

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-

DATE: January 24, 2025

TO: Office of Commission Clerk (Teitzman)

FROM: Office of Industry Development and Market Analysis (Deas, Fogleman)^{CH}
Office of the General Counsel (Augsburger, Imig)^{AEH}

RE: Docket No. 20240150-TX – Petition for designation as an eligible telecommunications carrier in the State of Florida, by Integrated Path Communications, LLC.

AGENDA: 02/04/25 – Regular Agenda – Proposed Agency Action - Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Fay

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

On October 30, 2024, Integrated Path Communications, LLC (IPC or Company) filed a petition with the Florida Public Service Commission (FPSC or Commission) seeking designation as an eligible telecommunications carrier (ETC) for the sole purpose of providing Lifeline service to qualifying consumers in its service territory. IPC is a Competitive Local Exchange Carrier (CLEC) licensed by the Commission to provide telecommunication service in Florida since 2012. The company provides local, long distance and broadband services to consumers using its own facilities, along with resale agreements with Frontier Communications of the South (FL), LLC (Frontier) and CenturyLink Communications, LLC (CenturyLink). IPC is currently designated as an ETC providing Lifeline service in New York, Texas and Wisconsin.

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IPC is a common carrier pursuant to 47 U.S.C. § 153(11). IPC is a New York Limited Liability Company (LLC) authorized to do business as a foreign LLC in the state of Florida. IPC is a company wholly owned by Brian Shepard.

IPC asserts that it meets all applicable federal requirement for designation as a Lifeline only ETC in Florida pursuant to 47 U.S.C. § 214(e) and 47 C.F.R. § 54.201. IPC acknowledges and asserts that, if approved, it will comply with Sections 364.10 and 364.105, Florida Statutes (F.S.) and Rule 25-4.0665, Florida Administrative Code (F.A.C.), which govern Lifeline service and provide for a transitional discount for customers who no longer qualify for Lifeline.

The Commission is vested with jurisdiction in this matter pursuant to Section 214(e)(2) of the Telecommunications Act of 1996 (the Act) and Section 364.10, Florida Statutes.

Discussion of Issues

Issue 1: Should IPC be granted an ETC designation to provide lifeline service in the service areas listed in Attachment A?

Recommendation: Yes. IPC should be granted an ETC designation to provide Lifeline service in the service areas listed in Attachment A. Staff also recommends that if there is a future change of Company ownership, the new owners should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation. (Deas, Fogleman, Augspurger, Imig)

Staff Analysis: ETC designation is necessary for telecommunications companies to participate in the federal lifeline program.¹ Section 364.10, F.S. allows the Commission to approve wireline telecommunication company Lifeline ETC petitions. Federal rules outline the requirements for ETC designation.² To obtain ETC designation to provide Lifeline services, federal rules require that carriers:

- 1) Be a common carrier;
- 2) Offer the services that are supported by the federal universal support mechanisms either using its own facilities or a combination of its own facilities and resale of another carrier's services;
- 3) Advertise the availability of its Lifeline service through a media of general distribution;
- 4) Provide voice grade access to the public switch network or its functional equivalent;
- 5) Offer minutes of use for local service at no additional charge to end users;
- 6) Provide access to the emergency services available by local government or other public safety organizations; and
- 7) Provide Broadband Internet Access Service;³
- 8) Demonstrate financial and technical capability to provide Lifeline service. and
- 9) Not charge Lifeline customers a monthly number-portability charge.

¹ 47 C.F.R. § 254(e)

² 47 U.S.C. § 214(e)(1), 47 C.F.R. § 54.101, 47 C.F.R. § 54.201, and 47 C.F.R. § 54.401; While 47 C.F.R. § 54.101(a) also includes requirements addressing toll limitation services to qualifying low-income consumers, the Federal Communications Commission (FCC) in its 2012 Lifeline and Link Up Reform Order (FCC 12-11) stated that: "ETCs are not required to offer toll limitation service to low-income consumers if the Lifeline offering provides a set amount of minutes that do not distinguish between toll and non-toll calls."

³ Broadband Internet Access Service (BIAS) is defined as a mass-market retail service that provides the capability to transmit and receive data, but excluding dial-up service.

In addition, Florida law requires the following for ETC designation:

- 1) Must offer discounted transitional basic telecommunications service;⁴ and
- 2) Must participate in the Lifeline Promotion Process.⁵

IPC plans to offer all of the supported services listed under Section 254(c) of the Act through a combination of its own facilities and resale agreements with other providers. Specifically, IPC will deliver these services through its Cisco brand switching network that is located and monitored at its data operations center in Miami Florida.⁶

Financial, Managerial, and Technical Capabilities

IPC has been a local telecommunications provider in Florida for 18 years without any reported interruptions in service. The Company has operated as an ETC in three states without any ETC revocation proceedings. IPC has maintained compliance with regulatory requirements and not been subject to any FCC or Universal Service Administrative Company enforcement actions related to the Lifeline program. Finally, IPC has never filed for any form of bankruptcy relief. For these reasons, IPC has demonstrated financial, managerial, and technical qualifications necessary for ETC designation.

Public Interest

State commissions are required to find that ETC designation is in the public interest.⁷ While wireline customers represent a smaller segment of the lifeline market in Florida, ensuring competitive options for this group is essential to providing customer choice. Moreover, some customers with specific needs continue to rely on traditional landline services for essential communication needs. Following a thorough evaluation, staff determined that IPC's offerings are not only competitive but also comparable to existing services. Therefore, staff believes that granting IPC ETC designation will serve the public interest.

Conclusion

Staff has reviewed IPC's petition for ETC designation in Florida. IPC meets all the requirements for designation as an ETC. Additionally, the Company has demonstrated sufficient financial, managerial, and technical capabilities. Therefore, staff recommends IPC should be granted an ETC designation in the service territory identified in Attachment A of this recommendation. Staff further recommends that if there is a future change of Company ownership, the new owners

⁴ Section 364.105, F.S states that each ETC shall offer a residential basic local telecommunications service at 70 percent of the residential local telecommunications service rate for any Lifeline subscriber who no longer qualifies for Lifeline for a period of 1 year after the date the subscriber ceases to qualify for Lifeline .

⁵ Rule 25-4.0665(3), F.A.C. The Lifeline Promotion Process is an electronic system developed in collaboration with the Florida Department of Children and Families, ETCs and the FPSC. This system helps assist ETCs and the FPSC in providing information on how to apply for Lifeline assistance to eligible customers.

⁶ IPC is not required to obtain an approved FCC compliance plan in accordance with the 2012 Lifeline Reform Order because it meets the facilities requirement.

⁷ 47 U.S.C. § 214(e)(2).

should be required to file a petition with the Commission to demonstrate that it is in the public interest to maintain the Company's ETC designation.

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 Proposed Agency Action Order, this docket should be closed upon the issuance of a consummating order. (Augspurger, Imig)

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.

Integrated Path Communications
 Requested ETC Designation Service Areas

Interconnected Rate Centre	State	LATA	IPC Switch
Keys	FL	46017	MIASFLTDS1
Delray Beach	FL	46018	MIASFLTDS1
Jupiter	FL	46018	MIASFLTDS1
West Palm Beach	FL	46018	MIASFLTDS1
Boca Raton	FL	46018	MIASFLTDS1
Boynton Beach	FL	46018	MIASFLTDS1
Pahokee	FL	46018	MIASFLTDS1
Belle Glade	FL	46018	MIASFLTDS1
Fort Lauderdale	FL	46017	MIASFLTDS1
Deerfield Beach	FL	46017	MIASFLTDS1
Pompano Beach	FL	46017	MIASFLTDS1
Coral Springs	FL	46017	MIASFLTDS1
Hollywood	FL	46017	MIASFLTDS1
Jensen Beach	FL	46018	MIASFLTDS1
Hobe Sound	FL	46018	MIASFLTDS1
Sebastian	FL	46018	MIASFLTDS1
Fort Pierce	FL	46018	MIASFLTDS1
Vero Beach	FL	46018	MIASFLTDS1
Port St Lucie	FL	46018	MIASFLTDS1
Stuart	FL	46018	MIASFLTDS1
Indiantown	FL	46018	MIASFLTDS1
North Dade	FL	46017	MIASFLTDS1
Perrine	FL	46017	MIASFLTDS1
Miami	FL	46017	MIASFLTDS1
Homestead	FL	46017	MIASFLTDS1
Tampa Central	FL	952	CNSDFLXAMD9
Tampa North	FL	952	CNSDFLXAMD9
Zephyrhills	FL	952	CNSDFLXAMD9
Plant City	FL	952	CNSDFLXAMD9
Hudson	FL	952	CNSDFLXAMD9
Tarpon Springs	FL	952	CNSDFLXAMD9
New Port Richey	FL	952	CNSDFLXAMD9
St Petersburg	FL	952	CNSDFLXAMD9
Clearwater	FL	952	CNSDFLXAMD9
Tampa West	FL	952	CNSDFLXAMD9
Tampa East	FL	952	CNSDFLXAMD9
Tampa South	FL	952	CNSDFLXAMD9
Tallahassee	FL	953	CNSDFLXAMD9
Perry	FL	953	CNSDFLXAMD9
Greenville	FL	953	CNSDFLXAMD9
Madison	FL	953	CNSDFLXAMD9
Crawfordville	FL	953	CNSDFLXAMD9
Monticello	FL	953	CNSDFLXAMD9

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Attachment A

Cherry Lake	FL	953	CNSDFLXAMD9
Keaton Beach	FL	953	CNSDFLXAMD9
Sopchoppy	FL	953	CNSDFLXAMD9
Panacea	FL	953	CNSDFLXAMD9
Saint Marks	FL	953	CNSDFLXAMD9
Lee	FL	953	CNSDFLXAMD9