

Ruth Nettles

090437-TX

From: Charlotte Lacey [clacey@telecomcounsel.com]
Sent: Tuesday, January 12, 2010 4:30 PM
To: Filings@psc.state.fl.us
Subject: All American Telecom, Inc. - Docket No. 090437-TX
Attachments: FL ETC Data Request Responses.pdf

Please see the attached data request responses for All American Telecom, Inc. Docket No. 090437-TX. Thank you.



Charlotte Lacey, Regulatory Specialist
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1/12/2010

DOCUMENT NUMBER-DATE

00287 JAN 12 2010

FPSC-COMMISSION CLERK

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January 12, 2010

VIA ELECTRONIC FILING

Beth Salak, Director
Division of Competitive Markets & Enforcement
Florida Public Service Commission
2540 Shumard Oak Blvd.
Gunter Bldg.
Tallahassee, Florida 32399-0850
(850) 413-6770

RE: All American Telecom, Inc.
Docket No. 090437-TX

Dear Ms. Salak:

Enclosed please find original data request responses for All American Telecom, Inc.

If you have any questions regarding this matter, please do not hesitate to call me. Thank you for your attention to this matter.

Respectfully submitted,


Lance J.M. Steinhart, Esq.
Attorney for All American Telecom, Inc.

Enclosures

cc:

Bob Casey - via e-mail
Curtis Williams - via e-mail

DOCUMENT NUMBER - DATE
00287 JAN 12 2010
FPSC-COMMISSION CLERK

General Data Requests for Docket No. 090437-TX
All American Telecom, Inc. Petition for ETC Designation

1. The September 4, 2009 Petition for All American Telecom, Inc., filed with the Florida Public Service Commission (FPSC) fails to show in many instances *All American Telecom, Inc.*, but has in fact let that name specificity show {{CoAbbreviatedName}}. Please resubmit the Petition as amended with *All American Telecom, Inc.* in every instance it was omitted.

RESPONSE: The amended Petition is attached.

2. Does All American Telecom, Inc. provide Lifeline service in any other state? If so, please list the state and whether this service is provided through a wholesale local platform or through resale. In addition, have any of these state utility commissions received any complaints concerning All American Telecom, Inc. service in that state? If so, please describe.

RESPONSE: Currently All American does not provide Lifeline service in any other state.

3. Has All American Telecom, Inc. been granted or denied ETC status in any other state? If so, please list the state and docket number in which ETC status was granted or denied. Has All American Telecom, Inc. filed for ETC status in any state and subsequently withdrawn the petition? If so, please list the state and docket number.

RESPONSE: All American has not been granted ETC status in any state. No state has denied ETC status. All American has not filed for ETC status in any state and subsequently withdrawn the petition.

4. According to 47 C.F.R. 54.201(d)(1), a company must offer the services that are supported by federal universal service support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services. Please provide any resale or commercial agreements you currently have in Florida with other telecommunications carriers or signed evidence of the agreements.

RESPONSE: Please see attached Exhibit "A".

5. What facilities, planned or existing, does All American Telecom, Inc. have in Florida in order to serve Florida customers?

RESPONSE: All American does not own, operate, or provide service in the State of Florida through the use of its own facilities. Current plans call for All American to continue to provide service to its end users through resale, and to lease switched port/loop combination UNE's.

6. How many Florida residential and commercial customers does All American Telecom, Inc. presently serve? Please provide both the number of residential and business customers and the number served through UNEs and the number served through resale.

RESPONSE: Currently All American does not have any customers in Florida. We plan to go live February 1, 2010 in Florida.

7. Please provide examples of how All American Telecom, Inc. advertises or will advertise, using media of general distribution, the availability of the supported services and what the charges are for these services.

RESPONSE: All American will use television and direct mail to reach the public, (i.e. 30 sec tv ads, post cards). The cost per television ad is \$30 to \$90 each and for print media it is \$.19 to \$.35 each.

8. Does All American Telecom, Inc. provide service to its customers via a prepaid service? If so, what percentage of its customers receive their service via a prepaid service?

RESPONSE: Yes. The plan is to provide prepaid service to 100% of our customers.

9. What is the average customer bill for an All American Telecom, Inc. residential telephone customer? In your response, please include the jurisdictions that this information is obtained from, and if there are variances in the bills pertaining to Florida customers, delineate those differences.

RESPONSE: Average customer bill for an All American Telecom, Inc. residential telephone customer is \$19. Please refer to All American Telecom's tariff on file.

10. As a condition of receiving local service, are All American Telecom, Inc. residential customers required to subscribe to All American Telecom, Inc. long-distance services?

RESPONSE: No.

11. If All American Telecom, Inc. receives an ETC designation in Florida, approximately how long will it take to offer Lifeline service in the area in which it receives the ETC designation? Please elaborate on any extended or special circumstances.

RESPONSE: All American plans to provide Lifeline service within 60 days of ETC designation.

12. Describe All American Telecom, Inc.'s local usage plans pursuant to 47 C.F.R. 54.101(a)(2). If phone service is offered in a bundled package, please describe and enumerate the wireline local component (charge for local phone service) for which universal service compensation would be based on?

RESPONSE: All American Telecom, Inc.'s local usage plan consists of unlimited local calling, Caller ID, and Call Waiting. The charge for local phone service is \$19.99.

13. Describe the access All American Telecom, Inc. plans to provide to emergency services, such as 911 and enhanced 911 as defined in 47 C.F.R. 54.101(a)(5).

RESPONSE: All American Telecom, Inc. plans to provide access to emergency services, such as 911 and enhanced 911 through our incumbent local exchange agreements with underlying carriers.

14. Do All American Telecom, Inc.'s customers have access to competitive directory assistance providers, as defined as by 47 C.F.R. 54.101(a)(8).

RESPONSE: Yes.

15. Describe the toll-limitation features of All American Telecom, Inc. See 47 C.F.R. 54.101(a)(9).

RESPONSE: As a prepaid provider of residential service, All American routinely orders toll restriction, which, with the exception of toll free numbers, blocks access to all 1+ dialing patterns. Pursuant to 47 C.F.R. 54.101(a)(9), toll restriction is provided at no charge.

16. According to 47 C.F.R. 54.101(c):

A state commission may grant the Application of a telecommunications carrier that is otherwise eligible to receive universal service support under Sec. 54.201, if the party is requesting additional time to complete the network upgrades needed to provide single-party service, access to enhanced 911 service, or toll limitation. If such Application is granted, the otherwise eligible communications carrier will be permitted to receive universal service support for the duration of the period designated by the state commission.

If you will be making such a request, what time frame will be necessary for All American Telecom, Inc. to accomplish these network upgrades? Please include in your response all areas for which you are seeking ETC designation.

RESPONSE: Not applicable.

17. Does All American Telecom, Inc. have any outstanding complaints at the Federal Communications Commission? If yes, please provide a synopsis of these complaints.

RESPONSE: No.

18. Does All American Telecom, Inc. understand that any resold Lifeline, Link-Up, or TLS service purchased through another carrier cannot be claimed by All American Telecom, Inc. as access lines eligible for reimbursement from USAC?

RESPONSE: All American understands that any resold Lifeline, Link-Up or TLS service purchased through another carrier cannot be claimed by All American as access lines eligible for reimbursement from USAC.

19. Please provide All American Telecom, Inc.'s corporate structure.

RESPONSE: Please see attached Exhibit "B".

20. Please provide a list of All American Telecom, Inc.'s owners and corporate officers and indicate if any are also owners, corporate officers, or employees of any other Telecommunications Companies.

RESPONSE: Please see attached Exhibit "B". All American Telecom, Inc.'s owners and corporate officers are not owners, corporate officers, or employees of any other Telecommunications Company.

21. How many employees does All American Telecom, Inc. have? Please list each employee and his/her job duties.

RESPONSE: All American Telecom, Inc. currently has 2 employees and plan to hire 2 prior to February 1, 2010. Current employees are Deagetha Burden, President and David Gainer, Vice President.

22. Will All American Telecom, Inc. seek TLS reimbursement from USAC if granted ETC status? If yes, provide a detailed list of the incremental costs it will be claiming.

RESPONSE: Yes, a detailed list of the incremental costs it will be claiming is as follows:

One time installation charge	\$7.82
Monthly recurring charge	\$3.87
Cost to administer per customer/per month	\$0.50

23. Will All American Telecom, Inc. seek Link-Up reimbursement from USAC if granted ETC status? If yes, list the amount per customer All American Telecom, Inc. would be claiming.

RESPONSE: Yes, Link-Up reimbursement will be claimed in the amount of \$30.00 per customer, or the highest amount allowable.

24. Will All American Telecom, Inc. seek Lifeline reimbursement from USAC if granted ETC status? If yes, list the amount per customer All American Telecom, Inc. would be claiming.

RESPONSE: Yes, Lifeline reimbursement will be claimed in the amount of \$13.50 per customer, per month, or the highest amount allowable.

25. Does All American Telecom, Inc. provide service to customers using bundled packages? If so, will All American Telecom, Inc. provide the \$13.50 Lifeline discount to any bundle a Lifeline customer chooses?

RESPONSE: Yes, service is provided in bundled packages, and Lifeline discounts will apply to any bundle that a customer chooses.

26. Does All American Telecom, Inc. understand that Florida ETCs provide a non-reimbursable \$3.50 credit per month to each Lifeline customer's bill in addition to the Federal \$10.00 reimbursement credit?

RESPONSE: Yes, All American understands that Florida ETCs provide a non-reimbursable \$3.50 credit per month to each Lifeline customer's bill in addition to the Federal \$10.00 reimbursement credit.

27. Does All American Telecom, Inc. understand that Florida's Lifeline program provides that if a Lifeline customer is no longer eligible for Lifeline, the ETC must provide a 30% monthly discount off its local rate to that customer for a period of 12 months at the ETCs expense?

RESPONSE: Yes, All American understands that Florida's Lifeline program provides that if Lifeline customer is no longer eligible for Lifeline, the ETC must provide a 30% monthly discount off its local rate to that customer for a period of 12 months at the ETCs expense.

28. Please provide All American Telecom, Inc.'s purpose for requesting ETC status in Florida. What does the company hope to achieve? Why not just purchase resale Lifeline access lines from your underlying carrier if the purpose of ETC designation is solely to provide Lifeline and Link-Up?

RESPONSE: All American's purpose for requesting ETC status in Florida is to service a public interest group that has been neglected by the main carriers. All American will make more eligible consumers aware of the Lifeline and Link-Up programs, and provide such service at a discounted rate, by applying the credit amounts, and the additional \$3.50 Florida ETC credit.

If a company provisions via resale and puts the asg usoc codes on the resale order then AT&T can identify a life line customer and market directly to them.

29. If All American Telecom, Inc. will not be using its own facilities to provide Lifeline Service, please provide the name of All American Telecom, Inc.'s underlying carriers.

RESPONSE: Currently All American Telecom, Inc. has an ICA with AT&T.

30. Is All American Telecom, Inc. currently providing Lifeline service in Florida to consumers using resold access lines from its underlying carrier? If so, how many Lifeline customers are being served?

RESPONSE: Currently All American Telecom, Inc. does not provide Lifeline service in Florida to consumers using resold access lines from its underlying carrier. Our plan is to go live with these services February 1, 2010.

31. Will All American Telecom, Inc. be using any type of VoIP service to provide service to Lifeline customers?

RESPONSE: No.

32. Does All American Telecom, Inc. provide wireless services to customers? If so, does All American Telecom, Inc. plan on offering wireless services to Lifeline customers?

RESPONSE: No.

33. Please provide All American Telecom, Inc.'s most current financial statements including Balance Sheet and Profit and Loss. Please indicate who prepared the statements.

RESPONSE: Please see attached exhibit "C". These statements were compiled from All American Telecom, Inc.'s intuit quick books records.

34. Please provide copies of all Federal and State of Florida income tax and/or corporate filings made on behalf of All American Telecom, Inc. for the last three years.

RESPONSE: All American Telecom, Inc. was established February 23, 2009 and will only have tax filings for 2009. Currently those tax documents have not been filed but will forward to the Florida Commission once they are filed.

35. Has All American Telecom, Inc. or any owners, officers, or managers of All American Telecom, Inc. been involved in any bankruptcy proceedings? If so, please provide details as to who, when, and where the bankruptcy occurred.

RESPONSE: No.

36. Have any owners, officers, or managers of All American Telecom, Inc. been charged or convicted of a criminal offense? If so, please provide details as to who, when, and where the charges or convictions occurred.

RESPONSE: No.

37. Please identify all civil litigation in which a All American Telecom, Inc. owner, officer, or manager has been deposed or has been a plaintiff, a defendant, or a witness.

RESPONSE: None.

38. All American Telecom's Web site (<http://www.allamericantelecom.net/Promotions.html>) contains the following paragraph:

For more information about the Lifeline\Link-Up government program, visit www.lifeline.gov on the web or call 1-888-CALL-FCC. If you are already participating in the Lifeline program, you are already eligible and your service provider will change to a carrier distributed through LifeConnex on our Special Promotions. Simply call 1-866-763-5195 for details. If you have received this form outside of Florida or Alabama, please call for correct information. Only one lifeline discount is available per household.

Please explain in detail what is meant by "...your service provider will change to a carrier distributed through LifeConnex on our Special Promotions."

Please describe in detail the relationship between LifeConnex and All American Telecom, Inc.

RESPONSE: All American Telecom, Inc. has no relationship with LifeConnex. The owners/officers of All American Telecom, Inc. are familiar with the owners/officers of LifeConnex. The statement on All American's web site was done in error. The web designer who prepared LifeConnex's site also prepared All American's site. It has been corrected on the web site.

39. All American Telecom, Inc.'s Web site also contains the following information for Florida:

FLORIDA - *\$14.95 per month is based upon qualified Lifeline Assistance deductions. Offer includes local calling, 60 minutes of long distance call time, Caller ID, and Call Waiting. Additional fee and tax apply.

Please list what additional fees and taxes would apply and the amount of each.

RESPONSE: The additional fees would be an FCC fee of \$6.50 and taxes will average 10% of \$14.95 which includes state and other municipalities.

40. All American Telecom, Inc.'s Web site also contains the following information on its home page:

If you were previously unable to subscribe to phone and Internet services through traditional sources due to bad credit or lack of funds required for a large deposit, we have a solution. All American Telecom, Inc. will provide these services through the wonderful new Government programs that we help maintain with each state's regulatory commission. We will make available many services to customers with such needs, such as: prepaid home dial tone, prepaid long distance, and in the near future prepaid internet and prepaid cellular.

Will prepaid internet and prepaid cellular be available to Lifeline customers? If so, describe in detail who will be providing the prepaid internet and prepaid cellular for All American Telecom, Inc.'s offering.

RESPONSE: Prepaid internet and prepaid cellular are services we plan to offer to Lifeline customers in the future. At that time we will negotiate with agents or carriers to provide these services.

41. Please describe in detail the relationship between PriceRight Communications and All American Telecom, Inc.

RESPONSE: There is no relationship between Price Right Communications and All American Telecom, Inc. and never has been.

42. Will All American Telecom, Inc. be outsourcing any services required to be provided by an ETC? If so, please list what services and the name of the company which will handle those services.

RESPONSE: No.

43. Will All American Telecom, Inc. be using a call center for customer services? If so, where is the call center located and what will be the name of the company handling the calls.

RESPONSE: Initially All American Telecom, Inc will provide customer service. As we grow we will reassess our needs and investigate contracting with a call center at that time.

44. A reference letter included with the petition is provided by Tobey Lynn Brashears of 321 Communications. Is Tobey Lynn Brashears also known as Tobey L. Solt? If so, is she related to Lenny Solt of LifeConnex Telecom?

RESPONSE: Tobey Lynn Brashears has known Deagetha Burden for several years. Tobey L. Solt is Tobey Lynn Brashears which Brashears is her maiden name and she uses most of the time. Tobey is also related to Lenny Solt of LifeConnex Telecom.

45. Will 321 Communications be providing any services to All American Telecom, Inc.? If so, please describe in detail what services it will provide.

RESPONSE: All American Telecom is currently negotiating/investigating the services of 321 Communications, E Toll Free, and Reunion and will determine who to contract with prior to February 1, 2010.

46. All American Telecom, Inc. states it is contracting with Lost Key Telecom and Database Engineer's to assist in provisioning orders. Please provide a copy of each of those contracts.

RESPONSE: All American Telecom, Inc. is still negotiating with Lost Key Telecom. All American Telecom, Inc. currently has no plans to contract with Database Engineer's to assist in provisioning orders.

MFN AGREEMENT

This MFN Agreement ("MFN Agreement"), which shall be filed with and is subject to approval by the State Commission and shall become effective ten (10) days after approval by such Commission ("Effective Date"), is entered into by and between All American Telecom, Inc. ("CLEC"), a Florida Corporation on behalf of itself, and BellSouth Telecommunications, Inc. d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee, ("AT&T"), having an office at 675 W. Peachtree Street, Atlanta, Georgia, 30375, on behalf of itself and its successors and assigns.

WHEREAS, the Telecommunications Act of 1996 (the "Act") was signed into law on February 8, 1996; and

WHEREAS, CLEC has requested that AT&T make available the Interconnection Agreement in its entirety executed between AT&T and Image Access, Inc. d/b/a NewPhone, Inc. dated March 20, 2006 for the State Florida ("Interconnection Agreement");

WHEREAS, pursuant to Section 252(j) of the Act, for purposes of this MFN Agreement, CLEC has adopted the Interconnection Agreement for the State of Florida;

NOW, THEREFORE, in consideration of the promises and mutual covenants of this MFN Agreement, CLEC and AT&T hereby agree as follows:

1. AT&T-STATE shall be defined as the States of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.
2. CLEC and AT&T shall adopt in its entirety the Interconnection Agreement dated March 20, 2006 and any and all amendments to said Interconnection Agreement executed and approved by the appropriate state regulatory commission as of the date of the execution of this MFN Agreement. The Interconnection Agreement and all amendments are attached hereto as Exhibit 1 and incorporated herein by this reference. The adoption of this Interconnection Agreement with amendment(s) consists of the following:

ITEM
Adoption Papers - All American Telecom, Inc.
Signature Page
Exhibit 1 Cover Page
Image Access, Inc. d/b/a NewPhone, Inc. Agreement
Image Access GA Rate Remand Order Amendment - Effective April 19, 2006
Image Access 2009 ICA Extension Amendment - Effective March 31, 2009

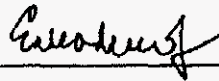
3. In the event that CLEC consists of two (2) or more separate entities as set forth in the preamble to this MFN Agreement, all such entities shall be jointly and severally liable for the obligations of CLEC under this MFN Agreement.
4. The term of this MFN Agreement shall be from the Effective Date as set forth above and shall expire as set forth in Section 2 of the General Terms and Conditions of the Interconnection Agreement. For the purposes of determining the expiration date of this MFN Agreement, the expiration date shall be April 18, 2012.
5. CLEC shall accept and incorporate any approved amendments to the Interconnection Agreement executed as a result of any final judicial, regulatory, or legislative action.
6. In entering into this MFN Agreement, the Parties acknowledge and agree that neither Party waives, and each Party expressly reserves, any of its rights, remedies or arguments it may have at law or under the intervening law or regulatory change provisions in this MFN Agreement with respect to any orders, decisions, legislation or proceedings and any remands by the FCC, state utility commission, court, legislature or other governmental body including, without limitation, any such orders, decisions, legislation, proceedings, and remands which were issued, released or became effective prior to the

DOCUMENT NUMBER 10723 OCT 20 09
FPSC-COMMISSION CLEC

All American Telecom, Inc.

BellSouth Telecommunications, Inc. d/b/a
AT&T Florida by AT&T Operations, Inc., its
authorized agent

By: 

By: 

Name: David L. Gainer Jr.

Name: Eddie A. Reed, Jr.

Title: Vice President

Title: Director-Interconnection Agreements

Date: 9-18-09

Date: 9.21.09

State of Florida



Department of State

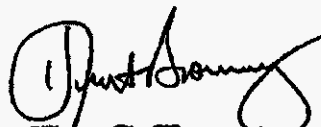
I certify the attached is a true and correct copy of the Articles of Incorporation of ALL AMERICAN TELECOM, INC., a corporation organized under the laws of the State of Florida, filed on February 23, 2009, as shown by the records of this office.

The document number of this corporation is P09000016796.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Eighteenth day of March, 2009



CR2EO22 (01-07)


Kurt S. Browning
Secretary of State

**Electronic Articles of Incorporation
For**

P09000016796
FILED
February 23, 2009
Sec. Of State
rdunlap

ALL AMERICAN TELECOM, INC.

The undersigned incorporator, for the purpose of forming a Florida profit corporation, hereby adopts the following Articles of Incorporation:

Article I

The name of the corporation is:
ALL AMERICAN TELECOM, INC.

Article II

The principal place of business address:
9116 LANTERN OAK WAY
LAND O LAKES, FL. 34638

The mailing address of the corporation is:
9116 LANTERN OAK WAY
LAND O LAKES, FL. 34638

Article III

The purpose for which this corporation is organized is:
ANY AND ALL LAWFUL BUSINESS.

Article IV

The number of shares the corporation is authorized to issue is:
2000 SHARES ISSUED @ .01 PAR VALUE

Article V

The name and Florida street address of the registered agent is:
DEAGETHA M BURDEN
9116 LANTERN OAK WAY
LAND O LAKES, FL. 34638

I certify that I am familiar with and accept the responsibilities of registered agent.

P09000016796
FILED
February 23, 2009
Sec. Of State
rdunlap

Registered Agent Signature: DEAGETHA M BURDEN

Article VI

The name and address of the incorporator is:

INCORPORATETIME.COM, INC.
173 N. MAIN STREET, SUITE 400
SAYVILLE, NY 11782

Incorporator Signature: KERRY WALSH

Article VII

The initial officer(s) and/or director(s) of the corporation is/are:

Title: D/P
DEAGETHA M BURDEN
9116 LANTERN OAK WAY
LAND O LAKES, FL. 34638

Title: T
DEAGETHA M BURDEN
9116 LANTERN OAK WAY
LAND O LAKES, FL. 34638

Title: DVP
DAVID L GAINER JR
9116 LANTERN OAK WAY
LAND O LAKES, FL. 34638

Title: S
DAVID L GAINER JR
9116 LANTERN OAK WAY
LAND O LAKES, FL. 34638

State of Florida

Department of State

I certify from the records of this office that ALL AMERICAN TELECOM, INC. is a corporation organized under the laws of the State of Florida, filed on February 23, 2009.

The document number of this corporation is P09000016796.

I further certify that said corporation has paid all fees due this office through December 31, 2009, and its status is active.

I further certify that said corporation has not filed Articles of Dissolution.

Given under my hand and the Great Seal of Florida, at Tallahassee, the Capital, this the Thirteenth day of March, 2009



Secretary of State



Authentication ID: 900145760129-031309-P09000016796

To authenticate this certificate, visit the following site, enter this ID, and then follow the instructions displayed.

<https://efile.sunbiz.org/certauthver.html>

2:33 PM
01/12/10
Accrual Basis

ALL AMERICAN TELECOM, INC.
Balance Sheet
As of December 31, 2009

	<u>Dec 31, 09</u>
ASSETS	
Current Assets	
Checking/Savings	
Bank of America 6447	45,312.65
Total Checking/Savings	<u>45,312.65</u>
Total Current Assets	<u>45,312.65</u>
TOTAL ASSETS	<u><u>45,312.65</u></u>
LIABILITIES & EQUITY	
Equity	
Capital Stock	75,000.00
Shareholder Distributions	-4,300.00
Net Income	-25,387.35
Total Equity	<u>45,312.65</u>
TOTAL LIABILITIES & EQUITY	<u><u>45,312.65</u></u>

2:33 PM

01/12/10

Accrual Basis

ALL AMERICAN TELECOM, INC.

Profit & Loss

January through December 2009

	<u>Jan - Dec 09</u>
Ordinary Income/Expense	
Expense	
Bank Service Charges	85.50
Business Licenses and Permits	3,340.00
Corporate Fees	295.00
Insurance Expense	1,750.00
Meals and Entertainment	91.26
Office Supplies	381.13
Postage and Delivery	159.97
Professional Fees	10,991.34
Telephone Expense	6,000.00
Travel Expense	
Car Rental	17.67
Entertainment	415.25
Travel Expense - Other	1,860.23
Total Travel Expense	<u>2,293.15</u>
Total Expense	<u>25,387.35</u>
Net Ordinary Income	<u>-25,387.35</u>
Net Income	<u><u>-25,387.35</u></u>

APPLICANT CERTIFICATION

State of Florida
County of Pasco

My name is Deagetha M. Burden, I am employed by All American Telecom, Inc., located at 9116 Lantern Oak Way Land O Lakes, FL 34638 as its President. I am an officer of the Company and am authorized to provide the following certifications on behalf of the Company. This certification is being given to support the Eligible Telecommunications Carrier petition filed by my Company with the Florida Public Service Commission (PSC).

Company hereby certifies the following:

1. Company will follow all Florida Statutes, Florida Administrative Rules, and Florida PSC Orders relating to Universal Service, Eligible Telecommunications Carriers, and the Florida Link-Up and Lifeline Program.
2. Company will follow all FCC rules, FCC Orders, and regulations contained in the Telecommunications Act of 1996 regarding Universal Service, ETCs, Link-Up and Lifeline, and toll limitation service.
3. Company agrees that the Florida PSC may revoke a carrier's ETC status for good cause after notice and opportunity for hearing, for violations of any applicable Florida Statutes, Florida Administrative Rules, Florida PSC Orders, failure to fulfill requirements of Sections 214 or 254 of the Telecommunications Act of 1996, or if the PSC determines that it is no longer in the public interest for the company to retain ETC status.
4. Company understands that if its petition for ETC status is approved, it will be for limited ETC status to provide Link-Up, Lifeline, and toll-limitation service only, and the Company will be eligible only to receive low-income support from the Universal Service Fund.
5. Company understands that it may only receive reimbursement from the Universal Service Administrative company (USAC) for active customer Link-Up and Lifeline access lines which are provided using its own facilities or using access lines obtained as wholesale local platform lines (formerly UNE lines) from another carrier. The Company shall not apply to USAC for reimbursement of Link-Up and Lifeline access lines obtained from an underlying carrier which already receives a Lifeline and/or Link-Up credit provided by the underlying carrier.
6. Company understands that the PSC shall have access to all books of account, records and property of all eligible telecommunications carriers.
7. Company understands that low income support reimbursed by USAC for toll limitation service is available only for the incremental costs that are associated exclusively with toll limitation service.

8. Company agrees that upon request, it will submit to the PSC a copy of Form 497 forms filed with USAC to:
Florida Public Service Commission
Division of Regulatory Analysis
2540 Shumard Oak Drive
Tallahassee, Florida 32399-0850
9. Company understands that in accordance with the Florida Lifeline program, eligible customers will receive a \$13.50 monthly discount on their phone bill, \$3.50 of which is provided by the ETC, and \$10.00 of which is reimbursable from the Federal Universal Service Fund.

I am aware that, pursuant to Section 837.06, F.S., whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree.

Matthew M. Burton

Signature

2/12/2010

Date

Matthew M. Burton

Printed Name

Business Address:

9116 Lantern Oak Way
Land O Lakes, FL 34638

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

AMENDED APPLICATION OF)	
ALL AMERICAN TELECOM, INC.)	
FOR DESIGNATION AS AN ELIGIBLE)	DOCKET NO.
TELECOMMUNICATIONS CARRIER)	

**AMENDED APPLICATION FOR DESIGNATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER**

All American Telecom, Inc. ("All American" or the "Applicant"), 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 and §364.10(2), and §364.025(5), Florida Statutes, hereby applies to the Florida Public Service Commission ("Commission") for designation as an Eligible Telecommunications Carrier ("ETC") throughout the BellSouth Telecommunications, Inc. d/b/a AT&T service territory ("Designated Service Area") for the purpose of receiving federal universal service support. A list of each rate center which the Applicant is requesting ETC status in the State of Florida is attached hereto as Exhibit 1. An Affidavit is also attached hereto as Exhibit 2 attesting that the ETC applicant will follow all Florida Statutes, Florida Administrative Rules, Florida PSC Orders, Federal Communication Commission (FCC) rules, FCC Orders, and regulations contained in the Telecommunications Act of 1996 regarding Universal Service, ETCs, Link-Up and Lifeline, and toll limitation service.. The Applicant 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.

¹ 47 U.S.C. § 214(e)(2).

² 47 C.F.R. §§ 54.101-54.207.

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.

I. Background

1. All American is a Florida corporation. A copy of the Applicant's Articles of Incorporation is on file with the Commission and incorporated herein by reference. The Applicant was granted Certification to Operate as an Alternate Local Exchange Services Company (ALEC) in Florida which became effective on June 22, 2009, in Docket Number 090167-TX, Order Number PSC-0371-PAA-TX. The principal office of the Applicant is located at 9116 Lantern Oak Way, Land O Lakes, Florida 34638. The Applicant intends to provide local exchange and exchange access services in the Designated Service Area using a combination of resale and unbundled network elements obtained through interconnection agreements that allow 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."³ Upon designation as an ETC, the carrier shall be eligible to receive universal support in accordance with Section 254 of the Act.⁴

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

⁴ 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.⁵

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.⁶ The Applicant will provide competitive local telecommunications services in the state of Florida pursuant to Order Number PSC-0371-PAA-TX referenced above.

5. All American intends to offer 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.⁷ Accordingly, the Applicant satisfies the requirement set forth in Section 214(e)(1)(A).

⁵ *Id.*

⁶ 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 . . .").

⁷ 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 UNEs, including §251 loops, or equivalents thereof, commingled with §271 elements provided pursuant to an agreement filed with the Commission pursuant to §252, meets this definition of "facilities."

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;
- 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 designation 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.⁸ The FCC has concluded that even pure resellers may qualify as an ETC and properly use universal service support for the purposes for which it was intended by offering reduced price Lifeline service.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 Designation 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 Florida. All American does not seek designation as an ETC in any areas served by rural telephone companies. All American is not requesting to provide service in any tribal areas in the State of Florida.

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

⁸ See 47 C.F.R. §§ 54.401-54.417; 54.405(b)& 54.411(d)..

⁹ See Federal-State Joint Board on Universal Service, Petition of Tracfone Wireless, Inc., 20 FCC Rcd 15095 (2005) (finding that because Lifeline support is customer-specific and is directly reflected in the price that the eligible customer pays, it is impossible for any carrier to receive a double recovery of the support).

¹⁰ See 47 C.F.R. §§ 54.201(d)(2).

¹¹ See 47 U.S.C. 214(e)(2).

¹² See *Id.*

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. All American 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 All American's service.

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

13. All American acknowledges it shall provide equal access if all other ETCs in the Designated Service Area relinquish their designations pursuant to section 214(e) of the Telecommunications Act of 1996. The FCC's ETC Order does not impose a general equal access requirement on ETC applicants at this time, but instead suggests the applicants acknowledge that an ETC applicant may be required to provide equal access to long distance carriers in their designated service area in the event that no other ETC is providing equal access within the service area. Applicant acknowledges this potential and will abide by the requirement should it occur in the future. Applicant is willing to sign an affidavit attesting to its critical responsibilities regarding carrier of last resort obligations.

14. 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. Since Lifeline support is designed to reduce the monthly cost of telecommunications services for eligible consumers, and is distributed on a per-customer basis and is directly reflected in the price that the eligible customer pays, it is assured that all support received by the carrier is used to provide Lifeline services to consumers, thus promoting Lifeline and the availability of telephone service to low income users, which is clearly in the public interest.

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

16. 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); see In the Matter of Federal-State Joint Board on Universal Service, Report and Order, CC Dkt. No. 96-45, 20 FCC Rcd 6371, para. 28 (2005) (FCC ETC Order). 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 ETC Order. Applicant in general commits to satisfying all such applicable state and federal requirements related to consumer protection and service quality standards.

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

Applicant provides 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, rerouting of traffic around damaged facilities, and the capability of managing traffic spikes resulting from emergency situations.

19. 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.

20. To the best of the Applicant's knowledge, its account is current with the FCC in regards to regulatory fees; and its account is current with the Universal Service Administrative Company in regards to universal service contributions. The Applicant is aware that there may be an audit of the use of universal service funds and that the eligible telecommunications service designation is reviewed annually by state commissions. To the best of the Applicant's knowledge, it has no outstanding complaints at the FCC.

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, All American Telecom, Inc. respectfully requests that the Commission grant its application and designate the Applicant as an ETC for the Designated Service Area.

Respectfully submitted,



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