

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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COMMISSION
CLERK

DATE: December 26, 2012

TO: Office of Commission Clerk (Cole)

FROM: Office of Telecommunications (Beard) *CB*
Office of General Counsel (Teitzman) *PT*

RE: Docket No. 120293-TX – Request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Absolute Home Phones, Inc.

AGENDA: 01/08/13 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\TEL\WP\120293.RCM.DOC

Case Background

By Order No. PSC-09-0540-PAA-TX, issued August 4, 2009, the Florida Public Service Commission (PSC or the Commission) granted Competitive Local Exchange Company (CLEC) certificate No. 8763 to Absolute Home Phones, Inc. (Absolute). By Order No. PSC-11-0334-PAA-TX, issued August 9, 2011, the PSC designated Absolute as an Eligible Telecommunications Carrier (ETC) in the State of Florida throughout the BellSouth Telecommunications, Inc. d/b/a AT&T Florida (AT&T) service area. On November 19, 2012, Absolute filed a request to relinquish its ETC status, without prejudice and with the ability to apply for ETC designation in the future for non-AT&T service areas. Absolute states that the request to relinquish its ETC status would have no adverse effect, as Absolute does not have any

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ETC customers in the State of Florida. Absolute does not wish to relinquish its CLEC certification since it plans to provide non-Lifeline service in Florida. This recommendation addresses Absolute's request for relinquishment of its ETC designation.

The Commission is vested in jurisdiction in this matter, pursuant to Section 364.10, Florida Statutes and 47 CFR §54.205.

Discussion of Issues

Issue 1: Should the Commission grant Absolute's request for relinquishment of its ETC designation in AT&T Florida's non-rural territory without prejudice?

Recommendation: Yes, the Commission should grant Absolute's request for relinquishment of its ETC designation in AT&T Florida's non-rural territory without prejudice. (Beard, Teitzman)

Staff Analysis: Federal rules allow an ETC to relinquish its ETC designation. 47 CFR §54.205 provides that:

A state commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the state commission of such relinquishment.

The PSC designated Absolute as an ETC throughout AT&T's non-rural service area. Multiple ETCs serve this area at the present time. On November 19, 2012, Absolute filed its request to relinquish its designation as an ETC in the State of Florida.

47 CFR §54.205(b) provides that:

Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the state commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The state commission shall establish a time, not to exceed one year after the state commission approves such relinquishment under this section, within which such purchase or construction shall be completed.

The requirement in 47 CFR §54.205(b) to protect existing customers is moot in this instance since Absolute has indicated it has no customers. Therefore, staff recommends that the Commission acknowledge Absolute's relinquishment of its ETC designation in AT&T Florida's non-rural territory without prejudice.

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Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency actions files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order. (Teitzman)

Staff Analysis: At the conclusion of the protest period, if no protest is filed this docket should be closed upon the issuance of a consummating order.