

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of CLEC
Certificate No. 8667 by Communication Lines,
Inc., effective December 31, 2008.

DOCKET NO. 090053-TX
ORDER NO. PSC-09-0426-PAA-TX'
ISSUED: June 18, 2009

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. McMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION ORDER
CANCELLING COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS
COMPANY CERTIFICATE 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.

Communication Lines, Inc. (CLI) currently holds competitive local exchange telecommunications company (CLEC) Certificate No. 8667, issued by this Commission on February 7, 2007. On January 23, 2009, this Commission received a letter from CLI's representative, Ms. Alexis N. Donnelly, requesting cancellation of the CLEC certificate. CLI ceased doing business on September 30, 2008. The letter included CLI's 2008 RAF return, without payment. Our staff contacted Ms. Donnelly seeking payment of the RAF and she responded that CLI was unable to pay.

We note that the officers and directors for CLI listed in the Florida Department of State, Division of Corporations' records are also the same officers and directors listed in the Division of Corporations' records for Vilaire Communications, Inc. (VCI). VCI's CLEC certificate was cancelled by this Commission's own motion, for cause, in Docket 080065-TX, In re: Investigation of Vilaire Communications, Inc.'s eligible telecommunications carrier status and competitive local exchange company certificate status in the State of Florida.

Pursuant to Section 364.336, Florida Statutes, competitive local exchange telecommunications companies (CLECs) must pay a minimum annual Regulatory Assessment Fee (RAF) if the certificate was active during any portion of the calendar year. Pursuant to Rule

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25-4.0161(2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the RAF forms, for the period of January 1 through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. In addition, Rule 25-24.820, Florida Administrative Code, provides that a competitive local exchange telecommunications company requesting cancellation of its certificate must state its intent and date to pay the current Regulatory Assessment Fee (RAF).

For the reasons described above, we find it appropriate to cancel CLI's CLEC certificate, effective December 31, 2008, on this Commission's own motion for failure to comply with Rule 25-24.820, Florida Administrative Code, and pursuant to Section 364.336, Florida Statutes.

The cancellation of the CLEC certificate in no way diminishes the entity's obligation to pay the RAF, including any applicable late payment charges. If this Order is not protested, the company's CLEC Certificate No. 8667 shall be cancelled, effective December 31, 2008. If the company fails to protest the Order prior to the expiration of the Proposed Agency Action Order, then the company's CLEC certificate shall be cancelled administratively, and the collection of the unpaid RAF shall be referred to the Florida Department of Financial Services for further collection efforts. If the company's CLEC certificate is cancelled in accordance with this Order, the company shall be required to immediately cease and desist providing CLEC telecommunications service in Florida. This docket shall be closed administratively upon cancellation of the company's CLEC certificate.

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that pursuant to Rule 25-24.820, Florida Administrative Code, Communication Lines, Inc.'s CLEC Certificate No. 8667 is hereby cancelled effective December 31, 2008, on this Commission's own motion for failure to pay the 2008 Regulatory Assessment Fee pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that the cancellation of the certificate in no way diminishes Communication Lines, Inc.'s obligation to pay the applicable Regulatory Assessment Fee, including any applicable late payment charges. It is further

ORDERED that the collection of the Regulatory Assessment Fee shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if Communication Lines, Inc.'s certificate is cancelled in accordance with this Order, Communication Lines, Inc. shall immediately cease and desist providing telecommunications service 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 Office of Commission Clerk, 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 administratively upon cancellation of the CLEC certificate.

By ORDER of the Florida Public Service Commission this 18th day of June, 2009.



ANN COLE
Commission Clerk

(S E A L)

JLM

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

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proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on July 9, 2009.

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.