

State of Florida



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: February 27, 2014

TO: Office of Commission Clerk (Stauffer)

FROM: Office of Telecommunications (Beard) *CSB*
Office of the General Counsel (Tan) *TN* *AF* *WJ*

RE: Docket No. 130300-TX – Request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Express Phone Service, Inc.

AGENDA: 03/13/14 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

By Order No. PSC-00-1495-PAA-TX, issued August 18, 2000, in Docket No. 000776-TX, the Florida Public Service Commission (PSC or Commission) approved the transfer of Competitive Local Exchange Company Certificate No. 5636 to Express Phone Service, Inc. By Order No. PSC-08-0836-PAA-TX, issued December 24, 2008, in Docket No. 080169-TX, the Commission designated Express Phone Service, Inc. as an ETC in the AT&T and Verizon service areas of Florida.

By Order No. PSC-14-0054-FOF-TX, issued January 27, 2014, in Docket No. 130299-TX, the Commission granted Express Phone Service, Inc.'s request to cancel Certificate No. 5636 effective December 30, 2013. On December 31, 2013, Express Phone Service, Inc. filed a

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request for relinquishment of its ETC designation in Florida. The Commission is vested in jurisdiction in this matter, pursuant to Section 364.10, Florida Statutes and C.F.R. §54.205.

Discussion of Issues

Issue 1: Should the Commission grant Express Phone Service, Inc.'s request for relinquishment of its ETC designation in AT&T's and Verizon's service areas in Florida without prejudice?

Recommendation: Yes, the Commission should grant Express Phone Service, Inc.'s request for relinquishment of its ETC designation in AT&T's and Verizon's service areas in Florida without prejudice. (Beard, Tan)

Staff Analysis: The PSC granted ETC designation to Express Phone Service, Inc. in the non-rural Florida service areas of AT&T and Verizon. On December 31, 2013, Express Phone Service, Inc. filed a request to relinquish its designation as an ETC in the state of Florida.

Federal rules allow an ETC to relinquish its ETC designation. 47 C.F.R. §54.205(a) 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.

Federal rules also require state commissions to ensure that existing customers are served. 47 C.F.R. §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 C.F.R. §54.205(b) to protect existing customers is moot in this instance since Express Phone Service, Inc. has no existing customers and its CLEC certification has been cancelled. Therefore staff recommends that the Commission grant Express Phone Service, Inc.'s request for relinquishment of its ETC designation in AT&T and Verizon's non-rural service areas in Florida without prejudice.

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Issue 2: Should this docket be closed?

Recommendation: 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 should be closed upon the issuance of a consummating order. (Tan)

Staff Analysis: At the conclusion of the protest period, if no protest is filed this docket should be closed upon the issuance of a consummating order.