

MEMORANDUM

March 12, 1998

RECEIVED

MAR 16 1998

9.50

FPSC - Records/Reporting

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (FENA) *KPMB*

RE: DOCKET NO. 971674-TX - APPLICATION FOR CERTIFICATE TO PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE BY KNOLOGY OF PANAMA CITY, INC. D/B/A KNOLOGY.

98-0397-FOE-TX

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER GRANTING CERTIFICATE TO PROVIDE ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES, to be issued in the above referenced docket. (Number of pages in order - 4)

KMP/anr  
 Attachment  
 cc: Division of Communications  
 I: 971674.kmp

*See 2*

*14 REC 12/0*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for  
certificate to provide  
alternative local exchange  
telecommunications service by  
Knology of Panama City, Inc.  
d/b/a Knology.

DOCKET NO. 971674-TX  
ORDER NO. PSC-98-0397-FOF-TX  
ISSUED: March 16, 1998

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JOE GARCIA  
E. LEON JACOBS, JR.

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 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.

Knology of Panama City, Inc. d/b/a Knology (Knology) has applied for a certificate to provide alternative local exchange telecommunications service, pursuant to Section 364.337, Florida Statutes. Upon review of its application, it appears that Knology has sufficient technical, financial, and managerial capability to provide such service. Accordingly, we hereby grant to Knology Certificate No. 5345 which shall authorize it to provide alternative local exchange telecommunications services throughout the State of Florida, except for the territories of earnings-regulated small local exchange companies, as set forth in Section 364.337(1), Florida Statutes.

DOCKET NO. 971674-TX

03220 MAR 16 98

ORDER NO. PSC-98-0397-FOF-TX  
DOCKET NO. 971674-TX  
PAGE 2

If this Order becomes final and effective, it shall serve as Knology's certificate. It should, therefore, be retained by Knology as proof of certification.

Alternative local exchange telecommunications providers (ALECs) are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. ALECs are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapters 25-4, Florida Administrative Code.

In addition, Section 364.33(2), Florida Statutes, requires ALECs which provide basic local telecommunications service to provide access to 911 services. This Commission has no rules specifying the 911 services that either an incumbent local exchange company (ILEC) or an ALEC must provide; however, 911 service that is inferior to that provided by the ILEC would clearly not be in the public interest. Accordingly, we find that Section 364.33(2), Florida Statutes, requires ALECs which provide basic local telecommunications services to provide at least the same level of 911 services as that provided by the ILEC serving the same area.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby grant to Knology of Panama City, Inc. d/b/a Knology Alternative Local Exchange Telecommunications Service Certificate No. 5345 subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as Knology of Panama City, Inc. d/b/a Knology's certificate and should be retained by Knology of Panama City, Inc. d/b/a Knology as proof of certification. It is further

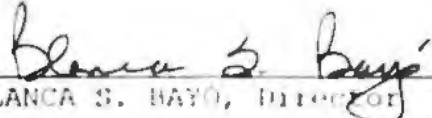
ORDERED that each alternative local exchange company which provides basic local telecommunications services shall provide at least the same level of 911 services as that provided by the incumbent local exchange company serving the same area. It is further

ORDER NO. PSC-98-0397-FOF-TX  
DOCKET NO. 971674-TX  
PAGE 3

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 16th day of March, 1998.

  
\_\_\_\_\_  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

( S E A L )

KMP

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 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.

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.

ORDER NO. PSC-98-0397-FOF-TX  
DOCKET NO. 971674-TX  
PAGE 4

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 (b), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 27, 1998.

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.