

# REQUEST TO ESTABLISH DOCKET

(Please type or print. File original *plus* 1 copy with CLK.)

RECEIVED-FPSC  
 13 MAY 16 PM 3:06  
 COMMISSION CLERK

Date:	05/16/13	Docket No.:	130144-TX
1. From Division / Staff:	TEL Beard		
2. OPR:	C. Beard, T. Earnhardt, B. Casey, TEL		
3. OCR:	GCO		
4. Suggested Docket Title:	Request for cancellation of Certificate of Necessity No. 2811 by Gracias VRS, LLC effective March 8, 2012.		

5. Program/Module/Submodule Assignment: B-1.F

6. Suggested Docket Mail List.

a. Provide NAMES/ACRONYMS, if registered company.		<input type="checkbox"/> Provided as an Attachment
Company Code, if applicable:	Parties (include address, if different from MCD):	Representatives (name and address):
TY046		

b. Provide COMPLETE NAME AND ADDRESS for all others. (match representatives to companies)

Company Code, if applicable:	Interested persons, if any, (include address, if different from MCD):	Representatives (name and address):

7. Check one:  Supporting Documentation Attached  To be provided with Recommendation

Comments:

TSI &  
Records



3700 Commerce Blvd Kissimmee, FL 34741 Website: www.ASLServices.com  
VP: graciasvrs.tv or eng.graciasvrs.tv Hearing: 1-877-DAME-VRS/ 1-877-326-3877

Total \$ 1272.00

GraciasVRS  
Certified 7009 3410 0002 4112 9007  
CLEC Certificate #8811  
Company Code TY046

TY 046-12-0-R

DATE DEPOSIT  
MAR 19 2012 2 34

CK# 1044

CK# 600.00R

3-8-12  
RT

RE: Request to withdrawal CPC&N status.

Greetings Commission,

I am respectfully writing to request to withdrawal CPC&N status for GraciasVRS.

Please allow me to provide some background information for you:

When GraciasVRS began our certification process by the FCC to provide Video Relay Services and compensated through the TRS Fund, we were required to maintain status as a common carrier, which is what precipitated GraciasVRS in obtaining a "Certificate of Public Convenience and Necessity" (CPC&N). Holding common carrier status was a prerequisite for certification under the then existing certification rules, Section 64.604 (47 C.F.R. § 64.604). This was a residual of legacy monopoly ("Bell System") common carrier regulation.

The Commission, in its July 28, 2011 *Second Report and Order* implementing the new certification rules provided the following history at footnote 26 of the order:

*2004 TRS Report and Order*, 19 FCC Rcd at 12517, ¶ 103 n.304. The Commission explained that Title IV of the ADA, codified at section 225 of the Act, puts the obligation on the entities providing telephone transmission service to also offer TRS, and that the three eligibility categories that existed at that time, prior to adoption of a Commission certification process, were modeled upon the ways in which common carriers could be deemed to be in compliance with their underlying obligation under section 225 to provide TRS. *Id.* at ¶ 103 and n.304. When the Commission adopted its certification process the following year, it explained that those three eligibility categories were adopted at a time when all TRS calls were carried over telephone lines, and concluded that those categories "do not reflect advances in the way that TRS is offered," particularly with respect to the forms of ITRS that existed at that juncture, VRS and IP Relay. *IP Relay/VRS Certification Order*, 20 FCC Rcd at 20586, ¶¶ 17, 18.

12 MAR 19 2012

DOCUMENT NUMBER-DATE  
02711 MAY 16 2012

When the FCC promulgated the new TRS certification rules the Commission removed the common carrier requirement:

9. Finally, experience has shown that common carrier status generally has little or no bearing on the qualifications of a company to provide iTRS service because states may grant applications for common carrier status without verifying the applicant's qualifications or experience.<sup>11</sup> Nor do they ensure that the carrier has the facilities or staff to comply with our iTRS rules.

The Commission maintained that since it would now be the sole certifying entity for TRS Fund eligibility, the need for applicants to be common carriers no longer existed:

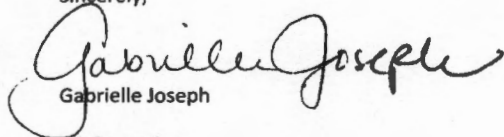
12. ...we find that an applicant's status as an interstate common carrier does not necessarily demonstrate that provider's ability to meet the Commission's iTRS provider requirements.

Consequently, since maintain the CPC&N license is no longer required, GraciasVRS is requesting to withdrawal our status and would like insight on the proper method to do this.

In addition, I did respond to the 2012 Local Compensation Data Request by faxing in a response check marking that GraciasVRS is NOT providing local telephone services.

I greatly appreciate your assistance in this matter and look forward to hearing from you soon.

Sincerely,



Gabrielle Joseph

VP-Operations

GraciasVRS

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<sup>11</sup> See para. 34, *infra*.

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COMPANY IDENTIFICATION

Printed on 04/17/2013 at 16:30:49 by TJE

Complete Name: Gracias VRS, LLC

Mailing Name: Gracias VRS, LLC

Company Code: TY046

FEID Number: 26-3151842

RAF ACCOUNT FOR THE PERIOD 01/01/2012 THROUGH 12/31/2012

Reg. Date: 04/22/2011 Inactive Date:

Service: CLX - Competitive Local Exchange

Received: No RAF Form

Status: Satisfied

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: 0.0018

Assessment	Due	Paid	Owe
RAF	\$600.00	\$600.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$600.00	\$600.00	\$0.00

Last modification was made on Monday, March 19, 2012 at 10:57 AM by Valorie Moore

## Catherine Beard

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**From:** Toni Earnhart  
**Sent:** Thursday, April 18, 2013 9:04 AM  
**To:** Catherine Beard  
**Subject:** RE: Misfiled 2012 cancellation request...FYI

I have all the information together for it. Let me get it together.

*Toni Joy Earnhart, Regulatory Analyst  
Florida Public Service Commission  
Office of Telecommunications  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399  
Phone 850-413-6532  
Fax 850-413-6533*

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**From:** Catherine Beard  
**Sent:** Thursday, April 18, 2013 8:21 AM  
**To:** Toni Earnhart  
**Subject:** RE: Misfiled 2012 cancellation request...FYI

What is the company name?

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**From:** Bob Casey  
**Sent:** Thursday, April 18, 2013 8:19 AM  
**To:** Toni Earnhart  
**Cc:** Catherine Beard; Beth Salak; Bob Casey  
**Subject:** FW: Misfiled 2012 cancellation request...FYI

Let's let Catherine handle this cancellation. You will be on the CASR to review the rec and assist Catherine if necessary.

Thanks.

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**From:** Beth Salak  
**Sent:** Wednesday, April 17, 2013 5:48 PM  
**To:** Toni Earnhart  
**Cc:** Bob Casey  
**Subject:** RE: Misfiled 2012 cancellation request...FYI

Thanks, Toni.  
Bob, should some one else being doing this cancellation?

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**From:** Toni Earnhart  
**Sent:** Wednesday, April 17, 2013 5:13 PM  
**To:** Beth Salak; Bob Casey  
**Subject:** Misfiled 2012 cancellation request...FYI

This cancellation request came to my attention after Jeff said the company called him about the Data Request they received. They told him they had "opted out" of the telecom business in early 2012. He questioned them further and they finally said they had requested cancellation in 2012. He brought it to my attention.

I researched further and found the company's cancellation request scanned into the RAF documents in March 2012. This probably happened because the company didn't submit a 2012 RAF form, only a cancellation request. A copy should have been forwarded to TEL or the CLK for further processing.

Since the company paid their 2012 RAF early, the company didn't show up on any of my December 2012 FISCAL RAF form mail out lists.

I am going to open a cancellation docket with a March 8, 2012 cancellation effective date.

I have spoken with FISCAL about this issue happening last year and in prior years occasionally.

I wanted to give you the heads up on this docket cancellation request since the effective date is in early 2012.

***Toni Joy Earnhart, Regulatory Analyst  
Florida Public Service Commission  
Office of Telecommunications  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399  
Phone 850-413-6532  
Fax 850-413-6533***