

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:** October 11, 2013

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

**FROM:** Office of Telecommunications (Polk, Casey) *JP*  
Office of the General Counsel (Tan) *PS*  
*TH* *M* *MM*

**RE:** Docket No. 130232-TX – Request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Unity Telecom, LLC f/k/a dPi Teleconnect, LLC.

**AGENDA:** 10/24/13 – 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\130232.RCM.DOC

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#### Case Background

By Order No. PSC-98-1506-FOF-TX, issued November 13, 1998, in Docket No. 981098-TX, the Florida Public Service Commission (PSC or Commission) granted Competitive Local Exchange Carrier Certificate No. 5751 to dPi Teleconnect, Inc. (dPi). By Order No. PSC-08-0630-PAA-TX, issued September 24, 2008, in Docket No. 080043-TX, the PSC granted Eligible Telecommunications Carrier (ETC) designation to dPi in the non-rural AT&T Florida (AT&T) and Verizon Florida (Verizon) service areas.

Docket No. 130232-TX

Date: October 11, 2013

By letter dated October 19, 2012, dPi requested that Certificate No. 5751 be amended to reflect the new corporate name, Unity Telecom, LLC, (Unity). The PSC acknowledged the name change from dPi to Unity Telecom, LLC, effective October 23, 2012.<sup>1</sup>

On August 27, 2013, Unity filed a request for relinquishment of its ETC designation in Florida. Unity noted that it is no longer providing telephone service in Florida and as of June 30, 2013, does not have any Lifeline customers.

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<sup>1</sup>Docket No. 120267-TX, Order No. PSC-12-0621-FOF-TX, issued November 19, 2012.

**Discussion of Issues**

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

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

**Staff Analysis:** The PSC granted ETC designation to Unity in the non-rural Florida service areas of AT&T and Verizon. On August 27, 2013, Unity 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 Unity has indicated it has no existing customers or Lifeline participants. Therefore staff recommends that the Commission grant Unity Telecom, LLC's request for relinquishment of its ETC designation in AT&T and Verizon's non-rural service areas in Florida without prejudice.

Docket No. 130232-TX

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

**Recommendation:** 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. (Tan)

**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.