



ORIGINAL
Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

DATE: February 10, 2003
TO: Blanca Bayó, Director, Division of Commission Clerk and Administrative Services
FROM: Adam J. Teitzman, Office of the General Counsel * B/L
RE: Request for Permission from Department of Financial Services to Write-Off the RAFs for the year(s) 2001 and 2002 for Logix Communications Corporation (TJ136).

On September 4, 2002, Docket No. 020952-TI was established to address Logix Communications Corporation's (Logix Communications) failure to remit RAFs for the year(s) 2001 and 2002. By Order No. PSC-02-1566-PAA-TI, issued on November 14, 2002, the Commission approved the cancellation of Logix Communications' Interexchange Telecommunications Certificate No. 5702. The Commission further ordered that the outstanding Regulatory Assessment Fees not be sent to the Department of Financial Services for collection, but instead, that the Division of the Commission Clerk and Administrative Services should request permission to write-off the uncollectible amount.

Therefore, staff requests that Bureau of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Department of Financial Services to write-off the uncollectible RAFs for the year(s) 2001 and 2002 for Logix Communications .

AJT

cc: Jackie Knight
Paula Isler

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COMMISSION
CLERK

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DOCUMENT NUMBER-DATE

01410 FEB 11 03

FPSC-COMMISSION CLERK

**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
BUREAU OF ACCOUNTING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL
(PLEASE PRINT OR TYPE)**

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE FEBRUARY 11, 2003

PAGE 1 OF 1

CONTACT KAREN BELCHER, DIRECTOR, FISCAL SERVICES

PHONE NUMBER (850) 413-6273

FLAIR ACCOUNT CODE SAMAS ACCOUNT CODES: 61 50 2 573003 610100 00 000300

61 74 1 000331 610100 00 001200

TJ136

1. 020952-TI Logix Communications Corporation

Agency Reference # DFS use only	Last Name	First	M	Social Security #
3555 NW 58 St., Suite 900, Oklahoma City, OK 73112-4703				
Last Known Address (Include Zip)				
(405)516-8214		\$100.00	\$ 52.50	\$152.50
Home Telephone	Work Phone	Principal Amount	Penalty/Interest Amount	Total
§364.366, F.S., §350.113, F.S., Rule 25-4.0161, F.A.C			09/30/02	8
Penalty/Interest Authority			Date Debt Incurred	Debt Type
2001 and 2002 Regulatory Assessment Fees (Penalty and Interest 1999 and 2001)				
Debt Description, e.g., Drivers License, Property Damage				
Additional Information, e.g., Date of Birth, Drivers License Number, etc				

2.

Agency Reference # DFS use only	Last Name	First	M	Social Security #
Last Known Address (Include Zip)				
Home Telephone	Work Phone	Principal Amount	Penalty/Interest Amount	Total
Penalty/Interest Authority		Date Debt Incurred	Debt Type	
Debt Description, e.g., Drivers License, Property Damage				
Additional Information, e.g., Date of Birth, Drivers License Number, etc				

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation
by Florida Public Service
Commission of IXC Certificate
No. 5702 issued to Logix
Communications Corporation,
effective 9/30/02.

DOCKET NO. 020952-TI
ORDER NO. PSC-02-1566-PAA-TI
ISSUED: November 14, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION ORDER
GRANTING CANCELLATION OF INTEREXCHANGE TELECOMMUNICATIONS
CERTIFICATE DUE TO CHAPTER 11 BANKRUPTCY

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.

Logix Communications Corporation (Logix), currently holds Certificate of Public Convenience and Necessity No. 5702, issued by the Commission on September 22, 1998, authorizing the provision of Interexchange Telecommunications service.

Rule 25-4.0161, Florida Administrative Code, incorporated by Rule 25-24.480, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of Regulatory Assessment Fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and

interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

On September 4, 2002, we received notice that Logix filed for Chapter 11 bankruptcy protection. In addition, Logix requested cancellation of its Interexchange Telecommunications certificate and asked that any unpaid Regulatory Assessment Fees be written off as no funds exist.

Chapter 11 of Section 109 of the Federal Bankruptcy Code provides for reorganization by business entities. The filing of a bankruptcy petition under Chapter 11 invokes an automatic injunction known as the Automatic Stay, codified in Bankruptcy Code Section 362. Section 362(b)(5) provides that, for governments, the filing of the petition does not operate as a stay "of the enforcement of a judgment, other than a money judgment, obtained in an actual proceeding by a governmental unit to enforce such governmental unit's police or regulatory power." (emphasis added) Thus, it would appear that we are not enjoined from exercising our police powers to protect public health, safety and welfare, but are enjoined from exercising our regulatory authority seeking to collect a debt. However, in this case, the company has requested cancellation of its certificate. Under those circumstances, this Commission is free to do so. We note that the Division of the Commission Clerk and Administrative Services will be notified that the past due RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested.

Accordingly, we find it appropriate to cancel Interexchange Telecommunications Certificate No. 5702, effective September 30, 2002. If Logix's certificate is canceled in accordance with this Order, Logix shall immediately cease and desist providing Interexchange Telecommunications services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

ORDER NO. PSC-02-1566-PAA-TI
DOCKET NO. 020952-TI
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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Logix Communications Corporation's Certificate No. 5702 to provide Interexchange Telecommunications services is hereby canceled, effective September 30, 2002. It is further

ORDERED that the outstanding Regulatory Assessment Fees should not be sent to the Comptroller's Office for collection. The Division of the Commission Clerk and Administrative Services, instead, shall request for permission to write-off the uncollectible amount. It is further

ORDERED that if Logix Communications Corporation's Certificate No. 5702 is canceled in accordance with this Order, that entity shall immediately cease and desist providing Interexchange Telecommunication services in Florida. 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 the Commission Clerk and Administrative Services, 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.

ORDER NO. PSC-02-1566-PAA-TI
DOCKET NO. 020952-TI
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By ORDER of the Florida Public Service Commission this 14th
Day of November, 2002.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: /s/ Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

This is a facsimile copy. Go to the
Commission's Web site,
<http://www.floridapsc.com> or fax a request
to 1-850-413-7118, for a copy of the order
with signature.

(S E A L)

JAE

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

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation
by Florida Public Service
Commission of IXC Certificate
No. 5702 issued to Logix
Communications Corporation,
effective 9/30/02.

DOCKET NO. 020952-TI
ORDER NO. PSC-02-1742-CO-TI
ISSUED: December 10, 2002

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-02-1566-PAA-TI, issued November 14, 2002, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-02-1566-PAA-TI has become effective and final. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 10th Day of December, 2002.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

This is a facsimile copy. Go to the
Commission's Web site,
<http://www.floridapsc.com> or fax a request
to 1-850-413-7118, for a copy of the order
with signature.

(S E A L)

JAE

ORDER NO. PSC-02-1742-CO-TI
DOCKET NO. 020952-TI
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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 judicial review of Commission orders that is available pursuant to Section 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 judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request 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 the Commission Clerk and Administrative Services 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.