

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for cancellation of CLEC Certificate No. 8184 by OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel, and for acknowledgment of cancellation of IXC Registration No. TJ668 held by OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel, effective July 20, 2006.

DOCKET NO. 060516-TP  
ORDER NO. PSC-06-0821-PAA-TP  
ISSUED: October 6, 2006

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
J. TERRY DEASON  
ISILIO ARRIAGA  
MATTHEW M. CARTER II  
KATRINA J. TEW

NOTICE OF PROPOSED AGENCY ACTION ORDER  
CANCELING COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS  
CERTIFICATE AND INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS  
TARIFF AND REGISTRATION ON THE COMMISSION'S OWN MOTION

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.

OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel (OCMC) currently holds Competitive Local Exchange Telecommunications Company (CLEC) Certificate No. 8184, issued by the Commission on September 3, 2002.

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OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel (OCMC) currently holds Registration No. TJ668, issued by the Commission on September 3, 2002, authorizing the provision of intrastate interexchange telecommunications company (IXC) service.

Pursuant to Section 364.336, Florida Statutes, telecommunications companies must pay a minimum annual Regulatory Assessment Fee of \$50 by January 30 of the subsequent year and provides for late payment charges as outlined in Section 350.113, Florida Statutes, for any delinquent amounts. Pursuant to Rule 25-24.474, Florida Administrative Code, intrastate interexchange companies must pay any current and past due Regulatory Assessment Fees with its request for cancellation. All entities that apply for registration receive a copy of our rules governing intrastate interexchange telecommunications services.

On June 12, 2006, this Commission received a letter from Ms. Margaret Good, President of The Meridian Group, which advised that OCMC no longer provided service in Florida and wished to cancel all certificates. The Meridian Group was appointed as the Receiver over OCMC by the US District Court for the Southern District of Indiana in the case of PNC Bank, N.A. versus OCMC, Inc., Case No. 1:06-CV-0755-JET-TAB. On July 20, 2006, Ms. Pamela Mock, on behalf of the Receiver, advised staff that all of OCMC's customers were transferred to other carriers and the company no longer operates or has any assets. Ms. Mock followed up the telephone conversation with an e-mail requesting that any unpaid Regulatory Assessment Fees be written-off as there were no funds to pay the fees. This is not a bankruptcy case, but a case of forced liquidation.

In a case such as this one, secured creditors are given the highest priority in the distribution of assets and normally receive all of the distributed assets. Regulatory Assessment Fees, late payment charges, and penalties owed by a company to the Florida Public Service Commission, as well as monetary settlements of cases resolving issues of failure to pay such fees, are not secured debts and, as a practical matter, are uncollectible.

This Commission cannot grant a voluntary cancellation unless all outstanding fees have been paid. Therefore, we find it appropriate to cancel OCMC's certificate and registration. Accordingly, we shall cancel OCMC's CLEC certificate and IXC tariff and remove its name from the register on this Commission's own motion, effective July 20, 2006. In addition, the Division of the Commission Clerk and Administrative Services shall be notified that the 2006 Regulatory Assessment Fees shall not be sent to the Florida Department of Financial Services for collection, and permission for the Commission to write-off the uncollectible amount will be requested. OCMC shall immediately cease and desist providing competitive local exchange telecommunications service and intrastate interexchange telecommunications service in Florida. If the company has its CLEC certificate and IXC tariff cancelled and its name removed from the register, and subsequently decides to reapply for certification as a competitive local exchange company or registration as an intrastate interexchange telecommunications company, that company shall be required to first pay any outstanding fees, including accrued statutory late payment charges. We are vested with jurisdiction over this matter pursuant to Sections 350.113, 364.336, 364.337, 364.02, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel's CLEC Certificate No. 8184 is cancelled, effective July 20, 2006. It is further

ORDERED by the Florida Public Service Commission that OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel's IXC tariff is cancelled and its name removed from the register, effective July 20, 2006. It is further

ORDERED that the unpaid Regulatory Assessment Fees shall not be sent to the Department of Financial Services for collection. The Division of the Commission Clerk and Administrative Services, instead, shall request permission to write-off the uncollectible amount. It is further

ORDERED that if OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel's CLEC Certificate No. 8184 is cancelled and subsequently decides to reapply for certification as a competitive local exchange telecommunications company, that company shall be required to first pay any outstanding fees, including accrued statutory late payment charges. It is further

ORDERED that if OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel's tariff is cancelled and its name removed from the register, and subsequently decides to reapply for registration as an intrastate interexchange telecommunications company, that company shall be required to first pay any outstanding fees, including accrued statutory late payment charges. It is further

ORDERED that if OCMC, Inc. d/b/a One Call Communications, Inc., OPTICOM, 1-800-MAX-SAVE, Advanttel, RegionTel, LiveTel, and SuperTel's CLEC Certificate is cancelled in accordance with this Order, the company shall immediately cease and desist providing competitive local exchange telecommunications service in Florida. It is further

ORDERED that if OCMC, Inc. d/b/a One Call Communications, Inc. d/b/a OPTICOM, d/b/a 1-800-MAX-SAVE, d/b/a Advanttel, d/b/a RegionTel, d/b/a LiveTel, and d/b/a SuperTel's IXC tariff is cancelled and its name removed from the register in accordance with this Order, the company shall immediately cease and desist providing intrastate interexchange telecommunications services in Florida. 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 6th day of October, 2006.

BLANCA S. BAYÓ, Director  
Division of the Commission Clerk  
and Administrative Services

By:

  
Marcia Sharma, Assistant Director  
Division of the Commission Clerk  
and Administrative Services

( S E A L )

VSM

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 that is available under Section 120.57, 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 will be granted or result in the relief sought.

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.

The action proposed herein 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 27, 2006.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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