

**Ruth Nettles**

080107-TX

**From:** Lacey, Charlotte [clacey@telecomcounsel.com]  
**Sent:** Wednesday, February 20, 2008 5:02 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** ETC Designation  
**Attachments:** FL ETC Filing.pdf

Please see the attached Application for Certification as an Eligible Telecommunications Carrier for Affordable Phone Services, Inc. d/b/a High Tech Communications. Thank you.

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DOCUMENT NUMBER-DATE

01332 FEB 21 8

FPSC-COMMISSION CLERK

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February 20, 2008

**VIA E-FILING**

Bob Casey, Public Utility Supervisor  
Division of Competitive Markets  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

080107-TX

Re: Affordable Phone Services, Inc. d/b/a High Tech Communications -  
ETC Designation

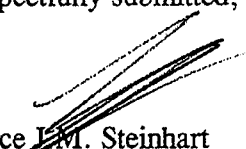
Dear Mr. Casey:

Enclosed please find for filing one original of Affordable Phone Services, Inc. d/b/a High Tech Communications' Application for Certification as an Eligible Telecommunications Carrier.

I have also enclosed an extra copy of this letter to be date-stamped and returned to me in the enclosed preaddressed, postage prepaid envelope.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me.

Respectfully submitted,

  
Lance J.M. Steinhart  
Attorney for Affordable Phone Services, Inc.  
d/b/a High Tech Communications

Enclosures

DOCUMENT NUMBER-DATE

01332 FEB 21 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

APPLICATION OF )  
AFFORDABLE PHONE SERVICES, INC. )  
D/B/A HIGH TECH COMMUNICATIONS )  
FOR CERTIFICATION AS AN ELIGIBLE )  
TELECOMMUNICATIONS CARRIER )

DOCKET NO. 080107-TX

APPLICATION FOR CERTIFICATION AS AN ELIGIBLE  
TELECOMMUNICATIONS CARRIER

Affordable Phone Services, Inc. d/b/a High Tech Communications ("High Tech" or the "Company"), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act")<sup>1</sup> and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),<sup>2</sup> and §364.10(2), and §364.025(5), Florida Statutes, hereby applies to the Florida Public Service Commission ("Commission") for certification as an Eligible Telecommunications Carrier ("ETC") throughout the BellSouth/AT&T, Embarq and Verizon service territories ("Designated Service Area") for the purpose of receiving federal universal service support. The Company is seeking only low income support, and is not requesting high cost support. As demonstrated below, High Tech satisfies all of the statutory and regulatory requirements for designation as an ETC in the Designated Service Area. Furthermore, designation of High Tech in the Designated Service Area will serve the public interest. Accordingly, High Tech respectfully requests that the Commission grant this Application.

<sup>1</sup> 47 U.S.C. § 214(e)(2).

<sup>2</sup> 47 C.F.R. §§ 54.101-54.207.

## I. Background

1. High Tech is a Florida Corporation<sup>3</sup>. Information regarding the Company's Articles of Incorporation is on file with the Commission and incorporated herein by reference. The Company was granted Certification to Operate as an Alternate Local Exchange Services Company (ALEC) in Florida which became effective on July 18, 2000 in Docket Number 000306-TX, Order Number PSC-00-1293-CO-TX. The principal office of the Company is located at 2855 SE 58<sup>th</sup> Avenue, Ocala, Florida 34471. The Company's telephone number is 877-369-0999. The Company provides local exchange and exchange access services in the Designated Service Area using a combination of resale and unbundled network elements, or unbundled network equivalents obtained through commercial agreements ("UNEs") that allows end-to-end switching delivery of calls.
2. As set forth in Section 214(e)(2) of the Act, the Commission "shall upon its own motion or upon request designate a common carrier that meets the requirements of [Section 214(e)(1)] as an eligible telecommunications carrier for a service area designated by the State commission."<sup>4</sup> Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.<sup>5</sup>

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<sup>3</sup> High Tech was organized in the State of Florida on May 1, 1993.

<sup>4</sup> 47 U.S.C. § 214(e)(2); *see* 47 C.F.R. § 54.201(b) (FCC Rules citing the Act's requirements).

<sup>5</sup> 47 U.S.C. § 214(e)(1).

3. The requirements for designation as an ETC set forth in Section 214(e)(1) are that the carrier must:

- (A) offer the services that are supported by Federal universal support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier's services (including the services offered by another eligible telecommunications carrier); and
- (B) advertise the availability of such services and the charges therefore using the media of general distribution.<sup>6</sup>

## II. High Tech Satisfies the Requirements for Designation as an ETC to Serve the Designated Service Area

4. High Tech is a common carrier as that term is defined in the Act.<sup>7</sup> The Company provides competitive local telecommunications services in the state of Florida pursuant to Order No. PSC-00-1293-CO-TX referenced above.

5. High Tech offers all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs. According to FCC Rules, facilities obtained as UNEs satisfy the requirement that an ETC provide the supported services using either its own facilities or a combination of its own facilities and resale of another carrier's services.<sup>8</sup> Accordingly, the Company satisfies the requirement set forth in Section 214(e)(1)(A).

6. The services that are supported by Federal universal support mechanisms under section 254(c) are enumerated in the rules of the Federal Communications Commission ("FCC") at 47 C.F.R. § 54.101(a)(1)-(9). These services are:

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<sup>6</sup> *Id.*

<sup>7</sup> *See* 47 U.S.C. § 153(10) ("the term 'common carrier' or 'carrier' means any person engaged as a common carrier for hire, in interstate or foreign communication by wire or radio or in interstate or foreign radio transmission of energy . . .").

<sup>8</sup> Section 54.201(f) of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to Part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart." 47 C.F.R. § 54.201(f). The term "facilities" under Section 54.201 is defined as "any physical components of the telecommunications

- a) Voice grade access to the public switched network. "Voice grade access" is defined as a functionality that enables a user of telecommunications services to transmit voice communications, including signaling the network that the caller wishes to place a call, and to receive voice communications, including receiving a signal indicating there is an incoming call. For the purposes of this part, bandwidth for voice grade access should be, at a minimum, 300 to 3,000 Hertz;
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- b) Local usage. "Local usage" means an amount of minutes of use of exchange service, prescribed by the FCC, provided free of charge to end users;
- c) Dual tone multi-frequency signaling or its functional equivalent. "Dual tone multi-frequency" (DTMF) is a method of signaling that facilitates the transportation of signaling through the network, shortening call set-up time;
- d) Single-party service or its functional equivalent. "Single-party service" is telecommunications service that permits users to have exclusive use of a wireline subscriber loop or access line for each call placed, or, in the case of wireless telecommunications carriers, which use spectrum shared among users to provide service, a dedicated message path for the length of a user's particular transmission;

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network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part." 47 C.F.R. § 54.201(e). High Tech' use of UNEs meets this definition of "facilities."

- e) Access to emergency services. "Access to emergency services" includes access to services, such as 911 and enhanced 911, provided by local governments or other public safety organizations. 911 is defined as a service that permits a telecommunications user, by dialing the three-digit code "911," to call emergency services through a Public Service Access Point (PSAP) operated by the local government. "Enhanced 911" is defined as 911 service that includes the ability to provide automatic numbering information (ANI), which enables the PSAP to call back if the call is disconnected, and automatic location information (ALI), which permits emergency service providers to identify the geographic location of the calling party. "Access to emergency services" includes access to 911 and enhanced 911 services to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems;
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- f) Access to operator services. "Access to operator services" is defined as access to any automatic or live assistance to a consumer to arrange for billing or completion, or both, of a telephone call;
- g) Access to interexchange service. "Access to interexchange service" is defined as the use of the loop, as well as that portion of the switch that is paid for by the end user, or the functional equivalent of these network elements in the case of a wireless carrier, necessary to access an interexchange carrier's network;

- h) Access to directory assistance. "Access to directory assistance" is defined as access to a service that includes, but is not limited to, making available to customers, upon request, information contained in directory listings; and
  - i) Toll limitation for qualifying low-income consumers.
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7. Upon certification as an ETC, High Tech will participate in, and offer, LifeLine and Link-Up programs to qualifying low-income consumers and publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services, as required by FCC Rules.<sup>9</sup>

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8. High Tech will advertise the availability of the above-referenced services and the charges for those services in the Designated Service Area using media of general distribution, as required by FCC Rules.<sup>10</sup>

### **III. Area for Which ETC Certification Is Requested**

12. High Tech has served and will continue to serve the exchanges where it leases UNEs or resells the services of the non-rural telephone companies in the state of Florida. High Tech does not seek certification as an ETC in any areas served by rural telephone companies.

### **IV. Granting High Tech' Application Will Serve the Public Interest**

13. Congress requires that the Commission grant competitive ETC applications in non-rural areas.<sup>11</sup> No specific public interest test is mentioned, as is the case for areas served by rural telephone companies.<sup>12</sup> Thus, the Act provides that the Commission "shall" designate High Tech as an ETC upon finding that the company meets the nine-point list of services and that it agrees to advertise the supported services throughout the Designated Service Area. Notwithstanding, the designation of High Tech as an ETC will serve the public interest.

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<sup>9</sup> See 47 C.F.R. §§ 54.401-54.417; 54.405(b)& 54.411(d)..

<sup>10</sup> See 47 C.F.R. §§ 54.201(d)(2).

<sup>11</sup> See 47 U.S.C. 214(e)(2).

<sup>12</sup> See *Id.*

14. A central purpose of the Telecommunications Act of 1996 was to “promote competition and reduce regulation ... [thereby securing] lower prices and higher quality services ... and encourage the rapid deployment of new telecommunications technologies.”<sup>13</sup>

Designation of High Tech as an ETC would further these goals. Granting ETC status to High Tech would allow the Company to obtain federal universal service support, which it will use to offer innovative telecommunications services at competitive prices to non-rural consumers in the Designated Service Area.

15. High Tech will announce and advertise telecommunications services as an ETC where it provides service in its Designated Service Area in Florida and will publicize the availability of Lifeline and Link-Up services in a manner reasonably designed to reach those likely to qualify for those services. Accordingly, more low-income Florida residents will be made aware of the opportunities afforded to them under the Lifeline and Link-Up programs and will be able to take advantage of those opportunities by subscribing to High Tech’ service.

16. High Tech will provide universal service as an ETC in all of its Designated Service Area.

17. High Tech is willing to accept carrier of last resort obligations throughout the universal service areas in which High Tech is designated as an ETC by the Commission.

18. High Tech is aware that it may seek USF funding only with respect to those customers that it serves through the use of its own facilities (including UNE-P or equivalent facilities).

19. High Tech will provide equal access to long distance carriers, to the extent to which it is able to do so.

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<sup>13</sup> The Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, 56 (1996).

20. Under FCC guidelines, an ETC Applicant must submit a five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network on a wire center-by-wire center basis throughout its proposed Designated Service Area. The only circumstance warranting deviation from this requirement is where an applicant's requested ETC serving territory would qualify it to receive no "high cost" USF support, but only "low income" USF support. Because High Tech seeks ETC designation solely for purposes of reimbursement for provision of subsidized Lifeline and Link-Up services to eligible customers, submission of a Five-Year Network Improvement Plan is not required at this time.

21. Applicant offers a local usage plan comparable to the one offered by the incumbent LEC in the service areas for which it seeks designation.

22. Under FCC guidelines, an ETC Applicant must demonstrate that it will satisfy applicable consumer protection and service quality standards. 47 CFR §54.202(a)(3); FCC ETC Order at Para 28. Applicant will satisfy all such standards. As part of its certification requirements for providing local exchange services, Applicant must abide by the service quality and consumer protection rules. In addition, Applicant commits to reporting information on consumer complaints per 1,000 lines on an annual basis consistent with the FCC's ETC Order. Applicant in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.

23. Under FCC guidelines, an ETC Applicant must demonstrate its ability to remain functional in emergency situations. 47 CFR §54.202(a)(2); FCC ETC Order at Para 25.

Since Applicant is providing service to its customers through the use of ILEC leased facilities, this arrangement allows Applicant to provide to its customers the same ability to remain functional in emergency situations as currently provided by the ILECs to their own customers, including access to a reasonable amount of back-up power to ensure functionality without an external power source, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

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24. Under FCC guidelines, an ETC Applicant must commit to provide service throughout its proposed designated service area to all customers making a reasonable request for service. FCC ETC Order at Para 22; 47 CFR §54.202(a)(1)(i). Applicant commits to provide service throughout its proposed ETC-designated service area to all customers making a reasonable request for service.

## **V. Legal Authority**

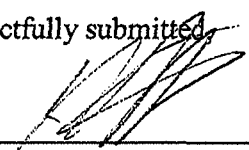
This Application is filed pursuant to 47 U.S. C. §§151 *et seq.* and § 364.10(2), and §364.025(5), Florida Statutes.

**VI. Relief Requested**

For the foregoing reasons, High Tech respectfully requests that the Commission grant its application and designate the Company as an ETC for the Designated Service Area.

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Respectfully submitted,



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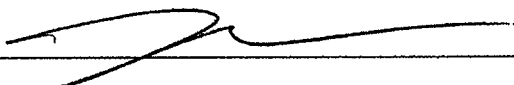
*Attorney for Affordable Phone Services, Inc. d/b/a  
High Tech Communications*

Certification:

I Joseph Fernandez certify that I am the company officer/employee responsible for this request and that I have examined/formulated the foregoing request. To the best of my knowledge, information and belief, all statements of fact contained in said request are correct statements of the business and affairs of the requesting carrier with respect to each and every matter set forth.

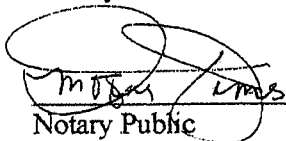
Dated 1/30/08

Telephone Number 877-369-0999

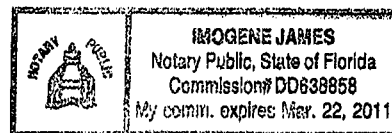
Signature 

Sworn to me, the undersigned  
Notary Public on this  
30th day of JAN, 2008

State of Florida  
County of Marion

  
Notary Public

My Commission Expires:  
3-22-2011



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