



Public Service Commission

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COMMISSION
CLERK

DATE: June 14, 2012

TO: Ann Cole, Commission Clerk - PSC, Office of Commission Clerk

FROM: Beth W. Salak, Director, Division of Regulatory Analysis
Adam J. Teitzman, Attorney Supervisor, Office of the General Counsel

RE: Docket No. 120093-TX - Compliance investigation of CLEC Certificate No. 7229, issued to Ciera Network Systems, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 120096-TX - Compliance investigation of CLEC Certificate No. 7674, issued to Southern Telcom Network, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 120099-TX - Compliance investigation of CLEC Certificate No. 4847, issued to OneStar Long Distance, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 120102-TX - Compliance investigation of CLEC Certificate No. 8703, issued to StarVox Communications, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 120112-TX - Compliance investigation of CLEC Certificate No. 8168, issued to Terra Telecommunications Corp., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

Docket No. 120114-TX - Compliance investigation of CLEC Certificate No. 8604, issued to Pac-West Telecomm, Inc., for apparent first-time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies.

On May 21, 2012, Proposed Agency Action Order No. PSC-12-0244-PAA-TX was issued on the above companies for an apparent first-time violation of Section 364.336, Florida Statutes and Rule 25-4.0161, Florida Administrative Code, *Regulatory Assessment Fees*. In the Order, each company was requested to pay the outstanding RAF fees, penalties, and costs. The Order also stated that staff would refer each company to the Florida Department of Financial Services for further collection efforts if it failed to pay the outstanding fees and costs.

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FPSC-COMMISSION CLERK

The utilities for the above-mentioned dockets have filed for bankruptcy. Pursuant to 11 USCS § 362 (a) (1) and (a) (2) of the US Bankruptcy Code, the filing of a petition for bankruptcy relief acts as a stay to an administrative action or proceeding against the debtor that was or could have commenced before the bankruptcy proceeding. The bankruptcy filing also acts as a stay to enforcing a judgment obtained against the debtor before the bankruptcy action.¹

Bankruptcy filing acts as a stay to any administrative proceedings including this compliance investigation. Since the Commission is prohibited from taking further agency action against these companies at this time. Therefore, Docket Nos. 120093-TX, 120096-TX, 120099-TX, 120102-TX, 120112-TX, and 120114-TX should be closed, and legal staff is directed not to issue consummating orders for these dockets, and the PAA Orders should not be made final.

Should you have any questions, please contact Toni Earnhart at 850/413-6532.

c: Office of the General Counsel (Robinson)
Division of Regulatory Analysis (Earnhart)
Docket File

*OK to close dockets
6-20-12
TJ*

¹ See also 11 USCS § 362 (a) (6) which states that bankruptcy filing operates as a stay for any act, to collect, assess, or recover a claim that arose before the bankruptcy filing.