

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for transfer of  
and name change on ALEC  
Certificate No. 7101 from Rapid  
Transmit Technology, Inc. to  
WaKuL, Inc.

DOCKET NO. 001563-TX  
ORDER NO. PSC-00-2164-PAA-TX  
ISSUED: November 14, 2000

The following Commissioners participated in the disposition of  
this matter:

J. TERRY DEASON, Chairman  
E. LEON JACOBS, JR.  
LILA A. JABER  
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING TRANSFER OF AND NAME CHANGE ON ALTERNATIVE LOCAL  
EXCHANGE TELECOMMUNICATIONS CERTIFICATE

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.

By letter dated October 11, 2000, Rapid Transmit Technology,  
Inc. (Rapid Transmit) and WaKul, Inc. (WaKul) filed with this  
Commission a joint request for transfer of and name change on  
Alternative Local Exchange Telecommunications (ALEC) Certificate  
No. 7101 from Rapid Transmit to WaKul.

Rapid Transmit and WaKul have complied with Rule 25-24.815,  
Florida Administrative Code, regarding the transfer of ALEC  
certificates. We find the transfer to be in the public interest  
and, therefore, approve the transfer. ALEC Certificate No. 7101  
shall be amended to reflect that WaKul is the holder of this  
certificate.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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If this Order becomes final and effective, it shall serve as WaKul's certificate. WaKul should, therefore, retain this Order as proof of certification and as evidence of the name change.

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

In addition, Section 364.337(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 364.337(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.

Further, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to both Rapid Transmit and WaKul. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve Rapid Transmit and WaKul from their obligation to pay RAFs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for transfer of and name change on Alternative Local Exchange Telecommunications Certificate No. 7101 from Rapid Transmit Technology, Inc. to WaKul, Inc., is hereby approved. It is further

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ORDERED that Alternative Local Exchange Telecommunications Certificate No. 7101 shall be amended to reflect that WaKul, Inc., is the holder of this certificate. It is further

ORDERED that WaKul, Inc.'s Alternative Local Exchange Telecommunications Certificate No. 7101 is subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that each Alternative Local Exchange Telecommunications 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

ORDERED that this Order shall serve as WaKul, Inc.'s certificate and should be retained by WaKul, Inc. as proof of certification and as evidence of the name change. It is further


ORDERED that Rapid Transmit Technology, Inc. shall remit Regulatory Assessment Fees for the year 2000. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, 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

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

By ORDER of the Florida Public Service Commission, this 14th day of November, 2000.

  
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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 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 Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 5, 2000.

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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 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.