

FLORIDA PUBLIC SERVICE COMMISSION
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Tallahassee, Florida 32399-0850

MEMORANDUM

APRIL 16, 1998

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APR 13 1998

2:15
FPSC - Records/Reporting

TO : DIVISION OF RECORDS AND REPORTING [BAYO]

FROM : DIVISION OF COMMUNICATIONS [WILLIAMS] *TEW*
DIVISION OF AUDITING & FINANCIAL ANALYSIS [DRAPER] *DR*
DIVISION OF LEGAL SERVICES [PENA] *UP MB*

RE : DOCKET NO. 971427-TX; APPLICATION FOR CERTIFICATE TO
PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS
SERVICE BY JASON SALEM d/b/a SALEM DISCOUNT INSURANCE.

AGENDA : 04-28-98 - REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

PANEL : FULL COMMISSION

SPECIAL INSTRUCTIONS: I:PSC/CMU/WP/971427.RCM

CASE BACKGROUND

On October 29, 1997, the above docket for certification to provide alternative local exchange telecommunications service was opened. Since that date, the company has not submitted the required financial information to the Division of Auditing and Financial Analysis.

Therefore, staff has prepared a recommendation to deny the application as an alternative local exchange telecommunications company because of its failure to file the necessary documentation.

DOCUMENT CONTROL DATE

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Docket No. 971427-TX
April 16, 1998

STAFF DISCUSSION

ISSUE 1: Should a certificate be granted to JASON SALEM d/b/a SALEM DISCOUNT INSURANCE to provide alternative local exchange company service within the State of Florida?

RECOMMENDATION: No.

STAFF ANALYSIS: Chapter 364.337 (1), Florida Statutes states:

"Upon this act becoming a law, a party may file an application for a certificate as an alternative local exchange telecommunications company before January 1, 1996, and the commission shall conduct its review of the application and take all actions necessary to process the application. However, an application shall become effective no sooner than January 1, 1996. The commission shall grant a certificate of authority to provide alternative local exchange service upon a showing that the applicant has sufficient technical, financial and managerial capability to provide such service in the geographic area proposed to be served. In no event may an alternative local exchange telecommunications offer basic local telecommunications services within the territory served by a company subject to s364.052 prior to January 1, 2001, unless the small local exchange telecommunications company elects to be regulated under s 364.051 or provides cable television programming services directly or as video dial tone applications authorized under 47 U.S.C. s. 214, except as provided for in compliance with part II. It is the intent to grant certificates of authority under this section and that the granting of certificates not be affected by the application of any criteria other than that specifically enumerated in this subsection."

As explained in the attached April 2, 1998, memo from the Division of Auditing and Financial Analysis, staff has made numerous requests for the company's financial information. However, as of this date none has been received. Therefore, the Finance staff was unable to determine if the applicant meets the financial capability of Chapter 364.337 and recommends denying the application.

Docket No. 971427-TX
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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, if no person whose substantial interests are affected by the Commission's Proposed Agency Action files a protest within 21 days of the issuance date of the order.

STAFF ANALYSIS: This docket should be closed if no person whose substantial interests are affected by the Commission's Proposed Agency Action files a protest within 21 days of the issuance date of the order.