

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation  
of Alternative Local Exchange  
Telecommunications Certificate  
No. 5179 by LDM Systems Inc.,  
effective 3/19/99.

DOCKET NO. 990366-TX  
ORDER NO. PSC-99-1177-PAA-TX  
ISSUED: June 8, 1999

The following Commissioners participated in the disposition of  
this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
JULIA L. JOHNSON  
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION  
ORDER CANCELING ALTERNATIVE LOCAL EXCHANGE  
TELECOMMUNICATIONS CERTIFICATE

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

LDM Systems Inc. (LDM), holder of Alternative Local Exchange Telecommunications Certificate (ALEC) of Public Convenience and Necessity No. 5179, has requested the cancellation of ALEC Certificate No. 5179. LDM has complied with the provision of Rule 25-24.820(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its ALEC certificate and by submitting its regulatory assessment fees for 1998. Accordingly, we find it appropriate to cancel ALEC Certificate No. 5179, effective March 19, 1999.

LDM shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice for 1998 will be mailed to LDM. Neither the cancellation of its certificate nor the

DOCUMENT NUMBER-DATE

07014 JUN-89

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-1177-PAA-TX  
DOCKET NO. 990366-TX  
PAGE 2

failure to receive a Regulatory Assessment Fee Return notice for the year 1999 shall relieve LDM from its obligation to pay regulatory assessment fees for 1999.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that LDM Systems Inc.'s Certificate No. 5179 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective March 19, 1999. It is further

ORDERED that LDM Systems Inc. shall return its certificate to this Commission and remit regulatory assessment fees for the year 1999. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order, unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 8th day of June, 1999.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

ORDER NO. PSC-99-1177-PAA-TX  
DOCKET NO. 990366-TX  
PAGE 3

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

As identified in the body of this order, our action canceling the alternative local exchange telecommunications certificate is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, at 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 29, 1999. If such a petition is filed, mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing. In the absence of such a petition, this order shall become effective upon the issuance of a Consummating Order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If the relevant portion of this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

ORDER NO. PSC-99-1177-PAA-TX  
DOCKET NO. 990366-TX  
PAGE 4

Any party adversely affected by the Commission's final action in this matter may request: (1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

M E M O R A N D U M

June 7, 1999

RECEIVED-FPSC

99 JUN -7 AM 10:40

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp AB*

RE: • DOCKET NO. 990366-TX - REQUEST FOR CANCELLATION OF  
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE  
NO. 5179 BY LDM SYSTEMS INC., EFFECTIVE 3/19/99.

99-1177-PAA

Attached is an NOTICE OF PROPOSED AGENCY ACTION ORDER  
CANCELING ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS  
CERTIFICATE, to be issued in the above-referenced docket. (Number  
of pages in order - 4)

KMP/anr  
Attachment  
cc: Division of Communications  
I: 990366.kmp

*See 2, 3*

*1/10/0*

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 4 Date 6, 9, 99 Copies Per Original 19  
Requested By [Signature]

Item Presented  
Agenda For (Date) \_\_\_\_\_ Order No. 99-1177 In Docket No. 990366-TA  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>	<u>--</u>	_____
	<u>Docket Mailing List - Mailed</u>		_____
<u>(11)</u>	<u>Docket Mailing List - Faxed</u>		_____

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 112 Verified By [Signature]  
Date and Time Completed 6/10 Job Checked For Correctness and Quality (Initial) [Initial]

Mail Room Verification

Date Mailed / Verified By /