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090437-TX

From: Charlotte Lacey [clacey@telecomcounsel.com]
Sent: Thursday, September 03, 2009 5:21 PM
To: Filings@psc.state.fl.us
Subject: FL - NEW ETC FILING - ALL AMERICAN TELECOM, INC.
Attachments: AL ETC Filing.pdf

Please see the attached new ETC application for All American Telecom, Inc. Thank you.

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9/3/2009

DOCUMENT NUMBER-DATE

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September 1, 2009

**VIA OVERNIGHT DELIVERY &
ELECTRONICALLY**

Mr. Walter Thomas, Secretary
Alabama Public Service Commission
Rm. 850 RSA Building
100 N. Union Street
Montgomery, AL 36104

090437-TX

Re: All American Telecom, Inc.
ETC Designation

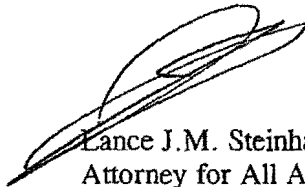
Dear Mr. Thomas:

Enclosed please find for filing an original and one (1) copy of All American Telecom, Inc.'s Application for Designation as an Eligible Telecommunications Carrier. This filing has been electronically submitted on September 1, 2009 in PDF, text searchable format.

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 All American Telecom, Inc.

Enclosures

cc: David L. Gainer, Jr.

DOCUMENT NUMBER-DATE

09228 SEP-3 8

FPSC-COMMISSION CLERK

BEFORE THE ALABAMA PUBLIC SERVICE COMMISSION

APPLICATION OF)
ALL AMERICAN TELECOM, INC.)
FOR DESIGNATION AS AN ELIGIBLE)
TELECOMMUNICATIONS CARRIER)

DOCKET NO. 090437-TX

APPLICATION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER

All American Telecom, Inc. ("All American" or the "Company"), pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act")¹ and Sections 54.101 through 54.207 of the Rules of the Federal Communications Commission ("FCC"),² hereby applies to the Alabama Public Service Commission ("Commission") for Designation as an Eligible Telecommunications Carrier ("ETC") throughout the BellSouth Telecommunications, Inc. d/b/a AT&T Alabama service territory ("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, All American satisfies all of the statutory and regulatory requirements for designation as an ETC in the Designated Service Area. Furthermore, designation of All American in the Designated Service Area will serve the public interest. Accordingly, All American respectfully requests that the Commission grant this Application.

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101-54.207.

I. Background

1. All American is a Florida corporation³ and is authorized to conduct business as a foreign corporation in the State of Alabama. Copies of the Company's Articles of Incorporation and authority to transact business in the State of Alabama are on file with the Commission and incorporated herein by reference. The Company was granted a Certificate of Public Convenience and Necessity to provide Local Exchange Telecommunications Service in State of Alabama pursuant to Report and Order issued in Docket No. 31151 dated August 28, 2009. The principal office of the Company is located at 9116 Lantern Oak Way, Land O Lakes, Florida 34638. The Company will provide local exchange and exchange access services in AT&T exchanges 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.

³ All American was incorporated in the State of Florida on February 23, 2009

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."⁴ Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.⁵

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.⁶

II. All American Satisfies the Requirements for Designation as an ETC to Serve the Designated Service Area

4. All American is a common carrier as that term is defined in the Act.⁷ The Company will provide competitive local telecommunications services in the state of Alabama pursuant to Report and Order No. issued in Docket No. 31151 referenced above.

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

⁵ 47 U.S.C. § 214(e)(1).

⁶ *Id.*

⁷ *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 . . .").

5. All American will offer all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs from AT&T. 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.⁸ 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:

- 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;
- 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;

⁸ 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 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). All American's use of AT&T's UNEs meets this definition of "facilities."

- 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;
- 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;
- 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.

7. Upon certification as an ETC, All American 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.⁹

8. All American 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.¹⁰

III. Area for Which ETC Certification Is Requested

9. All American will serve the exchanges where it leases UNEs or resells the services of the non-rural telephone companies in the state of Alabama. All American does not seek certification as an ETC in any areas served by rural telephone companies.

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

¹⁰ See 47 C.F.R. §§ 54.201(d)(2).

IV. Granting All American's Application Will Serve the Public Interest

10. Congress requires that the Commission grant competitive ETC applications in non-rural areas.¹¹ No specific public interest test is mentioned, as is the case for areas served by rural telephone companies.¹² Thus, the Act provides that the Commission "shall" designate All American 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 All American as an ETC will serve the public interest.

11. 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."¹³ Designation of All American as an ETC would further these goals. Granting ETC status to All American 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.

12. All American will announce and advertise telecommunications services as an ETC where it provides service in its Designated Service Area in Alabama 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 Alabama 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 All American's service.

¹¹ See 47 U.S.C. 214(e)(2).

¹² See *Id.*

13. All American will provide universal service as an ETC in all of its Designated Service Area.

14. All American is willing to accept carrier of last resort obligations throughout the universal service areas in which All American is designated as an ETC by the Commission.

15. All American will provide equal access to long distance carriers, to the extent to which it is able to do so.

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

16. 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 All American 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.

V. Relief Requested

For the foregoing reasons, All American respectfully requests that the Commission grant its application and designate the Company as an ETC in the Designated Service Area.

Respectfully submitted,



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Attorney for All American Telecom, Inc.

BEFORE THE
ALABAMA PUBLIC SERVICE COMMISSION

REQUEST FOR UNIVERSAL SERVICE ELIGIBLE
TELECOMMUNICATIONS CARRIER STATUS IN
THE STATE OF ALABAMA

1. State the name and mailing address of the carrier seeking Eligible Telecommunications Carrier Status in Alabama.

All American Telecom, Inc.
9116 Lantern Oak Way, Land O Lakes, Florida 34638

2. State the full name, title, address (if different than above), telephone number and facsimile number of a contact person with the requesting carrier:

David L. Gainer, Jr., Vice-President
(Telephone) (813-918-7135
(Facsimile) 813-929-0884

3. Check here to certify that the requesting carrier offers all of the following services throughout the service area requested herein.
- a. Single Party Service (or its functional equivalent) which is defined as a 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.
 - b. Voice Grade Access to the Public Switched Network which 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 purposes of Universal Service, voice grade access shall occur in the frequency range between approximately 500 hertz and 4,000 hertz for a bandwidth of approximately 3,500 hertz.

- c. Local Usage, which is defined to mean an amount of minutes of use of exchange service, provided free of charge to end users as prescribed by the FCC.
- d. Dual tone, multi-frequency signaling (or its functional equivalent) which is defined as a method of signaling that facilitates network efficiencies such as shorter call setup times.
- e. Access to Emergency Services, which is defined to include access to services such as 911 and Enhanced 911 (E-911) provided by local governments or other public safety organizations. 911 is specifically defined as a service that permits a telecommunications user, by dialing the three digit code 911, to call emergency services through a public safety answering point (PSAP) operated by local government. E-911 is defined as 911 service that includes the ability to provide automatic numbering identification (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 E-911 to the extent the local government in an eligible carrier's service area has implemented 911 or E-911 systems.
- f. Access to Operator Services which 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, which 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, which 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.
- i. Toll limitation services for qualifying low-income customers, which is defined to include toll blocking and toll limitation. Toll blocking allows customers to have all toll calls blocked while toll control services allow customers to limit in advance the toll usage they incur per billing cycle.

4. Check here if the requesting carrier seeks additional time to complete network upgrades needed to offer single party service, access to E-911 service, and/or toll limitation services as defined above. If additional time is requested to complete network upgrades to offer any such services, attach hereto a petition for the additional time necessary to complete those network upgrades and specify therein the services, which cannot be offered until such network upgrades are completed. The petition for additional time should be specific as to the additional time requested, the network upgrades undertaken, and should include an explanation of the exceptional circumstances which prevent the petitioning carrier from providing single party service, access to E-911 or toll limitation as applicable.
5. Check here to certify that the requesting carrier provides the services supported by the Universal Service fund through its own facilities or through a combination of its own facilities and resale of another carrier's services.
6. Check here to certify that the requesting carrier will advertise the availability of the services it has designated for Universal Service support and the charges therefore using media of general distribution.
7. Designate with specificity the service area for which the requesting carrier seeks eligible telecommunications carrier status. [NOTE: Absent a demonstration of compelling circumstances to the contrary, the Commission envisions certifying the rural incumbent local exchange carriers as the sole eligible telecommunications carriers for their existing certificated service areas. Similarly, the Commission envisions certifying the non-rural incumbent local exchange carriers as eligible telecommunications carriers for their existing certificated service areas. Although the vast majority of the alternative local exchange carriers (ALECs) certified by this Commission are authorized to provide service statewide (subject to the requirements of the Commission's September 20, 1995 Order in Joint Dockets 24499, 24472, 24030 and 24865 as well as the Commission's October 8, 1996 Order in Docket 24472), those ALECs who are actually providing service may seek to serve much smaller areas. We believe it will be appropriate to determine the service areas for such ALECs for purposes of federal Universal Service support based on their response herein.]

BellSouth Telecommunications, Inc. d/b/a AT&T Alabama service territory

State of Florida)
)
County of Pasco)

CERTIFICATION

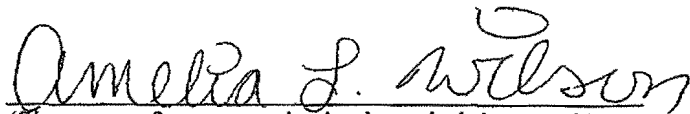
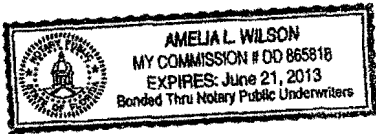
I, David L. Gainer, Jr., certify that I am the company officer/employee responsible for the request and that I have examined/formulated the foregoing request. To the best of my knowledge, information and belief, all statements of fact contained in said request are correct statements of the business and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



David L. Gainer, Jr.
Vice-President

Subscribed and sworn to before me, a Notary Public in the State and County above named, this 31 day of August 2009.

(Notary Seal)



(Signature of person authorized to administer oath)

My Commission Expires: June 21, 2013

AL - ETC

DOCUMENT NUMBER-DATE

09228 SEP-38

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