

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of CLEC Certificate No. 7031, effective May 24, 2016, and request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Budget PrePay, Inc. d/b/a Budget Phone.

DOCKET NO. 160129-TX  
ORDER NO. PSC-16-0405-PAA-TX  
ISSUED: September 22, 2016

The following Commissioners participated in the disposition of this matter:

JULIE I. BROWN, Chairman  
LISA POLAK EDGAR  
ART GRAHAM  
RONALD A. BRISÉ  
JIMMY PATRONIS

NOTICE OF PROPOSED AGENCY ACTION ORDER  
GRANTING REQUEST TO RELINQUISH  
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission (PSC or 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 (F.A.C.).

**Background**

By Order PSC-99-1116-PAA-TX, issued June 2, 1999, we granted Competitive Local Exchange Company (CLEC) certificate No. 7031 to Budget PrePay, Inc. d/b/a Budget Phone (Budget or Company.)<sup>1</sup> By Order PSC-06-0067-CO-TX, issued January 25, 2006, we designated Budget an Eligible Telecommunications Carrier (ETC) in the State of Florida.<sup>2</sup> On May 24, 2016, Budget filed a notice of cancellation of its CLEC certificate in the State of Florida and relinquishment of its designation as an ETC in the State of Florida. Budget has complied with Section 364.335(3), Florida Statutes, by providing notice in writing of its request for voluntary

<sup>1</sup> Docket No. 990476-TX, In Re: Application for certificate to provide alternative local exchange telecommunications service by Budget Phone, Inc.

<sup>2</sup> Docket No. 050483-TX, In Re: Petition for designation as eligible telecommunications carrier (ETC) by Budget Phone, Inc.

cancellation of its CLEC certificate and by submitting all Regulatory Assessment Fees that the Company must pay. The cancellation of the Company's CLEC certificate was acknowledged on August 26, 2016.

We have jurisdiction in this matter pursuant to Sections 364.10, Florida Statutes, and 47 C.F.R. §54.205.

### **Decision**

We previously granted Budget CLEC certification and ETC designation in Florida. On May 24, 2016, Budget filed its request to relinquish its designation as an ETC in the State of Florida and for cancellation of its CLEC certificate.

Federal rules allow an ETC to relinquish its ETC designation. 47 C.F.R. §54.205 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 because Budget has indicated that it has no existing Lifeline customers. Upon review, we shall grant Budget's request for relinquishment of its ETC designation in Florida.

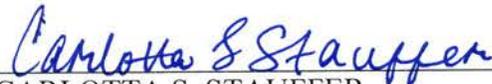
Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Budget PrePay, Inc. d/b/a Budget Phone's request to relinquish its Eligible Telecommunications Carrier designation is hereby granted. It is further

ORDERED that 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 Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 22nd day of September, 2016.



CARLOTTA S. STAUFFER  
Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, Florida 32399  
(850) 413-6770  
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

CWM

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.

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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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 13, 2016.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.