

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for) DOCKET NO. 950878-TX
certificate to provide) ORDER NO. PSC-95-1562-FOF-TX
alternative local exchange) ISSUED: December 15, 1995
telecommunications service by)
Payphone Consultants, Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING CERTIFICATE TO PROVIDE ALTERNATIVE LOCAL
EXCHANGE TELECOMMUNICATIONS SERVICES AND MANDATING LEVEL
OF 911 SERVICE

BY THE COMMISSION:

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that the action discussed in Section II of 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.

I. Granting of Certificate to Provide Alternative Local Exchange Telecommunications Service

Payphone Consultants, Inc., filed an application for a certificate to provide alternative local exchange telecommunications service, effective January 1, 1996. This application was filed pursuant to Section 364.337(1), Florida Statutes, which provides that no person may provide alternative local exchange telecommunications service without first obtaining from this Commission a certificate authorizing the provision of such service. Upon review of the application, the Commission has determined that the company has sufficient technical, financial, and managerial capability to provide such service.

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FPSC-RECORDS/REPORTING

Accordingly, pursuant to Section 364.337(1), Florida Statutes, we grant to Payphone Consultants, Inc., Certificate No. 4099 permitting them to provide alternative local exchange telecommunications services statewide - except for those areas of the state (territories of earnings-regulated small LECs) that are precluded by Section 364.337(1), Florida Statutes.

This Order, if it becomes final and effective, will serve as Payphone Consultants, Inc.'s certificate. Payphone Consultants, Inc., should retain this Order as evidence of certification by this Commission.

Alternative local exchange telecommunications providers (ALECs) may not begin operation until January 1, 1996. Companies are required to comply with Chapter 364, Florida Statutes, Chapters 25-22 and 25-24, Florida Administrative Code, and other Rules and Orders lawfully promulgated by this Commission.

II. 911 Service

To ensure that Florida end users are allowed high quality access to emergency services, Section 364.337(2), Florida Statutes, provides that each ALEC which provides basic local telecommunications service must provide access to 911 services. We find that the statute requires that ALECs providing basic local telecommunications services must provide access to 911 services at the same level as access provided by the local exchange company (LEC) serving the same area.

We have no specific rules on what a LEC or an ALEC must provide in terms of 911 service access. This could result in an ALEC offering access to 911 service which is inferior in some way to the 911 service access provided by the LEC in that same area. For example, a LEC might provide both automatic number identification (telephone number) and automatic location (address) information to the public service answering point while the ALEC might only provide the telephone number of the calling party. Inferior 911 access could result in death or serious injury. Although the issue of 911 access may be resolved in the number portability docket and the individual local interconnection agreements, we believe ALECs should be put on notice that 911 service must be at a level equivalent to that provided by the LEC serving that same area.

It is, therefore,

ORDERED by the Florida Public Service Commission that we hereby grant, to Payphone Consultants, Inc., a certificate to

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provide alternative local exchange telecommunications service, effective January 1, 1996, pursuant to Section 364.337(1), Florida Statutes, and as described in Section I of this Order. It is further

ORDERED that as an alternative local exchange company, Payphone Consultants, Inc., must provide the same access to 911 emergency services as provided by the local exchange company serving the same area, as described in Section II of this Order. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed in Section II of this Order files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 15th day of December, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Ferguson
Chief, Bureau of Records

(S E A L)

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FURTHER PROCEEDINGS OR JUDICIAL REVIEW
SECTION I

The Florida Public Service Commission is required by Section 120.59(4), 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.

Any party adversely affected by the Commission's final action in Section I of this Order may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW
SECTION II

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed in Section II of this order 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 Section II of 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 (f), 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 January 5, 1996.

In the absence of such a petition, Section II of 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

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satisfies the foregoing conditions and is renewed within the specified protest period.

If Section II of 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.