



Public Service Commission
-M-E-M-O-R-A-N-D-U-M-

ORIGINAL
RECORDED FPSC
02 JAN 31 PM 3:31
COMMISSION CLERK

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 *KMP*
RE: Request for Permission from Comptroller's Office to Write-Off the RAFs for the year 2001 for @link Networks, Inc. (TJ269 and TX329). *DL*

On May 18, 2001, Docket No. 010765-TP was established to address TJ269 and TX329's failure to remit RAFs for the year 2000. By Order No. PSC-01-2183-PAA-TP, issued on November 6, 2001, the Commission approved the cancellation of TJ269 and TX329's Interexchange Telecommunications Certificate No. 7203 and Alternative Local Exchange Telecommunications Certificate No. 7204 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 year 2001 for TJ269 and TX329.

KMP

cc: Jackie Knight
Paula Isler

- AUS _____
- CAF _____
- CMP _____
- COM _____
- CTR _____
- ECR _____
- GCL _____
- OPC _____
- MMS _____
- SEC _____
- OTH _____

DOCUMENT NUMBER-DATE

01219 JAN 31 02

FPSC-COMMISSION CLERK

**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

TJ269
010765-TP @link Networks, Inc.

AGENCY REFERENCE #	LAST NAME	FIRST	MIDDLE	SOCIAL SECURITY NUMBER	COMPTROLLER USE ONLY
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@link Networks, Inc., 2220 Campbell Creek Blvd., Suite 110 Richardson, TX 75092

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.

January 31, 2002

8

PENALTY/INTEREST AUTHORITY

DATE DEBT INCURRED

DEBT TYPE

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
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

TX329
010765-TP

@link Networks, Inc.

AGENCY REFERENCE #	LAST NAME	FIRST	MIDDLE	SOCIAL SECURITY NUMBER	COMPTROLLER USE ONLY
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@link Networks, Inc., 2220 Campbell Creek Blvd., Suite 110 Richardson, TX 75092

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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.

\$50

\$0/\$0

\$50

January 31, 2002

8

PENALTY/INTEREST AUTHORITY

DATE DEBT INCURRED

DEBT TYPE

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.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation
by Florida Public Service
Commission of IXC Certificate
No. 7203 and ALEC Certificate
No. 7204 issued to @link
Networks, Inc., effective
5/8/01.

DOCKET NO. 010765-TP
ORDER NO. PSC-01-2183-PAA-TP
ISSUED: November 6, 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

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

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.

@link Networks, Inc. (@link Networks) currently holds
Certificates of Public Convenience and Necessity Nos. 7203 and
7204, issued by the Commission on November 12, 1999, authorizing
the provision of Interexchange Telecommunications (IXC) and
Alternative Local Exchange Telecommunications (ALEC) service
respectively. The Division of the Commission Clerk and
Administrative Services advised our staff by memorandum that @link
Networks 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. @link Networks
was scheduled to remit its RAFs by January 30, 2001.

DOCUMENT NUMBER-DATE

14015 NOV-01

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 IXC and ALEC service.

On May 8, 2001, the Commission received notice that @link Networks, Inc. had filed for Chapter 11 bankruptcy protection on April 25, 2001. On May 14, 2001 the Commission received a letter dated May 7, 2001 from Mr. Alexander Good, Chairman and CEO, which requested permission to maintain its operating authority although it had begun notifying its customers that service would be discontinued. Mr. Good stated that the notice to customers provided information on other telecommunications providers.

On May 15, 2001, the Commission received a letter dated May 9, 2001 from Mr. Good, which stated that @link Networks had been unable to obtain additional financing and that under the circumstances, it had ceased doing business and that the company's assets would be liquidated. Mr. Good requested that the Commission terminate any operating authority previously granted.

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, the company has requested cancellation of its 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

ORDER NO. PSC-01-2183-PAA-TP
DOCKET NO. 010765-TP
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for collection, but that permission for the Commission to write-off the uncollectible amount should be requested.

Accordingly, we find it appropriate to cancel IXC Certificate No. 7203 and ALEC Certificate No. 7204, effective May 8, 2001. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that @link Networks, Inc.'s Certificate Nos. 7203 and 7204 to provide Interexchange Telecommunications and Alternative Local Exchange Telecommunications services are hereby canceled, effective May 8, 2001. 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 amount. 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 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, this docket shall be closed.

ORDER NO. PSC-01-2183-PAA-TP
DOCKET NO. 010765-TP
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By ORDER of the Florida Public Service Commission this 6th Day
of November, 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)

JAE

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

ORDER NO. PSC-01-2183-PAA-TP
DOCKET NO. 010765-TP
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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 27, 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
Commission of IXC Certificate
No. 7203 and ALEC Certificate
No. 7204 issued to @link
Networks, Inc., effective
5/8/01.

DOCKET NO. 010765-TP
ORDER NO. PSC-01-2183A-PAA-TP
ISSUED: December 7, 2001

AMENDATORY ORDER

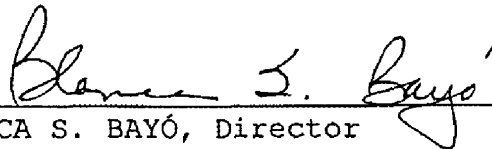
On November 6, 2001, we issued Order No. PSC-01-2183-PAA-TP to grant a bankruptcy cancellation for @link Networks, Inc. However, we inadvertently failed to reflect that Order No. PSC-01-2183-PAA-TP was a reissuance of Order No. PSC-01-2066-FOF-TP, issued October 19, 2001. The Order was reissued as a Proposed Agency Action, to provide adequate notice. Therefore, Order No. PSC-01-2183-PAA-TP is amended to reflect that this is a reissuance of Order No. PSC-01-2066-FOF-TP.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-01-2183-PAA-TP is hereby amended to reflect that it is a reissuance of Order No. PSC-01-2066-FOF-TP. It is further

ORDERED that Order No. PSC-01-2183-PAA-TP is reaffirmed in all other respects.

By ORDER of the Florida Public Service Commission this 7th Day of December, 2001.



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

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DOCUMENT NUMBER-DATE

15301 DEC-7₀₁

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation
by Florida Public Service
Commission of IXC Certificate
No. 7203 and ALEC Certificate
No. 7204 issued to @link
Networks, Inc., effective
5/8/01.

DOCKET NO. 010765-TP
ORDER NO. PSC-01-2434-CO-TP
ISSUED: December 13, 2001

CONSUMMATING ORDER

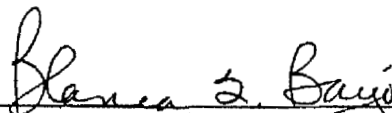
BY THE COMMISSION:

By Order No. PSC-01-2183-PAA-TP, issued November 6, 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-01-2183-PAA-TP has become effective and final. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 13th Day of December, 2001.



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

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DOCUMENT NUMBER-DATE

15556 DEC 13 2001

FPSC-COMMISSION CLERK

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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 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.