

Ruth Nettles

From: Angela Janssen [ajanssen@telecomcounsel.com]
Sent: Thursday, September 25, 2008 5:35 PM
To: Filings@psc.state.fl.us
Cc: Bob Casey; Curtis Williams
Subject: Express Phone Service, Inc. - Docket No. 080169-TX
Attachments: FL ETC Amendment Filing.pdf

Attached please find an Amendment to Application for Express Phone Service, Inc. - Docket No. 080169-TX

Thanks -

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09075 SEP 26 8

FPSC-COMMISSION CLERK

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September 25, 2008

VIA E-FILING

Bob Casey, Public Utility Supervisor
Division of Competitive Markets
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

Re: Express Phone Service, Inc.
Docket No. 080169-TX

Dear Mr. Casey:

Enclosed please find for filing one original of Express Phone Service, Inc.'s
Amendment to Application for Certification as an Eligible Telecommunications Carrier.

I have also enclosed an extra copy of this letter to be date-stamped and returned to me in
the enclosed preaddressed, postage prepaid envelope.

If you have any questions or if I may provide you with any additional information, please
do not hesitate to contact me.

Respectfully submitted,


Lance J.M. Steinhart
Attorney for Express Phone Service, Inc.

Enclosures

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09075 SEP 26 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

APPLICATION OF)
EXPRESS PHONE SERVICE, INC.)
FOR CERTIFICATION AS AN ELIGIBLE) DOCKET NO. 080169-TX
TELECOMMUNICATIONS CARRIER)

AMENDMENT TO APPLICATION FOR CERTIFICATION AS AN ELIGIBLE
TELECOMMUNICATIONS CARRIER

Express Phone Service, Inc. ("Express Phone" or the "Applicant"), hereby amends its application for certification as an Eligible Telecommunications Carrier (the "Application").

I. Background

Express Phone filed the Application in this Docket on March 31, 2008. The Application was supplemented by General Data Requests, as well as an Affidavit, and a letter clarifying the Designated Service Area. Express Phone is filing this Amendment to its Application in order to clarify one main point. Express Phone does not currently provide service using unbundled network elements, but intends to provide service utilizing UNE's upon certification as an ETC.

II. Amendment to Application

Based upon the foregoing, Express Phone hereby amends the Application, by deleting Sections 5. and 9. of the Application, and replacing such Sections in their entirety with the following:

5. Express Phone will offer all of the supported services enumerated under Section 254(c) using facilities obtained as UNEs. According to FCC Rules, facilities obtained as UNEs satisfy the requirement that an ETC provide the supported services using either its own facilities or a combination of its own facilities and resale of another carrier's services.¹ Accordingly, the Applicant satisfies the requirement set forth in Section 214(e)(1)(A).

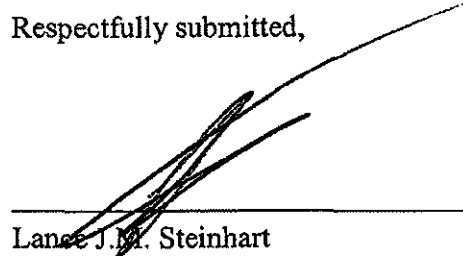
9. Express Phone will serve the exchanges where it leases UNEs or resells the services of the non-rural telephone companies in the state of Florida. Express Phone does not seek certification as an ETC in any areas served by rural telephone companies. Express Phone is not requesting to provide service in any tribal areas in the State of Florida.

¹ Section 54.201(f) of the FCC's Rules states, "[f]or the purposes of this section, the term 'own facilities' includes, but is not limited to, facilities obtained as unbundled network elements pursuant to Part 51 of this chapter, provided that such facilities meet the definition of the term 'facilities' under this subpart." 47 C.F.R. § 54.201(f). The term "facilities" under Section 54.201 is defined as "any physical components of the telecommunications network that are used in the transmission or routing of the services that are designated for support pursuant to subpart B of this part." 47 C.F.R. § 54.201(e). Express Phone's use of UNEs, including § 251 loops, or equivalents thereof, commingled with § 271 elements provided pursuant to an agreement filed with the Commission pursuant to § 252, meets this definition of "facilities."

III. Relief Requested

Express Phone respectfully requests that the Commission grant the Application, as amended herein, and designate the Applicant as an ETC for the Designated Service Area.

Respectfully submitted,



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