

State of Florida

# Public Service Commission

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

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**DATE:** JULY 24, 2003

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

**FROM:** DIVISION OF COMPETITIVE MARKETS & ENFORCEMENT (MCCOY) *DM*  
OFFICE OF THE GENERAL COUNSEL (ROJAS) *9/12*

**RE:** DOCKET NO. 030428-TX - APPLICATION FOR CERTIFICATE TO  
PROVIDE COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS  
SERVICE BY UNIVERSAL BEEPERS EXPRESS, INC. D/B/A UNIVERSAL  
WIRELESS

**AGENDA:** 8/05/03 - REGULAR AGENDA - PROPOSED AGENCY ACTION -  
INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\030428.RCM

### CASE BACKGROUND

On July 23, 2001, this Commission granted Universal Beepers Express, Inc. d/b/a Universal Wireless (Universal), Certificate No. 7868 to provide alternative local exchange telecommunications service in Florida. On November 15, 2002, the certificate was canceled in Docket No. 020636-TX. The company failed to respond to Order No. PSC-02-1337-PAA-TX, which required payment of the past due Regulatory Assessment Fees (RAFs) with statutory penalties and interest and imposed a \$500 fine.

On May 6, 2003, a docket was opened to process Universal's application for a new certificate. Included with the new application were the previously ordered past due RAFs and the imposed fine payment. The company also submitted a letter which included an apology and explanation for the regulatory oversight.

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The company also discussed, in detail, the newly established organizational procedures to prevent any future oversights of Commission compliance requirements.

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 Universal Beepers Express, Inc. d/b/a Universal Wireless, a certificate to provide competitive local exchange telecommunications service within the State of Florida as provided by Section 364.337(1), Florida Statutes?

**RECOMMENDATION:** Yes. Universal Beepers Express, Inc. d/b/a Universal Wireless should be granted:

Florida Public Service Commission Certificate No. 8383.  
(McCoy)

**STAFF ANALYSIS:** Section 364.337(1), Florida Statutes, states in part:

The commission shall grant a certificate of authority to provide competitive local exchange 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.

Universal Beepers Express, Inc. d/b/a Universal Wireless filed an application with this Commission to offer competitive local exchange telecommunications service in Florida. The application was docketed on May 6, 2003. A review of the application indicates that the company appears to meet the requirements of Section 364.337(1), Florida Statutes.

Universal's new application indicates that the company has undergone extensive managerial and personnel restructuring. The company has also hired regulatory consultants to assist with future regulatory matters. The letter submitted with the application, states, in part:

Mr. Khalil (Universal's President) has committed himself with the assistance of the aforementioned individuals, to make the necessary operational improvements, which have not only improved the efficiency and profitability of Universal Wireless, which is evidenced by the financial documents hereto attached, but these changes will also ensure that there will be no future negligent performance including any compliance issues.

Although the Commission canceled Universal's certificate in 2002, staff accepts the company's representation that these were unfortunate oversights which will not occur again. Therefore, staff recommends that the Commission grant Universal Beepers Express, Inc. d/b/a Universal Wireless a certificate to provide competitive local exchange telecommunications service in Florida.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate is active during any portion of the calendar year. A Regulatory Assessment Fee Return notice will be mailed each December to Universal for payment in January.

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

**RECOMMENDATION:** If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order. (Rojas)

**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.