternative Local Exchange Telecommunications Certificate No. 8092 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 Actel Wireless, Inc.'s certificate and should be retained by Actel Wireless, Inc. as proof of certification and as evidence of the name change. It is further

ORDERED that Susan R. Mulhall d/b/a Actel Wireless and Actel Wireless, Inc. shall remit Regulatory Assessment Fees for the year 2002. 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.

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By ORDER of the Florida Public Service Commission this 14th
Day of November, 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)

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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.

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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 5, 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.