

KAR

STATE OF FLORIDA

ORIGINAL

Commissioners:
JULIA L. JOHNSON, CHAIRMAN
J. TERRY DEASON
SUSAN F. CLARK
DIANE K. KIESLING
JOE GARCIA



DIVISION OF LEGAL SERVICES
NOREEN S. DAVIS
DIRECTOR
(850) 413-6199

Public Service Commission

October 24, 1997

Mr. Chester Ranger, Chairman
Nationwide Long Distance, Inc.
P.O. Box 572338
Houston, TX 77257-2338

Re: Docket No. 970930-TI - Cancellation by Florida Public Service Commission of Interexchange Telecommunications Certificate No. 3563 issued to Nationwide Long Distance, Inc. for violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees.

Dear Mr. Ranger:

This letter is in response to your letter dated October 14, 1997, and received at the Commission on October 20, 1997. In your letter, you state that Nationwide Long Distance, Inc., (Nationwide) is operating under Chapter 11 of the U.S. Bankruptcy Code, and that it cannot pay pre-petition debts because the automatic stay provisions of 11 U.S.C. § 362 are in effect.

In Order No. PSC-97-1055-FOF-TI, which became final and effective on September 30, 1997, this Commission imposed a fine of \$500 on Nationwide for failure to pay its 1996 regulatory assessment fee. The fine was to be remitted by October 7, 1997, or Nationwide's certificate, Certificate No. 3563, would be canceled. The company did not remit the fine and on October 7, 1997, its certificate was canceled.

In addition, the Commission directed that if Nationwide's certificate were canceled, the company's obligation to pay its regulatory assessment fee together with statutory penalties and interest would be in no way diminished. It is staff's view that the automatic stay provisions of 11 U.S.C. § 362 are not effective in this instance. 11 U.S.C. § 362(b)(4) provides that the filing of a petition under 11 U.S.C. § 301, 302, or 303 does not operate as a stay "of the commencement or continuation of an action or proceeding by a governmental unit to enforce such governmental unit's

ACK _____
AFA _____
APP _____
CAF _____
CMU _____
CTR _____
EAG _____
LE _____
LH _____
OPL _____
R _____
S _____
WAS _____
OTH _____

DOCUMENT NUMBER-DATE

11003 OCT 24 5

Mr. Chester Ranger, Chairman

Page 2

October 24, 1997

police or regulatory power." Therefore, Nationwide's obligation to pay its regulatory assessment fee together with statutory penalties and interest is undiminished and current.

Yours truly,



Charles J. Pellegrini
Staff Counsel

CJP/anr

cc: Division of Communications (K. Biegalski)
Division of Administration (M. Lake)
Division of Records & Reporting (B. Bayo)