



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

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JAN 31 PM 3:37
COMMISSION CLERK
KMP BK

DATE: January 31, 2002
TO: Blanca Bayó, Director, Division of Commission Clerk and Administrative Services
FROM: Kimberley Peña, Bureau of Telecommunications, Division of Legal Services
RE: Request for Permission from Comptroller's Office to Write-Off the RAFs for the years 2000 and 2001 for Vitts Networks, Inc. (TX490 and TJ424).

On April 19, 2001, Docket No. 010548-TP was established to address TX490 and TJ424's failure to remit RAFs for the year 2000. By Order No. PSC-01-2168-PAA-TP, issued on November 5, 2001, the Commission approved the cancellation of TX490 and TJ424's Interexchange Telecommunications Certificate No. 7605 and Alternative Local Exchange Telecommunications Certificate No. 7606 due to bankruptcy. The Commission further ordered that the outstanding Regulatory Assessment Fees not be sent to the Comptroller's Office for collection, but instead, that the Division of the Commission Clerk and Administrative Services should request permission to write-off the uncollectible amount.

Therefore, staff requests that Bureau of Administrative Services/Fiscal Services Section take the appropriate steps to seek permission from the Comptroller's Office to write-off the uncollectible RAFs for the years 2000 and 2001 for TX490 and TJ424.

KMP

cc: Jackie Knight
Paula Isler

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**STATE OF FLORIDA
OFFICE OF THE COMPTROLLER
BUREAU OF AUDITING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL**

(PLEASE PRINT OR TYPE)

AGENCY: FLORIDA PUBLIC SERVICE COMMISSION

DATE: 1/31/02

CONTACT: KAREN BELCHER, DIRECTOR, FISCAL SERVICES

PHONE NUMBER: 413-6273

SAMAS ACCOUNT CODE: 61 20 2 573003 610000 00 000300
61 74 1 000331 610000 00 001200

TX490
010548-TP

Vitts Networks, Inc.

AGENCY REFERENCE #	LAST NAME	FIRST	MIDDLE	SOCIAL SECURITY NUMBER	COMPTROLLER USE ONLY
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Vitts Networks, Inc., 77 Sundial Avenue Manchester, NH 03103

LAST KNOWN ADDRESS (INCLUDE ZIP)

HOME TELEPHONE	WORK TELEPHONE	PRINCIPLE AMOUNT	PENALTY/INTEREST AMOUNT	TOTAL
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§ 364.336, F.S.

§ 350.113, F.S. Rule 25-4.0161, F.A.C.

PENALTY/INTEREST AUTHORITY	DATE DEBT INCURRED	DEBT TYPE
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2000 and 2001 REGULATORY ASSESSMENT FEES

DEBT DESCRIPTION, e.g., DRIVER LICENSE, SALARY OVERPAYMENT, PROPERTY DAMAGE

ADDITIONAL INFORMATION, e.g., DATE OF BIRTH, DRIVER LICENSE NUMBER, ETC.

**STATE OF FLORIDA
OFFICE OF THE COMPTROLLER
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SAMAS ACCOUNT CODE: 61 20 2 573003 610000 00 000300
61 74 1 000331 610000 00 001200

TJ424
010548-TP

Vitts Networks, Inc.

Vitts Networks, Inc., 77 Sundial Avenue Manchester, NH 03103

_____	_____	_____	_____	_____
HOME TELEPHONE	WORK TELEPHONE	PRINCIPLE AMOUNT	PENALTY/INTEREST AMOUNT	TOTAL
		\$100	\$12.50/\$6	\$118.50

§ 364.336, F.S.

§ 350.113, F.S. Rule 25-4.0161, F.A.C.

January 31, 2001

8

2000 and 2001 REGULATORY ASSESSMENT FEES

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-01-2168-PAA-TP
ISSUED: November 5, 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

REISSUANCE OF ORDER GRANTING CANCELLATION OF INTEREXCHANGE
TELECOMMUNICATIONS CERTIFICATES AND ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATES DUE TO CHAPTER 11 BANKRUPTCY AS
NOTICE OF PROPOSED AGENCY ACTION

BY THE COMMISSION:

This is a reissuance of Order No. PSC-01-2054-FOF-TP, issued
October 18, 2001. Due to a clerical error, the Order was
inadvertently issued as a Final Agency Action instead of as a
Proposed Agency Action. Accordingly, the Order is being reissued

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ORDER NO. PSC-01-2168-PAA-TP
DOCKETS NOS. 010548-TP, 011002-TP
PAGE 2

in Docket Nos. 010548-TP and 011002-TP, as a Proposed Agency Action, to provide adequate notice.

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.

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.

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.

<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 any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further


ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDER NO. PSC-01-2168-PAA-TP
DOCKETS NOS. 010548-TP, 011002-TP
PAGE 4

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 Director, Division of the Commission Clerk and Administrative Services, 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, these dockets shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of November, 2001.



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

ORDER NO. PSC-01-2168-PAA-TP
DOCKETS NOS. 010548-TP, 011002-TP
PAGE 5

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 Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 26, 2001.

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 docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

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

DOCKET NO. 011002-TP
ORDER NO. PSC-01-2346-CO-TP
ISSUED: December 5, 2001

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-01-2168-PAA-TP, issued November 5, 2001, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-01-2168-PAA-TP has become effective and final. It is further

ORDERED that this docket shall be closed.

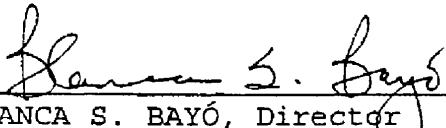
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15226 DEC-5

FPSC-COMMISSION CLERK

ORDER NO. PSC-01-2346-CO-TP
DOCKETS NOS. 010548-TP, 011002-TP
PAGE 2

By ORDER of the Florida Public Service Commission, this 5th
Day of December, 2001.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative 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 judicial review of Commission orders that is available pursuant to Section 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 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 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.