

State of Florida



# Public Service Commission

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**DATE:** January 7, 2005

**TO:** Hong Wang, Management Review Specialist, Commission Clerk & Administrative Services

**FROM:** Kira Scott, Attorney, Office of the General Counsel *KS*

**RE:** Docket No. 040976-TX—Application for certificate to provide competitive local exchange telecommunications service by Utility USA, Inc.

By Order No. PSC-04-1041-PAA-TX filed October 25, 2004, Utility USA, Inc. (Utility USA) was granted competitive local exchange telecommunications (CLEC) Certificate No. 8535. A letter dated October 29, 2004 was filed on November 4, 2004 by Mr. Abby Matari, CEO/Corporate Development for FLATEL, Inc. (FLATEL). In this letter Mr. Matari objected to Utility USA's certification on the basis that it was within FLATEL's best interest that Utility USA not be granted a CLEC certificate.

In an attempt to clarify FLATEL's intentions with regard to its original letter and to discern how FLATEL's substantial interests, if any, would be affected by Utility USA's certification, staff sent a letter dated December 15, 2004 to Mr. Matari. On January 3, 2005, Mr. Matari responded to staff's letter via e-mail, in which he stated that it is in the public's best interest for FLATEL to advise the Florida Public Service Commission not to issue a CLEC certificate to Utility USA. However, in a separate phone conversation with Mr. Matari, he stated that he intended his original letter of October 29, 2004 to be treated as a comment rather than a letter seeking a hearing. **Therefore, FLATEL's original letter should not be treated as a protest and this docket should be closed.**

*OK to close 1/07/05 KS*

If you should have any questions, please contact Kira Scott at 413-6216.

KS

cc: Division of Competitive Markets and Enforcement (Hawkins)  
Division of Competitive Markets and Enforcement (Kennedy)

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