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Public Service Commission

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

DATE: February 18, 2004
TO: Blanca S. Bayó, Commission Clerk and Administrative Services Director
FROM: Paula J. Isler, Research Assistant, Division of Competitive Markets & Enforcement
RE: Docket No. 040116-TI - Touch America, Inc.

PJ

On February 17, 2004, this division received a letter dated February 11, 2003, from Mr. Jonathan S. Marashlian, Regulatory Counsel to Touch America, Inc. The letter is a request for cancellation of Touch America's IXC certificate due to bankruptcy. In addition, Mr. Marashlian requested that any unpaid RAFs be written-off due to the bankruptcy.

Therefore, please document this letter in CMS in Docket No. 040116-TI and change the docket title to read:

Bankruptcy cancellation by Florida Public Service Commission, of IXC Registration No. TJ452, issued to Touch America, Inc., Effective 02/17/04.

Let me know if you have any questions.

Attachment

cc: Office of the General Counsel (McKay)

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DIVISION OF
COMPETITIVE SERVICES

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February 11, 2004

Via First Class Mail

Beth Salak, Director
Florida Public Service Commission
2540 Shumard Oak Boulevard
Gerald Gunter Building
Tallahassee, Florida 32399

RE: Docket No. 040116-TI

Touch America, Inc.
*Notice of Intention to Cease Business and Request to Cancel
Certificate of Authority and Withdraw Tariffs due to Bankruptcy*

Dear Ms. Salak:

On January 12, 2004, Touch America, Inc. (Debtor-in-Possession) ("Touch America"), through its attorneys, sent notice to the Florida Public Service Commission ("Commission") explaining its intention to cease conducting business on or shortly after January 31, 2004. The purpose of this follow-up letter is to clarify that Touch America's request for cancellation of its Certificate of Authority is due to the company's bankruptcy and is not a "voluntary" request.

On June 19, 2003, Touch America Holdings, Inc. and certain of its subsidiaries, including Touch America, filed voluntary petitions pursuant to Chapter 11 of the U.S. Bankruptcy Code to reorganize their business and financial structure. See Chapter 11 Case No. 03-11915-MFW et al. (Bankr. D. Del.).

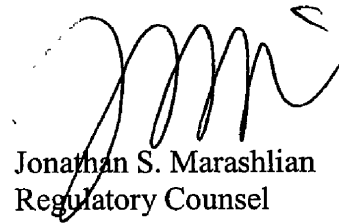
As a result of its bankruptcy, Touch America lacks the funds necessary to pay the \$13.80 late payment penalty associated with its 2002 Regulatory Assessment Fee (RAF) and also lacks funds needed to pay its 2003 RAF. Therefore, Touch America respectfully requests that the Commission write off the fees otherwise owed by Touch America and proceed with the company's request for cancellation of its Certificate of Authority.

February 11, 2004
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An additional copy of this filing is enclosed. Please date stamp and return in the self-addressed, postage pre-paid envelope.

Should you have questions regarding this filing, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JSM', written over the typed name and title.

Jonathan S. Marashlian
Regulatory Counsel

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Fax: 703-714-1330
E-mail: jsm@thlglaw.com

cc: Michael J. Meldahl, President
Touch America, Inc.

Paula Isler, Public Service Commission