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030841-VA
ORIGINAL

August 19, 2003

By Overnight Delivery

Florida Public Service Commission
Division of the Commission Clerk and
Administrative Services
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
03 AUG 20 PM 12:21
COMMISSION
CLERK

Re: Application of Cable and Wireless Americas Operations, Inc.
For Authority to Provide Alternative Access Vendor Service

Dear Sir or Madam:

Transmitted herewith on behalf of Cable & Wireless Americas Operations, Inc. ("CWA") is an application for authority to provide Alternative Access Vendor ("AAV") Service consisting of the original and six copies of the Application Form for Authority to Provide AAV Service and exhibits, together with a check for the Filing Fee in the amount of \$250.00 payable to the Commission.

Also enclosed is an additional copy of the Application that we respectfully request be receipt-stamped and returned to the undersigned in the enclosed, self-addressed overnight delivery envelope.

Please note that the Applicant respectfully requests expedited processing of this application in order to have the Application considered at the September 16, 2003 Commission meeting.

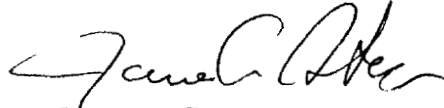
RECEIVED & FILED
TS
FPSC-BUREAU OF RECORDS

03 AUG 20 AM 9:47
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Check received with filing and forwarded
to Fiscal for deposit. Fiscal to forward
deposit information to Records.
Initials of person who forwarded check
[Signature]
DOCUMENT NUMBER-DATE
07708 AUG 20 03

In the event that there are any questions concerning the Application, please contact the undersigned directly.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Stenger". The signature is fluid and cursive, with the first name "James" being the most prominent.

James A. Stenger

Encl.
JS/lmf
cc: Tom Williams (w/encl.)

DC #149324 v1

**BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION
DIVISION OF COMPETITIVE MARKETS AND ENFORCEMENT**

**APPLICATION OF
CABLE & WIRELESS AMERICAS OPERATIONS, INC.
FOR
AUTHORITY TO PROVIDE ALTERNATIVE ACCESS VENDOR SERVICE
WITHIN THE STATE OF FLORIDA**

**Richard Rubin
James A. Stenger
Thelen Reid & Priest LLP
701 Pennsylvania Avenue, N.W.
Suite 800
Washington, D.C. 20004
(202) 508-4000**

**Counsel for
Cable & Wireless Americas Operations, Inc.**

August 19, 2003

This is an application for (check one):

Original certificate (new company).

Please see Exhibit A, Description of Applicant and Request for Expedited Processing.

Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate authority rather than apply for a new certificate.

Approval of Assignment of existing Certificate: Example, a certificated company purchases an existing company and desires to retain the existing certificate of authority and tariff.

Approval for transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

Cable & Wireless Americas Operations, Inc.

3. Name under which applicant will do business (fictitious name, etc.):

Cable & Wireless Americas Operations, Inc.

4 Official mailing address (including street name & number, post office box, city, state, zip code):

11600 Sallie Mae Drive

Reston, Virginia 20193

5. Florida address (including street name & number, post office box, city, state, zip code):

8300 NW 53rd St., Suite 206

Miami, FL 33166

6. Structure of organization:

- | | |
|--|---|
| <input type="checkbox"/> Individual | <input checked="" type="checkbox"/> Corporation |
| <input type="checkbox"/> Foreign Corporation | <input type="checkbox"/> Foreign Partnership |
| <input type="checkbox"/> General Partnership | <input type="checkbox"/> Limited Partnership |
| <input type="checkbox"/> Other, | |

7. **If individual**, provide:

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ Fax No.: _____

Internet E-Mail Address: _____

Internet Website Address: _____

8. **If incorporated in Florida**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State corporate registration number:**

9. **If foreign corporation**, provide proof of authority to operate in Florida:

(a) **The Florida Secretary of State corporate registration number:**
F03000003847

10. **If using fictitious name-d/b/a**, provide proof of compliance with fictitious name statute (Chapter 865.09, FS) to operate in Florida.

(a) **The Florida Secretary of State fictitious name registration number:**

11. **If a limited liability partnership**, please proof of registration to operate in Florida.

(a) **The Florida Secretary of State registration number:**

12. **If a partnership**, provide name, title and address of all partners and a copy of the partnership agreement.

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ **Fax No.:** _____

Internet E-Mail Address: _____

Internet Website Address: _____

13. **If a foreign limited partnership**, provide proof of compliance with the foreign limited partnership statute (Chapter 620.169, FS), if applicable.

(a) **The Florida registration number:**

14. Provide **F.E.I. Number**(if applicable): Not applicable.

15. Provide the following (if applicable):

(a) Will the name of your company appear on the bill for your services?
(X) Yes () No

Explanation: Bills may be in the name of "Cable & Wireless" rather than "Cable & Wireless Americas Operations, Inc." for efficiency purposes.

(b) If not, who will bill for your services?

Name: _____

Title: _____

Address: _____

City/State/Zip: _____

Telephone No.: _____ **Fax No.:** _____

(c) Who will the billed party contact to ask questions about the bill?

Name: Customer Service Department

Telephone Number: A Toll Free Number will be provided.

(d) How is this information provided?

Customer Service/Billing Questions Contact Information will be

shown on bills.

16. Who will serve as liaison to the Commission in regard to the following?

(a) The application:

Name: Thelen Reid & Priest LLP

Attention: Richard Rubin and James A. Stenger

Title: Attorneys

Address: 701 Pennsylvania Ave, NW, Suite 800

City/State/Zip: Washington, D.C. 20004 - 2608

Telephone No.: 202-508-4000 **Fax No.:** 202-508-4321

Internet E-Mail Address: rrubin@thelenreid.com or jstenger@thelenreid.com

Internet Website Address: www.thelenreid.com

(b) Official point of contact for the ongoing operations of the company:

Name: Cable & Wireless Americas Operations, Inc.

Attention: Rob Breuche

Title: President

Address: 909 3rd Ave. 12th Floor

City/State/Zip: New York, New York 10022

Telephone No.: 646-735-4149 **Fax No.:**

Internet E-Mail Address: rob.breuche@cw.com

Internet Website Address: www.cw.com

(c) Complaints/Inquiries from customers:

Name: Customer Service Department
Title: Account Representative
Address: 11600 Sallie Mae Drive
City/State/Zip: Reston, Virginia 20193
Or such other address to be determined.
Telephone No.: A Toll Free No. will be provided.
Fax No.: A Fax No. will be provided.
Internet E-Mail Address: An E-Mail Address will be provided.
Internet Website Address: www.cw.com

17. List the states in which the applicant:

- (a) has operated as an Alternative Access Vendor.

The Applicant is a newly-formed company that has not operated as an Alternative Access Vendor in any State. The Applicant is a wholly-owned, indirect subsidiary of Cable & Wireless plc (CWplc) as set forth in Exhibit A hereto. Other indirect subsidiaries of CWplc have operated as an Alternative Access Vendor (AAV) in FL and under the applicable regulatory classification in other States and the District of Columbia.

- (b) has applications pending to be certificated as an Alternative Access Vendor.

The Applicant has no applications pending to be certificated as an AAV or under the applicable regulatory classification in other States or the District of Columbia. The Applicant intends to file in the near future such applications as may be necessary to operate in various states.

- (c) is certificated to operate as an Alternative Access Vendor.

The Applicant is not certificated to operate in any jurisdiction as of the date of this filing. An affiliate of the Applicant has been certificated to operate as an AAV in FL and in other States under the applicable regulatory classification in those jurisdictions.

- (d) has been denied authority to operate as an Alternative Access Vendor and the circumstances involved.

The Applicant has not previously been denied authority to operate as an AAV or otherwise in any jurisdiction. The Applicant is not aware of such denial with respect to its affiliates or CWplc.

- (e) has had regulatory penalties imposed for violations of telecommunications statutes and the circumstances involved.

The Applicant has not had any regulatory penalties imposed upon it in any jurisdiction. See attached **Exhibit C, Proceedings Involving Affiliates** regarding proceedings involving affiliates of Applicant.

- (f) has been involved in civil court proceedings with an interexchange carrier, local exchange company or other telecommunications entity, and the circumstances involved.

The Applicant has not been involved in civil court proceedings with other telecommunications entities. See Exhibit C hereto regarding proceedings involving affiliates of Applicant.

18. Indicate if any of the officers, directors, or any of the ten largest stockholders have previously been:

- (a) adjudged bankrupt, mentally incompetent, or found guilty of any felony or of any crime, or whether such actions may result from pending proceedings. If so, provide explanation.

No. In addition, the Applicant is not aware of any such proceedings with respect to any of its affiliates .

- (b) an officer, director, partner or stockholder in any other Florida certificated telephone company. If yes, give name of company and relationship. If no longer associated with company, give reason why not.

See Exhibit C hereto regarding relationships with affiliates and other companies.

19. The applicant will provide the following AAV services (check all that apply):

- a. Intraexchange private line service to an affiliate.
- b. Interexchange private line service to an affiliate.
- c. Special access as part of a private line dedicated service.
- d. Special access to an IXC switched network.
- e. Private line services (Channel Services)

- DS-0, 64 kb/s
- DS-1, 1.54 Mb/s
- DS-2, 6.31 Mb/s
- DS-3, 44.76 Mb/s

Explanation: The Applicant will provide services at speeds above DS-3 and will provide such other and additional services as set forth in **Exhibit B, Description of Services**, attached hereto.

THIS PAGE MUST BE COMPLETED AND SIGNED
**** APPLICANT ACKNOWLEDGEMENT STATEMENT ****

1. **REGULATORY ASSESSMENT FEE:** I understand that all telephone companies must pay a regulatory assessment fee in the amount of .15 of one percent of the gross operating revenue derived from intrastate business. Regardless of the gross operating revenue of a company, a minimum annual assessment fee of \$50 is required.

2. **APPLICATION FEE:** I understand that a non-refundable application fee of \$250.00 must be submitted with the application.

3. **RECEIPT AND UNDERSTANDING OF RULES:** I acknowledge receipt and understanding of the Florida Public Service Commission's rules and orders relating to my provision of alternative access vendor service in Florida. I also understand that it is my responsibility to comply with all current and future Commission requirements regarding AAV service.

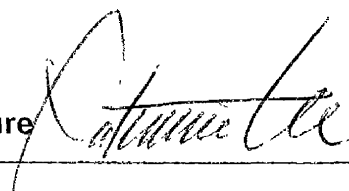
UTILITY OFFICIAL:

Patricia Y. Lee
Print Name

Secretary
Title

571-203-3236
Telephone No.

271-203-3975
Fax No.

Signature 
Date 18 August 2003

Address: 11600 Sallie Mae Drive
Reston, Virginia 20193

THIS PAGE MUST BE COMPLETED AND SIGNED

AFFIDAVIT

By my signature below, I, the undersigned officer, attest to the accuracy of the information contained in this application and attached documents and that the applicant has the technical expertise, managerial ability, and financial capability to provide alternative access vendor service in the State of Florida. I have read the foregoing and declare that, to the best of my knowledge and belief, the information is true and correct. I attest that I have the authority to sign on behalf of my company and agree to comply, now and in the future, with all applicable Commission rules and orders.

Further, I am aware that, pursuant to Chapter 837.06, Florida Statutes, "Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 and s. 775.083."

UTILITY OFFICIAL:

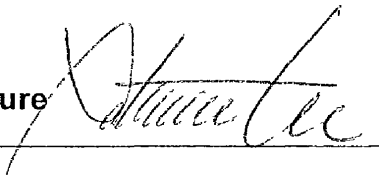
Patricia Y. Lee
Print Name

Secretary
Title

571-203-3236
Telephone No.

271-203-3975
Fax No.

Address: 11600 Sallie Mae Drive
Reston, Virginia 20193

Signature 
Date 18 August 2003

SERVICE AREA NETWORK

1. **CURRENT FLORIDA INTRASTATE SERVICES:** Applicant has () or has not (**X**) previously provided intrastate telecommunications in Florida. If the answer is has, fully describe the following:

a) What services have been provided and when did these services begin?

Explanation: The Applicant responds "not" because the Applicant has not previously provided services in FL. However, as noted in response to Question 18 above, the Applicant is an affiliate of Cable & Wireless PLC which has provided various services in FL through various affiliates.

b) If the services are not currently offered, when were they discontinued?

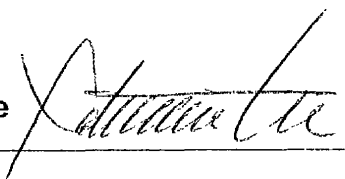
UTILITY OFFICIAL:

Patricia Y. Lee
Print Name

Secretary
Title

571-203-3236
Telephone No.

271-203-3975
Fax No.

Signature 

Date 18 August 2003

Address: 11600 Sallie Mae Drive
Reston, Virginia 20193

Exhibit A
Description of Applicant
And
Request for Expedited Processing

Description of Applicant

The Applicant herein, Cable & Wireless Americas Operations, Inc. ("Applicant"), is a newly-formed company that is a wholly-owned, indirect subsidiary of Cable & Wireless plc ("CWplc"). Attached is an Organizational Chart that shows the ownership chain between Applicant and CWplc.

CWplc, based in the United Kingdom, has been providing telecommunications services directly and indirectly through its affiliates for over one hundred years on a worldwide basis. CWplc will provide the Applicant with such managerial, technical and financial support as necessary for the Application to commence operations by October 31, 2003, subject only to the grant of this Application.

Request for Expedited Processing

Applicant respectfully requests expedited processing to enable the Application to be considered at the September 16, 2003, Commission meeting. Applicant seeks to commence operations at the earliest possible time in order to serve specific customers. Applicant is a wholly owned indirect affiliate of an established, experienced carrier and an affiliate of a currently certificated AAV provider in the State of Florida, as set forth above. As set forth in Exhibit B hereto, Applicant will provide only private line and virtual private network services to business customers and will not provide local or interexchange switched service, operator ("0") or emergency ("911") services.

Contact Information

This Application is not intended to supercede or modify any existing Certificate of Public Convenience and Necessity ("CPCN") held by any other affiliate of CWplc in this jurisdiction. In particular, please note that Cable & Wireless USA, Inc. (CWUSA), is a separate and distinct, indirect subsidiary of CWplc.

Questions concerning this Application should be addressed solely to the contact persons for the Applicant as set forth in this Application. Questions concerning CWUSA should continue to be addressed to the contact persons of record for CWUSA.

Applicant's Organizational Chart

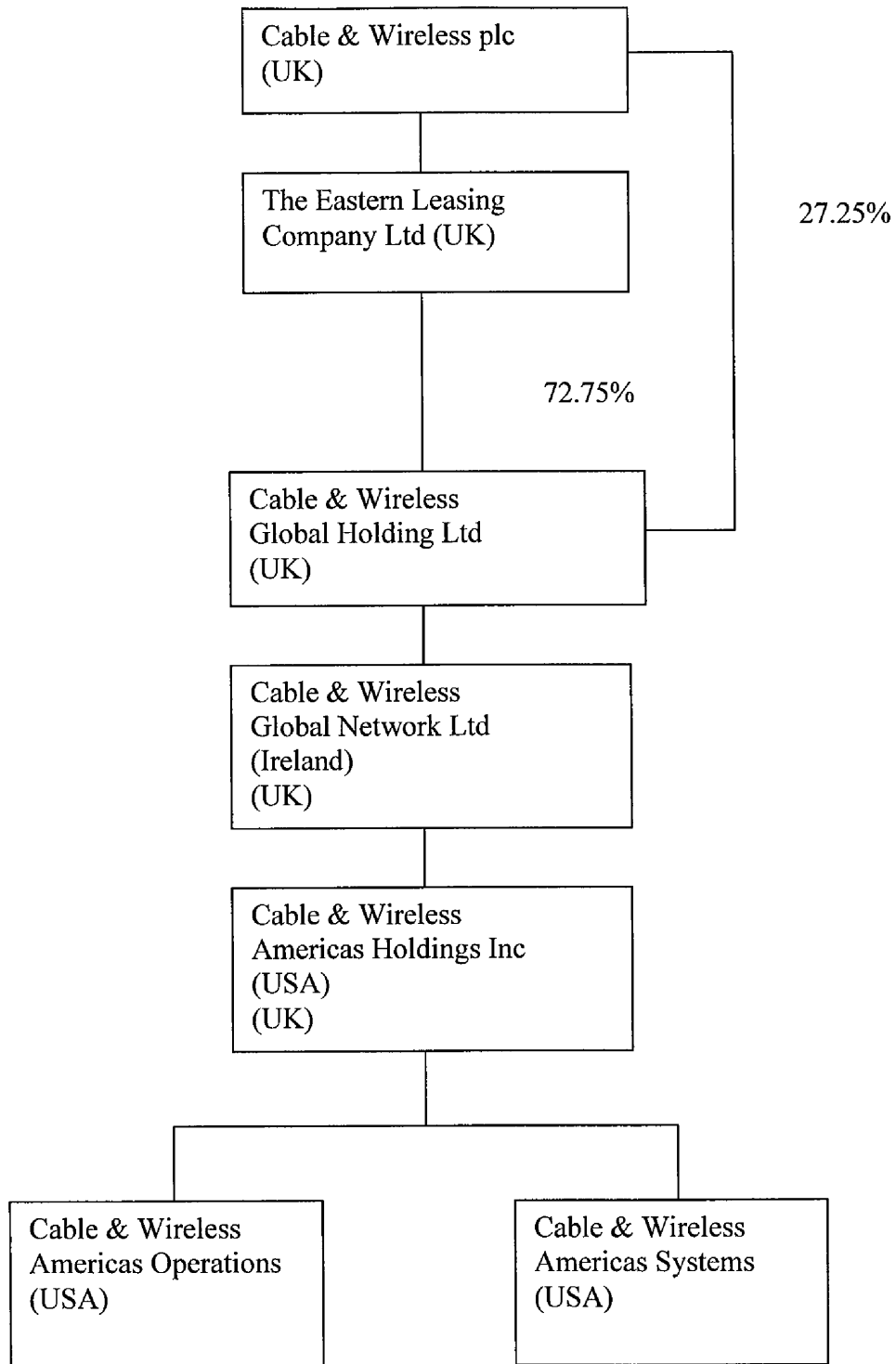


Exhibit B
Description of Services

The Applicant will provide the following types of services:

The Applicant will provide private line and virtual private network (VPN) point-to-point and point-to-multipoint service. Such service will be provided by frame relay, asynchronous transfer mode (ATM) or Internet-based VPN (IP-VPN), depending upon customer requirements and preferences. The applicant will not provide local or interexchange switched service and will not provide operator ("O") or emergency ("911") service.

Services will be provided to:

Services will be provided to business customers.

Rates and terms for services will be set forth in:

Services will be provided under private contracts individually negotiated with customers for customized and specifically tailored service packages.

Exhibit C
Proceedings Involving Affiliates

As a newly formed company, the Applicant has not been involved in disciplinary or other complaint proceedings. The Applicant is an indirect wholly owned subsidiary of Cable & Wireless plc (CWplc). Cable & Wireless USA, Inc. (CWUSA), a company currently certificated in the State of Florida as an AAV provider and elsewhere under the appropriate regulatory classification, also is an indirect subsidiary of CWplc.

The officers and directors of the Applicant are Rob Breuche, President and Director; Patricia Y. Lee, Secretary and Director; and James Palmer, Director. Patricia Lee previously served as Assistant Secretary of CWUSA.

CWplc operates on a worldwide basis and has been in operation for many years. CWUSA has operated for a number of years in the United States. The Applicant hereby provides a general overview regarding compliance issues of its US affiliate based upon such information as the applicant has been provided by that affiliate. In the event more detailed information is deemed necessary, please contact the Applicant's representative.

CWUSA settled with the Florida Office of Attorney General an investigation regarding the marketing of broadcast facsimile services in 2002.

CWUSA has been the subject of complaints and/or investigations for unauthorized switching of a customer's long-distance service. These complaints have been resolved in cooperation with the customers affected and the relevant regulatory authority. *See In the Matter of Cable & Wireless Communications, Inc. Complaint Regarding Unauthorized Change of Subscriber's Telecommunications Carrier*, 17 FCC Rcd 21714; 2002 FCC Lexis 5756 (2002)(Customer absolved from payment for service during the first thirty days after unauthorized change occurred.)

CWUSA and/or other subsidiaries of CWplc have late-filed or failed to file various required reports from time to time, have made corrective filings, and have paid any required fine for such late filing.