

REQUEST TO ESTABLISH DOCKET  
(PLEASE TYPE)

Date August 2, 2001

Docket No. 011007-TI

- 1. Division Name/Staff Name Competitive Services/Isler
- 2. OPR Competitive Services/Isler
- 3. OCR Legal Services

4. Suggested Docket Title Cancellation by Florida Public Service Commission of Interexchange  
Telecommunications Certificate No. 7630 Issued to Utility.com, Inc. for Violation of Rule 25-4.0161, F.A.C.,  
Regulatory Assessment Fees; Telecommunications Companies

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

- Documentation is attached.
- Documentation will be provided with recommendation.

Northern California Division  
P.O. Box 1838 • 2557 Merced Street • San Leandro, CA 94577-9922  
Phone: (510) 346-6000 • Fax: (510) 346-6020  
www.creditservices.org

July 17, 2001

In the Matter of )

Utility.com, Inc. )  
5650 Hollis Street )  
Emeryville, CA 94608 )

**BULLETIN NO. 4A**  
**33890**

**To the Creditors Who Have Not Filed a Proof of Claim:**

You will recall that above captioned company executed a **General Assignment** for the benefit of its creditors in favor of **CMA Business Credit Services ("Assignee")**, under which possession of the assets was taken on March 6, 2001.

Our records show you have not filed a Proof of Claim. Enclosed with this bulletin is a form Proof of Claim with which to file your claim with this office. **The last date to return this claim form to this office is September 6, 2001.** To ensure your participation in any distribution of funds generated for the benefit of unsecured creditors from the liquidation of the company, you **must** return the Proof of Claim by that date.

Creditors are requested to advance their files to mid-October, 2001 for an updated report. You will be advised if any significant developments occur in the interim.

Very truly yours,  
**ADJUSTMENT BUREAU**



C.E. "Chuck" Brooks  
Estate Manager

Enclosure: Proof of Claim

2001 JUL 25 PM 3:42  
DIVISION OF  
COMPETITIVE SERVICES

- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- LEG   I
- OPC \_\_\_\_\_
- PAI \_\_\_\_\_
- RGO \_\_\_\_\_
- SEC   I
- SER \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

Headquarters: 40 E. Verdugo Avenue • Burbank, CA 91502-1931 • Phone: (818) 972-5300

Offices in: **Sacramento** (916) 686-1222    **Silicon Valley** (831) 475-9482    **Las Vegas** (702) 259-2622

**08941 JUL 23 6**

FPSC-COMMISSION CLERK

# PROOF OF CLAIM

Case No. 33890

To: CMA Business Credit Services  
2557 Merced Street  
San Leandro, California 94577

Re: Utility.com, Inc.

The undersigned is a creditor of the above subject debtor(s) and I/we hereby file my/our claim below as follows:

As evidence of my/our claim, an itemized statement of my/our account and/or a copy of a promissory note is hereto attached.

THE AMOUNT OF MY/OUR CLAIM IS \$ \_\_\_\_\_  
(as of March 6, 2001)

Dated: \_\_\_\_\_

COMPANY NAME \_\_\_\_\_

BY \_\_\_\_\_ TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE NO. \_\_\_\_\_ FAX# \_\_\_\_\_

NOTE: Interest is applicable only to the date of March 6, 2001, and then only in the event a written agreement exists between you and the debtor providing for payment of interest.

PLEASE COMPLETE THIS FORM, ATTACH AN ITEMIZED STATEMENT OF YOUR ACCOUNT THEREON, AND RETURN AT ONCE TO:

ADJUSTMENT BUREAU  
Attn: Michele McClinton  
CMA Business Credit Services  
2557 Merced Street, California 94577

STATE OF FLORIDA

Commissioners:  
E. LEON JACOBS, JR., CHAIRMAN  
J. TERRY DEASON  
LILA A. JABER  
BRAULIO L. BAEZ  
MICHAEL A. PALECKI



DIVISION OF COMPETITIVE SERVICES  
WALTER D'HAESELEER  
DIRECTOR  
(850) 413-6600

## Public Service Commission

April 3, 2001

Mr. Fred J. Lawrence  
Assignee of Utility.com, Inc.  
c/o CMA Business Credit Services  
40 E. Verdugo Ave.  
Burbank, CA 91502-1931

**Re: Certificate No. 7630 (TJ437)**

Dear Mr. Lawrence:

On March 21, 2001, the Commission received a letter from Mr. Benjamin T. Reyes, II of Utility.com, Inc. advising that the company wished to withdraw its certificate from the state of Florida as of February 23, 2001. It appears from the wording of Mr. Reyes' letter that Utility.com, Inc. had filed for bankruptcy, although the letter did not state that per se.

There are three kinds of cancellations. The first is voluntary, which is normally granted if the company is in good standing with the Commission and does not have a past due balance of the regulatory assessment fee (RAF), including statutory penalty and interest charges. The second is involuntary. If a company is **not** in good standing and has an outstanding balance of the RAF, the Commission normally cancels the certificate on its own motion for a rule violation. Any balance owed is forwarded to the Comptroller's Office for collection. The third is a bankruptcy cancellation. In this case, if the company has an outstanding balance, the company is granted a bankruptcy cancellation and the Commission asks permission from the Comptroller's Office to write-off the uncollectible amount.

The regulatory assessment fee is assessed if a certificate is active for any one day during a calendar year. The RAF is due by January 30 of each year, unless the 30th falls on a weekend, then the fee is due by the next working day, for the previous year. If payment for the RAF is mailed after the due date, then statutory penalty and interest charges are applicable.

According to Commission records, Utility.com, Inc. has not paid the 2000 RAF, including penalty and interest charges. Statutory penalty and interest charges continue to accrue until paid.

The effective date of a voluntary cancellation is the date that the Commission received a company's request for cancellation. In this case, the Commission did not receive the company's

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PSC Website: <http://www.floridapsc.com>

Internet E-mail: [contact@psc.state.fl.us](mailto:contact@psc.state.fl.us)

Mr. Fred J. Lawrence


Page 2

April 3, 2001

request until March 21, 2001, therefore, the company will owe the 2001 RAF, even if the company is no longer in business. Rule 25-24.474, Florida Administrative Code, provides that a company requesting voluntary cancellation must either pay the 2001 RAF or provide a date certain that it will be paid. For example, within 30 days after the Commission Order is issued granting the voluntary cancellation.

Therefore, based on the above information, I cannot recommend a voluntary cancellation of Utility.com, Inc.'s certificate unless the past due balance is paid. Please respond in writing within 15 days from the date of this letter and let me know how you wish to proceed. If Utility.com, Inc. has filed for bankruptcy, please provide the type (Chapter 7 or Chapter 11) and the case number. In the meantime, if you have any questions, just let me know. I can be reached at (850) 413-6502-voice, (850) 413-6503-fax, by internet e-mail at [pisler@psc.state.fl.us](mailto:pisler@psc.state.fl.us), or at the above address.

Sincerely,



Paula J. Isler, Research Assistant  
Bureau of Service Evaluation & Compliance

Enclosure (Rule 25-24.474, F.A.C.)

**Paula Isler**

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**From:** Linda Williams  
**Sent:** Monday, April 02, 2001 8:56 AM  
**To:** Paula Isler  
**Subject:** RE:

Hi Paula. I hope you enjoyed your 2 days off and it was't work. That DN is 03545-01. See ya.

-----Original Message-----

**From:** Paula Isler  
**Sent:** Monday, April 02, 2001 8:08 AM  
**To:** Linda Williams  
**Subject:** RE:

I was out Thursday and Friday. I'll print it. What is the document number?

-----Original Message-----

**From:** Linda Williams  
**Sent:** Thursday, March 29, 2001 9:02 AM  
**To:** Paula Isler  
**Subject:** RE:

Ok, I'll get it to you today or you can print it from the system.

-----Original Message-----

**From:** Paula Isler  
**Sent:** Wednesday, March 28, 2001 4:39 PM  
**To:** Linda Williams  
**Subject:** RE:

Hey Linda. On 03/21, you e-mailed me that you would send me this company's request for cancellation (they owe money). As of today, I have not received it, so it must have gotten lost along the way. Can you please resend it to me in CMP? Just as info, if it goes to RGO by mistake, it is always days before I get anything. Thanks!

-----Original Message-----

**From:** Paula Isler  
**Sent:** Wednesday, March 21, 2001 8:15 AM  
**To:** Linda Williams  
**Subject:** RE:

TJ437 has not paid the 2000 RAF unless they sent a check with their request for cancellation. If no check, send to me and I'll attempt collection.

-----Original Message-----

**From:** Linda Williams  
**Sent:** Tuesday, March 20, 2001 5:17 PM

To: Paula Isler  
Subject:

We have a letter from Utility.com requesting cancellation of cert. What the verdict?

PSC  
4:36  
AND  
ING

5650 Hollis Street, Emeryville, CA 94608-2568

PHONE 510-740-1700

FAX 510-740-1890

REC'D  
MAR 2  
REC'D  
REP

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399

Re: Withdrawal of Utility.com's License for Telephone Services

Dear Sir or Madam:

By this letter, Utility.com, Inc., formally requests to withdraw all licenses for telephony services offered in this jurisdiction. Utility.com, Inc., an insolvent company, is no longer doing business in this jurisdiction and has effected an assignment of all assets for the benefit of its creditors pursuant to California insolvency law. Utility.com, Inc. has exited the telephone long-distance and calling card business all together on February 23, 2001. All customers were provided with notices to switch to the long distance carriers of their choice. It is understood that calling card customers were provided with a grace period of 90 days within which to use all remaining minutes. All unexpended minutes are subject to refund.

If you have any questions relating to this withdrawal, kindly contact the undersigned at (510) 740-1713 until March 30, 2001. After March 30, 2001, the contact person for Utility.com is Fred J. Lawrence, Assignee of Utility.com, Inc., c/o CMA Business Credit Services, 40 E. Verdugo Ave., Burbank, CA 91502-1931, (818) 972-5350. After March 30, 2001, the undersigned will no longer serve as the official contact person or tariff officer for Utility.com. Please update your records accordingly and include Mr. Lawrence as your contact for outstanding matters.

Please send written confirmation of withdrawal of Utility.com's license to the address on this letterhead. We appreciate the opportunity to conduct business in your jurisdiction. We regret that the wholesale price of energy, particularly in California, has made it impossible for us to provide services for our customers are prices that are competitive.

Very truly yours,

*Benjamin T. Reyes, II*

Benjamin T. Reyes, II  
General Counsel & Secretary

APP  
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CMF  
DCM  
DTE  
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DUE  
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None

DOCUMENT NUMBER-DATE  
03545 MAR 21 0  
FPSC-RECORDS REPORTING



**RAR Official Filing:**

**3/21/01\*\*\*\*\* 9:26 AM\*\*\*\*\*Linda Williams\*\*\*\*\*1**

**Linda Williams**

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To: Paula Isler  
Subject: RE:

Nope no check. It's on the way.

-----Original Message-----

From: Paula Isler  
Sent: Wednesday, March 21, 2001 8:15 AM  
To: Linda Williams  
Subject: RE:

TJ437 has not paid the 2000 RAF unless they sent a check with their request for cancellation. If no check, send to me and I'll attempt collection.

-----Original Message-----

From: Linda Williams  
Sent: Tuesday, March 20, 2001 5:17 PM  
To: Paula Isler  
Subject:

We have a letter from Utility.com requesting cancellation of cert. What the verdict?

COMPANY IDENTIFICATION

Printed on 04/02/2001 at 14:22:36 by PJI

Complete Name: Utility.com, Inc.

Mailing Name: Utility.com, Inc.

Company Code: TJ437 FEID Number:

RAF ACCOUNT FOR THE PERIOD 01/01/2000 THROUGH 12/31/2000

Reg. Date: 11/17/2000 Inactive Date:  
 Service: IXC - Interexchange Telephone  
 Received: No RAF Form  
 Status: Pending  
 Amended: No Extension: No  
 Frozen: No Comments: No  
 Payment Count: 0 Payments Made to Date  
 Operating Rev: \$0.00 Interstate Rev: \$0.00  
 RAF Rate: Net RAF Due: \$0.00

Assessment	Due	Paid	Owe
RAF	\$0.00	\$0.00	\$0.00
Penalty	\$0.00	\$0.00	\$0.00
Interest	\$0.00	\$0.00	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$0.00	\$0.00	\$0.00

Last modification was made on Tuesday, December 5, 2000 at 10:21 AM by Jackie Knight