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State of Florida

# Public Service Commission

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TK105

Florida PSC Commission Conference Agenda.



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# FLORIDA PUBLIC SERVICE COMMISSION

## COMMISSION CONFERENCE AGENDA

**CONFERENCE DATE AND TIME:** Tuesday, March 16, 2010, 9:30 a.m.

**LOCATION:** Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148

**DATE ISSUED:** March 5, 2010

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### NOTICE

Persons affected by Commission action on certain items on this agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at this conference. These items are designated by double asterisks (\*\*\*) next to the agenda item number.

To participate informally, affected persons need only appear at the agenda conference and request the opportunity to address the Commission on an item listed on agenda. Informal participation is not permitted: (1) on dispositive motions and motions for reconsideration; (2) when a recommended order is taken up by the Commission; (3) in a rulemaking proceeding after the record has been closed; or (4) when the Commission considers a post-hearing recommendation on the merits of a case after the close of the record. The Commission allows informal participation at its discretion in certain types of cases (such as declaratory statements and interim rate orders) in which an order is issued based on a given set of facts without hearing.

See Rule 25-22.0021, F.A.C., concerning Agenda Conference participation and Rule 25-22.0022, F.A.C., concerning oral argument.

To obtain a copy of staff's recommendation for any item on this agenda, contact the Office of Commission Clerk at (850) 413-6770. There may be a charge for the copy. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge.

Any person requiring some accommodation at this conference because of a physical impairment should call the Office of Commission Clerk at (850) 413-6770 at least 48 hours before the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1-800-955-8771 (TDD). Assistive Listening Devices are available in the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

Video and audio versions of the conference are available and can be accessed live on the PSC Website on the day of the Conference. The audio version is available through archive storage for up to three months after the conference.

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**ITEM NO.**

**CASE**

6\*\*PAA

**Docket No. 090513-TI** – Acknowledgment of cancellation of IXC Registration No. TK249 by New Venture L.L.C., effective November 12, 2009.

**Docket No. 090541-TI** – Acknowledgment of cancellation of IXC Registration No. TI534 by Pioneer Telecom, Inc., effective October 13, 2009.

**Docket No. 100061-TI** – Acknowledgment of cancellation of IXC Registration No. TK105 by Atlantic Ventures Group, Inc. d/b/a Direct Connek, effective December 31, 2009.

**Critical Date(s):** None

**Commissioners Assigned:** All Commissioners

**Prehearing Officer:** Administrative

**Staff:** RAD: Pruitt

GCL: McKay

**Issue 1:** Should the Commission deny New Venture L.L.C., Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a/ Direct Connek a voluntary cancellation of their respective intrastate interexchange telecommunications carrier (IXC) tariffs and Registration Nos. TK249, TI534, and TK105, and cancel the tariffs and remove each entity's respective name from the register on the Commission's own motion with an effective date as listed in the docket titles?

**Recommendation:** Yes, unless an entity pays the Regulatory Assessment Fees, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, that entity should be denied a voluntary cancellation as provided in Attachment A of staff's memorandum dated March 4, 2010.

**Issue 2:** Should these dockets be closed?

**Recommendation:** Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any entity fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived.

If an entity pays the Regulatory Assessment Fees, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then that cancellation of the entity's respective tariff and the removal of its name from the register will be voluntary. If an entity fails to pay the Regulatory Assessment Fees, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective IXC tariff should be cancelled administratively and its name removed from the register. The collection of the unpaid Regulatory Assessment

**ITEM NO.**

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6\*\*PAA

**Docket No. 090513-TI** – Acknowledgment of cancellation of IXC Registration No. TK249 by New Venture L.L.C., effective November 12, 2009.

**Docket No. 090541-TI** – Acknowledgment of cancellation of IXC Registration No. T1534 by Pioneer Telecom, Inc., effective October 13, 2009.

**Docket No. 100061-TI** – Acknowledgment of cancellation of IXC Registration No. TK105 by Atlantic Ventures Group, Inc. d/b/a Direct Connek, effective December 31, 2009.

(Continued from previous page)

Fees, including any accrued statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts.

These dockets should be closed administratively either as a voluntary cancellation upon receipt of the payment of the Regulatory Assessment Fees, including any accrued statutory late payment charges, or cancelled involuntarily on the Commission's own motion. Upon cancellation of each entity's respective IXC tariff and removal of its name from the register, that entity should be required to immediately cease and desist providing telecommunications service in Florida.