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the issuance of the prehearing statements in the generic investigation, ICI apparently realized that another possible interpretation of the new statute was to require AAVs to get a separate certificate. Therefore, on March 18, 1991, ICI filed an application for authority to provide AAV services.

This Commission held a hearing on March 28 and 29, 1991, to hear testimony on the issues in the AAV investigation. On August 2, 1991, we issued Order No. 24877 setting forth the requirements and guidelines for AAVs that wanted to provide intrastate AAV services.

The major requirements and guidelines established in that Order are as follows:

1. All companies that want to provide AAV services shall file an application on Form CMU/PSC 31, excluding the tariff requirement.
2. AAVs may provide intraexchange private line service to an end user and its affiliates. AAVs may provide interexchange private line service to an end user and its affiliates. AAVs may provide special access to an interexchange carrier's switched network. AAVs may provide special access which is part of an end-to-end dedicated service, only between an end user and its affiliates.
3. Affiliated entities are defined as corporations, partnerships, proprietorships or other groups that hold stock in excess of 50 percent of the stock of an entity which is to be considered an "affiliated total entity".
4. No AAV shall initiate service before January 1, 1992.
5. No company shall provide intrastate bypass service unless it first obtains an AAV certificate from this Commission.
6. An AAV shall provide only dedicated service.

ICI has filed the information required by Order No. 24877. Upon review, we find it appropriate to grant ICI a certificate to provide AAV service within the State of Florida to be effective January 1, 1992. ICI shall comply with all of the provisions of Order No. 24877, as well as any rules developed during the AAV rulemaking process.

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ICI filed its petition to extend its current IXC certificate based on its interpretation of the new statutory language in Sections 364.335 and 364.337, Florida Statutes, that this Commission would decide to extend IXC certificates to authorize the provision of AAV services instead of requiring companies to obtain a new type of certificate. As is clear from our Order No. 24877, any company desiring to provide AAV services in the State of Florida must obtain a separate certificate from this Commission. Therefore, we find it appropriate to deny ICI's petition to extend its IXC Certificate No. 1565 to authorize the provision of AAV services.

If there is no protest to this proposed agency action order granting ICI a certificate to provide AAV services, these dockets shall be closed.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that Intermedia Communications of Florida, Inc., is hereby granted a certificate to provide alternate access vendor services within the State of Florida. It is further

ORDERED that Intermedia Communications of Florida, Inc., shall comply with all the provisions of Order No. 24877 and any rules promulgated for alternate access vendors in the future. It is further

ORDERED that if no protest is filed, Dockets Nos. 910126-TP and 910396-TP shall be closed.

By ORDER of the Florida Public Service Commission, this 26th day of DECEMBER, 1991.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

SFS

by: Kay Hizon
Chief, Bureau of Records

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on 1/16/92.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.