

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Certificate of Necessity No. 8252 by Midwestern Telecommunications, Incorporated, effective April 27, 2012.

DOCKET NO. 120147-TX
ORDER NO. PSC-12-0486-PAA-TX
ISSUED: September 21, 2012

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION
ORDER ACKNOWLEDGING CANCELLATION OF MIDWESTERN
TELECOMMUNICATIONS, INC., CLEC CERTIFICATE AND
RELINQUISHMENT OF ITS ETC DESIGNATION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein 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.

Case Background

By Order No. PSC-02-1683-PAA-TX, issued on December 3, 2002, Midwestern Telecommunications Inc., (MTI) was awarded Competitive Local Exchange Company (CLEC) certificate No. 8252.¹ By Order No. PSC-06-0750-PAA-TX, issued on September 5, 2006, MTI was designated as an Eligible Telecommunications Carrier (ETC) in the State of Florida.²

¹ See Order No. PSC-02-1683-PAA-TX, issued on December 3, 2002, in Docket No. 020323-TX, In re: Application for certificate to provide alternative local exchange telecommunications service by Midwestern Telecommunications, Incorporated.

² See Order No. PSC-06-0750-PAA-TX, issued on September 5, 2006, in Docket No. 060399-TX, In re: Petition for designation as eligible telecommunications carrier (ETC) by Midwestern Telecommunications Inc.

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On April 27, 2012, MTI filed a notice of cancellation of its CLEC Certificate. On May 4, 2012, MTI filed a notice of relinquishment of its designation as an ETC in the state of Florida. MTI is no longer providing telephone service in Florida.

We are vested with jurisdiction in this matter pursuant to Section 364.336, Florida Statutes, and 47 CFR §54.205.

Decision

Section 364.335(3), Florida Statutes, provides that a certificate of authority may be terminated by a telecommunications company by submitting notice to the Commission. On April 27, 2012, MTI filed its notice of cancellation of its Florida CLEC Certificate.

Section 364.336(1), Florida Statutes, requires that each telecommunications company licensed or operating for any part of a year shall pay regulatory assessment fees to the Commission. Since MTI's request was filed on April 27, 2012, MTI is responsible for and did pay its regulatory assessment fees for April 2012.

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.

MTI was designated as an ETC in AT&T's non-rural wire centers. Multiple ETCs currently provide service in this area. On May 4, 2012, MTI filed its request to relinquish its designation as an ETC in the state of Florida.

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 MTI has indicated it has no customers. Therefore, we acknowledge MTI's notice of cancellation of its CLEC Certificate No. 8252 and relinquishment of its ETC designation in Florida.

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 shall be closed upon the issuance of a consummating order.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Midwestern Telecommunications Inc., cancellation of its CLEC Certificate No. 8252 and relinquishment of its ETC designation in Florida, are hereby acknowledged. It is further

ORDERED that 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 shall be closed upon the issuance of a consummating order.

By ORDER of the Florida Public Service Commission this 21st day of September, 2012.



HONG WANG
Chief Deputy Commission Clerk
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 12, 2012.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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