

State of Florida



## Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

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**DATE:** August 13, 2015

**TO:** Office of Commission Clerk (Stauffer)

**FROM:** Office of Telecommunications (Casey, Salak) *AS*  
Office of the General Counsel (Ames) *AM*

**RE:** Docket No. 150165-TX – Request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida by FLATEL, Inc.

**AGENDA:** 08/27/15 – Regular Agenda – Proposed Agency Action - Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

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### Case Background

By Order No. PSC-98-0093-FOF-TX, issued January 14, 1998, the Florida Public Service Commission (Commission) granted FLATEL, Inc. (FLATEL) certificate No. 5315. By Order No. PSC-08-0631-PAA-TX, issued September 24, 2008, in Docket No. 070683-TX, the Commission designated FLATEL as an eligible telecommunications carrier (ETC), making it eligible to receive low-income support from the Federal universal service fund for providing landline Lifeline service to Florida consumers.

On July 2, 2015, the Commission received a letter from FLATEL requesting that its landline ETC designation be relinquished in the state of Florida. In its letter, FLATEL asserts that the future for Lifeline customers is through wireless providers, and FLATEL has a wireless ETC petition for Florida pending at the FCC. This recommendation addresses FLATEL's request to relinquish its landline ETC designation in Florida.

### Discussion of Issues

**Issue 1:** Should the Commission grant FLATEL's request for relinquishment of its ETC designation in AT&T's and Verizon's non-rural service areas in Florida without prejudice?

**Recommendation:** Yes, the Commission should grant FLATEL's request for relinquishment of its ETC designation in AT&T's and Verizon's non-rural service areas in Florida without prejudice. (Casey, Ames)

**Staff Analysis:** The Commission granted ETC designation to FLATEL in the non-rural Florida service areas of AT&T and Verizon. On July 2, 2015, FLATEL filed its request to relinquish its designation as an ETC in the State of Florida.

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.

Federal rules also require state commissions to ensure that existing customers are served. 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 FLATEL has indicated it has no existing Lifeline customers. Therefore, staff recommends that the Commission grant FLATEL's request for relinquishment of its landline ETC designation in AT&T's and Verizon's non-rural service areas in Florida without prejudice.

**Issue 2:** Should this docket be closed?

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

**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.

DOCKET NO. 150165-TX  
FILED JUL 13, 2015  
DOCUMENT NO. 04359-15  
FPSC - COMMISSION CLERK

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July 2, 2015

Bob Casey  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

15 JUL 13 AM 9:35  
COMMISSION CLERK

Dear Mr. Casey,

In accordance with 47 C.F.R. 54.205, FLATEL, Inc. hereby relinquishes its ETC designation in the State of Florida.

FLATEL believes the future for Lifeline customers is through wireless providers, and FLATEL has had a pending wireless ETC petition for Florida pending at the FCC since December 14, 2012.

We presently have no Lifeline customers, so transfer of existing Lifeline customers to other remaining ETCs is moot.

Also, please note that FLATEL's address has changed. Correspondence can be delivered to PO Box 211192, Royal Palm Beach, FL 33421

Regards,



Abby Matari  
CEO