

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation  
by Florida Public Service  
Commission of IXC Certificate  
No. 7605 and ALEC Certificate  
No. 7606 issued to Vitts  
Networks, Inc., effective  
4/13/01.

DOCKET NO. 010548-TP

In re: Bankruptcy cancellation  
by Florida Public Service  
Commission of Alternative Local  
Exchange Telecommunications  
Certificate No. 7426 and  
Interexchange Telecommunications  
Certificate No. 7425 issued to  
OnSite Access Local LLC,  
effective 7/2/01.

DOCKET NO. 011002-TP  
ORDER NO. PSC-01-2054-FOF-TP  
ISSUED: October 18, 2001

The following Commissioners participated in the disposition of  
this matter:

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

ORDER GRANTING CANCELLATION OF INTEREXCHANGE TELECOMMUNICATIONS  
CERTIFICATES AND ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS  
CERTIFICATES DUE TO CHAPTER 11 BANKRUPTCY

BY THE COMMISSION:

The Division of the Commission Clerk and Administrative  
Services advised our staff by memorandum that the entities listed  
below had not paid the 2000 Regulatory Assessment Fees (RAFs).  
Also, accrued statutory penalties and interest charges for late  
RAFs payments for the year 2000 had not been paid. The entities  
were scheduled to remit their RAFs by January 30, 2001.

DOCUMENT NUMBER-DATE

13234 OCT 18 2001

FPSC-COMMISSION CLERK

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 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. All entities that apply for certification receive a copy of our rules governing telecommunications services.

We received notice that each of the companies listed below had filed for Chapter 11 bankruptcy protection. In addition, we received letters from each of the companies requesting cancellation of their respective certificates and asking that any unpaid RAFs be written off as no funds existed.

Chapter 11 of Section 109 of the Federal Bankruptcy Code provides for reorganization by business entities. The filing of a bankruptcy petition under Chapter 11 invokes an automatic injunction known as the Automatic Stay, codified in Bankruptcy Code Section 362. Section 362(b)(5) provides that, for governments, the filing of the petition does not operate as a stay "of the enforcement of a judgment, other than a money judgment, obtained in an actual proceeding by a governmental unit to enforce such governmental unit's police or regulatory power." (emphasis added) Thus, it would appear that we are not enjoined from exercising our police powers to protect public health, safety and welfare, but are enjoined from exercising our regulatory authority seeking to collect a debt. However, in this case, each of the entities has requested cancellation of its respective certificate. Under those circumstances, this Commission is free to do so. We note that the Division of the Commission Clerk and Administrative Services will be notified that the past due RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amounts should be requested.

Accordingly, we find it appropriate to cancel the certificates listed below, effective on the dates shown. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

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DOCKETS NOS. 010548-TP, 011002-TP  
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<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>EFFECTIVE DATE</u>
Vitts Networks, Inc.	7605 (IXC)	04/13/01
Vitts Networks, Inc.	7606 (ALEC)	04/13/01
OnSite Access Local LLC	7425 (IXC)	07/02/01
OnSite Access Local LLC	7426 (ALEC)	07/02/01

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the certificates listed herein are hereby canceled, effective on the dates shown above. It is further

ORDERED that the outstanding Regulatory Assessment Fees should not be sent to the Comptroller's Office for collection. The Division of the Commission Clerk and Administrative Services, instead, shall request for permission to write-off the uncollectible amounts. It is further

ORDERED that these Dockets are closed.

By ORDER of the Florida Public Service Commission this 18th day of October, 2001.

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

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records and Hearing  
Services

( S E A L )

KMP

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.