

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Applications for)
Certificates to Provide)
Alternative Local Exchange)
Telecommunications Service by)
)
)
US WEST INTERPRISE AMERICA, INC.) DOCKET NO. 960110-TX
D/B/A INTERPRISE AMERICA, INC.)
LCI INTERNATIONAL TELECOM CORP.) DOCKET NO. 960187-TX
)
) ORDER NO. PSC-96-0613-FOF-TX
) ISSUED: May 7, 1996

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE TO PROVIDE ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS SERVICES

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed in Section II of this Order is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

I. Granting of Certificate to Provide Alternative Local Exchange Telecommunications Service

Each of the entities listed in the caption of this Order (entity), filed an application for a certificate to provide alternative local exchange telecommunications service in the State of Florida. This application was filed pursuant to Section 364.337(1), Florida Statutes, which provides that no person may provide alternative local exchange telecommunications service

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without first obtaining from this Commission a certificate authorizing the provision of such service. Upon review of the applications, we have determined that each entity has sufficient technical, financial, and managerial capability to provide such service.

Accordingly, pursuant to Section 364.337(1), Florida Statutes, we grant to each entity the certificate numbers listed below permitting them to provide alternative local exchange telecommunications services statewide - except for those areas of the state (territories of earnings-regulated small LECs) that are precluded by Section 364.337(1), Florida Statutes. The entities and their certificate numbers are as follows.

| <u>NAME</u> | <u>CERTIFICATE NUMBER</u> |
|--|---------------------------|
| US West Interprise America, Inc. d/b/a Interprise America, Inc. | 4429 |
| LCI International Telecom Corp. | 4440 |

This Order, if it becomes final and effective, will serve as each entity's certificate. Each entity should retain this Order as evidence of certification by this Commission.

Alternative local exchange telecommunications providers (ALECs) are required to comply with Chapter 364, Florida Statutes, Chapters 25-22 and 25-24, Florida Administrative Code, and other Rules and Orders lawfully promulgated by this Commission.

II. 911 Service

To ensure that Florida end users are allowed high quality access to emergency services, Section 364.337(2), Florida Statutes, provides that each ALEC which provides basic local telecommunications service must provide access to 911 services. We find that the statute requires that ALECs providing basic local telecommunications services must provide access to 911 services at the same level as access provided by the local exchange company (LEC) serving the same area.

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We do not yet have specific rules on what a LEC or an ALEC must provide in terms of 911 service access. This could result in an ALEC offering access to 911 service which is inferior in some way to the 911 service access provided by the LEC in that same area. For example, a LEC might provide both automatic number identification (telephone number) and automatic location (address) information to the public service answering point while the ALEC might only provide the telephone number of the calling party. Inferior 911 access could result in death or serious injury. Although the issue of 911 access may be resolved in the number portability docket and the individual local interconnection agreements, we believe ALECs should be put on notice that 911 service must be at a level equivalent to that provided by the LEC serving that same area.

A petition protesting the proposed agency action herein with regards to one application will not prevent our proposed action from becoming final as to any other application listed in the caption of this Order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant to US West Interprise America, Inc. d/b/a Interprise America, Inc. Certificate No. 4429 and to LCI International Telecom Corp. Certificate No. 4440 to provide alternative local exchange telecommunications service, pursuant to Section 364.337(1), Florida Statutes, and as described in Section I of this Order. It is further

ORDERED that each entity shall operate under the appropriate certificate number as listed in the body of this Order. It is further

ORDERED that as an alternative local exchange company, the entities listed in the caption of this Order must provide the same access to 911 emergency services as provided by the local exchange company serving the same area, as described in Section II of this Order. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, the corresponding docket shall be closed. It is further

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ORDERED that any petition protesting any particular application shall not prevent the action proposed herein from becoming final as to any other application listed in the caption of this Order.

By ORDER of the Florida Public Service Commission, this 7th day of May, 1996.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Flynn
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

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Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on May 28, 1996.

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 substantially 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.