

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of Certificate of Authority No. 8475, effective January 20, 2015, and request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.

DOCKET NO. 150027-TX
ORDER NO. PSC-15-0119-PAA-TX
ISSUED: March 6, 2015

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman
LISA POLAK EDGAR
RONALD A. BRISÉ
JULIE I. BROWN
JIMMY PATRONIS

NOTICE OF PROPOSED AGENCY ACTION
ORDER ACKNOWLEDGING REQUEST FOR CANCELLATION
OF CERTIFICATE OF AUTHORITY AND REQUEST FOR RELINQUISHMENT OF
ELIGIBLE TELECOMMUNICATIONS CARRIER DESIGNATION IN FLORIDA

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.

I. Case Background

By Order PSC-04-0555-PAA-TX, issued May 28, 2004, the Florida Public Service Commission (PSC or Commission) granted Competitive Local Exchange Company (CLEC) certificate No. 8475 to Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc. (Nexus).¹ By Order PSC-06-0350-PAA-TX, issued April 25, 2006, the PSC designated Nexus Eligible Telecommunications Carrier (ETC) status in the State of Florida.² On January 8, 2015,

¹ Docket No. 040275-TX, In Re: Application for certificate to provide competitive local exchange telecommunications service by Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.

² Docket No. 050889-TX, In Re: Petition for designation as eligible telecommunications carrier (ETC) by Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.

Nexus filed a notice of cancellation of its CLEC Certificate in the State of Florida and relinquishment of its designation as an ETC in the State of Florida. In its cancellation request, Nexus noted that it would discontinue its provision of service throughout Florida on January 20, 2015.

We are vested with jurisdiction in this matter pursuant to Sections 364.10 and 364.335, Florida Statutes, and 47 CFR §54.205.

II. Decision

Section 364.335(3), Florida Statutes, provides that a certificate of authority may be terminated by a telecommunications company by submitting notice to the Commission. On January 8, 2015, Nexus filed its notice of cancellation of its Florida CLEC Certificate and relinquishment of ETC designation with the Commission.

Federal rules allow an ETC to relinquish its ETC designation. 47 CFR §54.205 provides that:

A state commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the state commission of such relinquishment.

We designated Nexus as an ETC in specified AT&T wire centers. Multiple ETCs serve this area at the present time.

47 CFR §54.205(b) provides that:

Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the state commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The state commission shall establish a time, not to exceed one year after the state commission approves such relinquishment under this section, within which such purchase or construction shall be completed.

As required by 47 CFR §54.205(b), on December 16, 2014, Nexus sent written notice to all affected customers explaining that it would cease providing service effective January 20, 2015. Nexus' request indicated that it provided service to 50 customers in Florida.

Pursuant to Section 364.336, Florida Statutes, telecommunications companies must pay a minimum annual regulatory assessment fee (RAF) if the certificate or registration was active during any portion of the calendar year. Nexus paid its RAF for the period covering January 1, 2014 through December 31, 2014. However, to date, Nexus has not paid its RAF for the January 1, 2015 through December 31, 2015 period. Neither the cancellation of the certificate nor the failure to receive a RAF return notice, shall relieve the company from its obligation to pay RAFs, penalty and interest that may be due for this year. Failure to pay the amounts owed to this Commission will result in the Company being sent to collections.

We acknowledge Nexus' notice of cancellation of its CLEC Certificate of Authority No. 8475 and request for relinquishment of its ETC designation in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.'s request for cancellation of its Certificate of Authority No. 8475, effective January 20, 2015, and request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida is acknowledged. It is further

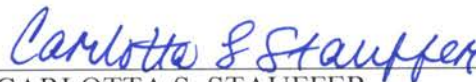
ORDERED that Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc. shall submit Regulatory Assessment Fees for the January 1, 2015 through December 31, 2015 period pursuant to Section 364.336, Florida Statutes. It is further

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 even this Order becomes final, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 6th day of March, 2015.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
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Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 27, 2015.

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.