

**REQUEST TO ESTABLISH DOCKET**  
(Please Type)

<b>Date</b>	May 4, 2004	<b>Docket No.</b>	040409-TX
-------------	-------------	-------------------	-----------

<b>1. Division Name/Staff Name:</b>	Division of Competitive Markets & Enforcement/Isler
-------------------------------------	---

<b>2. OPR:</b>	Division of Competitive Markets & Enforcement
----------------	---

<b>3. OCR:</b>	Office of the General Counsel
----------------	-------------------------------

<b>4. Suggested Docket Title:</b>	Cancellation by Florida Public Service Commission of CLEC Certificate No. 8006 issued to LightWave Communications, LLC, for violation of Rule 25- <del>29</del> <sup>4</sup> .0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.
-----------------------------------	---

**5. Suggested Docket Mailing List (attach separate sheet if necessary)**

A. Provide NAMES OR ACRONYMS ONLY if a regulated company.

B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

1. Parties and their representatives (if any):


2. Interested persons and their representatives (if any):


**6. Check one:**

XX Documentation is attached.

Documentation will be provided with recommendation.

\_\_\_\_\_

TRANSMISSION VERIFICATION REPORT

TIME : 03/08/2004 11:41  
NAME : PSC  
FAX : 4137077  
TEL : 4137077

DATE, TIME	03/08 11:41
FAX NO./NAME	613019532454
DURATION	00:00:35
PAGE(S)	01
RESULT	OK
MODE	STANDARD ECM

*Jaxed  
1) cover sheet*

March 8, 2004

**STATE OF FLORIDA**



**PUBLIC SERVICE COMMISSION**

**2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FL 32399-0850**

**TO:**

Maurice LeBrun

Phone: 301-953-9300

Fax: 301-953-2454

**FROM:**

Paula Isler

Phone: (850) 413-6502

Fax: (850) 413-6503

E-mail: [Pisler@psc.state.fl.us](mailto:Pisler@psc.state.fl.us)

**RE:**

LightWave Communications, LLC  
(TX626)

Dear Mr. LeBrun:

The Commission received your second letter dated February 23, 2004, requesting cancellation of your CLEC certificate, along with payment of the 2003 fee and late payment charges. My February 23<sup>rd</sup> letter to you crossed in the mail.

As information, there are two kinds of cancellations. First is a voluntary, which means a company has no past due balance of the Regulatory Assessment Fee, including statutory penalty and interest charges and leaves in good standing. Currently, LightWave owes a total of \$53 (\$50.00-2004 fee; \$3.00-2002 penalty and interest). The other is involuntary. This means a company's certificate is cancelled on the Commission's own motion for a rule, order, or statute violation and does not leave in good standing. Any outstanding Regulatory Assessment Fee balance is turned over to collections.

Please let me know which type of cancellation LightWave wishes to pursue.



February 23, 2004

Mr. David Brown  
Bureau of Administrative Services  
Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

Re: TX 626-03-0-D

Dear Sir:

We sold our Broadband telephone business December 2002. We did not have any business in year 2003 and do not intend to receive business in the future.

Please cancel our registration with the Florida Public Service Commission.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Maurice LeBrun", is written over the typed name and title.

Maurice LeBrun  
Controller

04 MAR - 1 AM 10:36

DISTRIBUTION CENTER

TX626-03-0-R



February 16, 2004

Fiscal Services  
Florida Public Service Commission  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

COMMISSIONER  
ADMINISTRATIVE SERVICES

01 FEB 20 AM 10:16

Dear Sir or Madam:

Enclosed is form # PSC/CMP - 7 and form # PSC/ADM 124 which we understand we no longer need to file. Please see the copy of the letter from the Florida Dept of State dated October 25, 2003.

Advise if you need any additional information.

Sincerely,

Maurice LeBrun  
Asst Controller

04 FEB 20 AM 9:18

DISTRIBUTION CENTER



TX626-03-0-R

FLORIDA DEPARTMENT OF STATE

Glenda E. Hood  
Secretary of State

October 25, 2003

MARK RICIGLIANO  
LIGHTWAVE COMMUNICATIONS, LLC  
14504 GREENVIEW DRIVE, SUITE 302  
LAUREL, MD 20708

Re: Document Number M01000002469

The Application for Withdrawal of Authority was filed on October 20, 2003, for LIGHTWAVE COMMUNICATIONS, LLC, a Delaware limited liability company which was authorized to transact business in Florida.

Should you have any questions regarding this matter, please telephone (850) 245-6051, the Registration Section.

Buck Kohr  
Document Specialist  
Division of Corporations

Letter Number: 803A00058220

# Competitive Local Exchange Company Regulatory Assessment Fee Return

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

**STATUS:**

- Actual Return
- Estimated Return
- Amended Return

TX626-03-0-R  
 LightWave Communications, LLC  
 14504 Greenview Drive, Suite 302  
 Laurel, MD 20708-4226

**PERIOD COVERED:**  
 01/01/2003 TO 12/31/2003

FOR PSC USE ONLY	
Check#	_____
\$	0603006 003001
\$	P 0603006 004011
\$	I
Postmark Date	_____
Initials of Preparer	_____

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA	
		GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ _____	\$ _____
2.	Long Distance Services (IntraLATA only)**	_____	_____
3.	Access Services	_____	_____
4.	Private Line Services	_____	_____
5.	Leased Facilities & Circuits Services	_____	_____
6.	Miscellaneous Services	_____	_____
7.	TOTAL REVENUES		\$ _____
8.	LESS: Amounts Paid to Other Telecommunications Companies <sup>1</sup> (see "2. Fees" on back)		_____
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		_____
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		_____
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
13.	TOTAL AMOUNT DUE		\$ _____

\* These amounts must be intrastate only and must be verifiable.  
 \*\* Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

**AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50**

### CURRENT COMPANY STATUS

- Facilities-Based Provider
- Reseller
- Other: \_\_\_\_\_

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

\_\_\_\_\_  
 (Name) (Address: City/State/Zip) (Telephone)

### COMPANY INFORMATION

Do you lease telecommunications facilities?  YES  NO  
 If YES, who do you lease these facilities from? Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

\_\_\_\_\_  
 (Signature of Company Official) (Title) (Date)

\_\_\_\_\_  
 (Preparer of Form - Please Print Name) Telephone Number ( ) Fax Number ( )

F.E.I. No \_\_\_\_\_

TMS # 1074

STATE OF FLORIDA

COMMISSIONERS:  
BRAULIO L. BAEZ, CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
RUDOLPH "RUDY" BRADLEY  
CHARLES M. DAVIDSON



DIVISION OF COMPETITIVE MARKETS &  
ENFORCEMENT  
BETH W. SALAK  
DIRECTOR  
(850) 413-6600

## Public Service Commission

February 23, 2004

Mr. Maurice LeBrun, Asst. Controller  
LightWave Communications, LLC (TX626)  
14504 Greenview Drive, Suite 302  
Laurel, MD 20708-4226

Dear Mr. LeBrun:

On February 20, 2004, the Commission received your letter dated February 16, 2004, enclosing the 2003 Regulatory Assessment Fee return form and a copy of a letter from the Florida Department of State advising an application for withdrawal had been received by that agency on October 20, 2003. However, payment for the Regulatory Assessment Fee was not enclosed.

I checked our records and could not find where LightWave requested cancellation of its CLEC certificate from the Florida Public Service Commission. A copy of the cancellation rule is enclosed.

The Regulatory Assessment Fee is assessed if a certificate is active for any one day during a calendar year, even if a company had no revenues or ever started operations during the period covered. This means that since you did not request cancellation of your certificate in 2003, LightWave Communications, LLC owes the 2003 and 2004 Regulatory Assessment Fees.

Therefore, if you are requesting cancellation of your certificate, you need to write the Commission a letter and specifically request cancellation. Your letter should include payment of the minimum \$53.00 2003 fee, the \$3.00 balance for late payment of the 2002 fee, and the completed 2003 and 2004 Regulatory Assessment Fee return forms. The total due is \$103. When returning payment and a copy of the completed 2003 Regulatory Assessment Fee return form, please use the enclosed blue envelope, which will insure prompt processing.



Mr. Maurice LeBrun, Asst. Controller  
Page 2  
February 23, 2004

In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-phone, (850) 413-6503-fax, by internet e-mail at PIsler@psc.state.fl.us, or at the address at the bottom of Page One.

Sincerely,

A handwritten signature in cursive script that reads "Paula J. Isler".

Paula J. Isler, Research Assistant  
Bureau of Service Quality

Enclosures

**25-24.820 Revocation of a Certificate.**

(1) The Commission may on its own motion, after notice and opportunity for hearing, revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

- (a) A statement of intent and date certain to pay regulatory assessment fee.
- (b) A statement of why the certificate is proposed to be canceled.
- (c) A statement as to how customer deposits and final bills will be handled.
- (d) Proof of individual customer notice regarding discontinuance of service.

Specific Authority 350.127(2) FS.  
Law Implemented 364.335, 364.345 FS.  
History--New 12-27-95.

# Competitive Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:  
01/01/2004 TO 12/31/2004

## Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX626-04-0-R  
 LightWave Communications, LLC  
 14504 Greenview Drive, Suite 302  
 Laurel, MD 20708-4226  
  
 cc: P. Isler

FOR PSC USE ONLY	
Check#	_____
\$	0603006
	003001
\$	P
	0603006
	004011
\$	I
Postmark Date	_____
Initials of Preparer	_____

Please Complete Below If Official Mailing Address Has Changed

\_\_\_\_\_  
 (Name of Company) (Address) (City/State) (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA	
		GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ _____	\$ _____
2.	Long Distance Services (IntraLATA only)**	_____	_____
3.	Access Services	_____	_____
4.	Private Line Services	_____	_____
5.	Leased Facilities & Circuits Services	_____	_____
6.	Miscellaneous Services	_____	_____
7.	TOTAL REVENUES	_____	\$ _____
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)	_____	_____
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)	_____	_____
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)	_____	_____
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
13.	TOTAL AMOUNT DUE	_____	\$ _____

- \* These amounts must be intrastate only and must be verifiable.
- \*\* Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

### CURRENT COMPANY STATUS

- Facilities-Based Provider
- Reseller
- Other: \_\_\_\_\_

### BILLING INFORMATION

Complete below if billing agent if other than yourself.

\_\_\_\_\_  
 (Name) (Address: City/State/Zip) (Telephone)

### COMPANY INFORMATION

Do you lease telecommunications' facilities?  YES  NO  
 If YES, who do you lease these facilities from? Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

\_\_\_\_\_  
 (Signature of Company Official) (Title) (Date)  
 \_\_\_\_\_  
 (Preparer of Form - Please Print Name) Telephone Number ( ) Fax Number ( )  
 F.E.I. No. \_\_\_\_\_

**COMPANY IDENTIFICATION**

Printed on 02/23/2004 at 09:29:33 by PJI

Complete Name: LightWave Communications, LLC

Mailing Name: LightWave Communications, LLC

Company Code: TX626                      FEID Number: 52-2230327

**RAF ACCOUNT FOR THE PERIOD 01/01/2002 THROUGH 12/31/2002**

Reg. Date: 01/30/2002                      Inactive Date:  
 Service: CLX - Competitive Local Exchange  
 Received: Actual RAF Form  
 Status: Pending  
 Amended: No                                  Extension: No  
 Frozen: No                                    Comments: No  
 Payment Count: 1 Payment Made to Date  
 Operating Rev:                              \$0.00                      Interstate Rev:                              \$0.00  
 RAF Rate: 0.0015                              Net RAF Due:                              \$50.00

Assessment	Due	Paid	Owe
RAF	\$50.00	\$50.00	\$0.00
Penalty	\$5.00	\$2.50	\$2.50
Interest	\$1.00	\$0.50	\$0.50
Extension Fee	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$56.00</b>	<b>\$53.00</b>	<b>\$3.00</b>

Last modification was made on Thursday, March 13, 2003 at 2:55 PM by Jackie Knight

Period covered: 01/01/2002 through 12/31/2002                      RAF rate: 0.0015  
 Operating rev:                              \$0.00      Gross intrastate rev:                              \$0.00  
 Documents: Actual RAF form received on 03/06/2003  
                  Delinquent letter mailed on 02/19/2003  
                  RAF form mailed on 12/05/2002

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
03/06/2003	03/13/2003	03/13/2003-JIK	II320	1241	\$53.00
	RAF paid		II320		\$50.00
	Penalty paid		II320		\$2.50
	Interest paid		II320		\$0.50

## MCD Company Information for TX626

Printed on 02/23/2004 at 09:30:44 by PJI

Company Code: TX626  
Complete Name: LightWave Communications, LLC  
Mailing Name: LightWave Communications, LLC  
Certificate No(s): 8006  
Status: Active  
Regulation Date: 01/30/2002  
Bankruptcy: No  
Company Liaison #1: Bela A. Gary  
Title: Corporate Counsel  
Mailing Address: 14504 Greenview Drive, Suite 302

Physical Location: Laurel, MD 20708-4226  
14504 Greenview Drive, Suite 302

Phone: Laurel, MD 20708-4226  
(301) 953-9300  
Fax: (301) 953-2454

### Related Dockets:

011582-TX Application for certificate to provide alternative local exchange telecommunications service by LightWave Communications, LLC.

020210-TP Request for approval of interconnection, unbundling, resale, and collocation agreement with LightWave Communications, LLC by BellSouth Telecommunications, Inc.