

REQUEST TO ESTABLISH DOCKET

(Please Type)

ORIGINAL

Date June 28, 2002 Docket No. 020626-TX

1. Division Name/Staff Name: Division of Competitive Markets & Enforcement/Isler

2. OPR: Division of Competitive Markets & Enforcement/Isler

3. OCR: Office of the General Counsel

4. Suggested Docket Title: Cancellation by Florida Public Service Commission of ALEC Certificate No. 7779 issued to NxGen Networks, Inc. for violation of Rules 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies and 25-24.835, F.A.C., Rules Incorporated.

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

A. Provide NAMES OR ACRONYMS ONLY if a regulated company.

B. Provide COMPLETE NAME AND ADDRESS for all others. (Match representatives to companies.)

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.

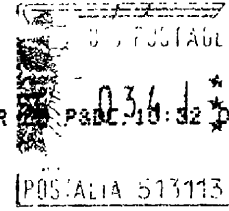
PSC/CCA010-C (Rev 10/01)

DOCUMENT NUMBER DATE
06742 JUN 28 08
FPSC-COMMISSION CLERK


State of Florida

Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850



JUN 11 2002 DENVER CO 80203-4519

 RETURNED TO SENDER
UNDELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

TX546
NxGen Networks, Inc.
1700 Lincoln Street, Suite 1920
Denver, CO 80203-4519

FOE

802034519/0850



State of Florida



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

DATE: May 9, 2002
TO: Paula Isler, Division of Competitive Services
FROM: Sandy Moses, Division of the Commission Clerk and Administrative Services *sm*
RE: Returned Mail – NxGen Networks, Inc. (Company Codes TJ493 and TX546)

Mail addressed to the organization at the address shown below has been returned to the Commission by the U.S. Postal Service for the reason indicated on the attached copy of the envelope. Staff in the Hearing Services Section has confirmed that the address matches that in the Master Commission Directory, and attempts to contact the company by telephone and e-mail have been unsuccessful.

NxGen Networks, Inc.
Ms. Victoria T. Aguilar
1700 Lincoln Street, Suite 1920
Denver, CO 80203-4519

If you are successful in contacting the company, please furnish a current mailing and location address as well as any other updated MCD information you obtain. Thank you for assisting this division in maintaining current information in the Master Commission Directory.

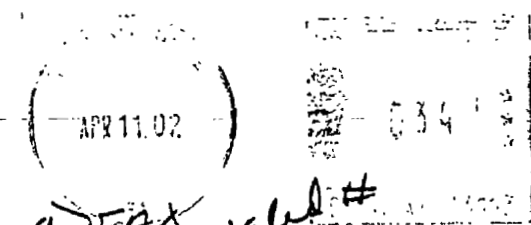
Attachment

State of Florida

Service Commission

540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

02 APR 22 PM 12:04
COMMISSIONER
CLERK

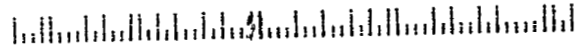


287.8489 FAX #
(303) 839-9150
all Tel. Cos are parties in This Dkt
990649B-TP

TJ493
TX 546
NxGen Networks, Inc.
Ms. Victoria
1700 Lincoln
Denver CO 80

NXGE700 802033067 1501 40 04/16/02
RETURN TO SENDER
:NXGEN NETWORKS INC
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

802033067 1501 40



NXGE700 802032018 1501 40 04/16/02
RETURN TO SENDER
:NXGEN NETWORKS INC
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

5/7/02 11:09 AM

Sandy Moses

From: MAILER-DAEMON@MAIL.PSC.STATE.FL.US
Sent: Tuesday, May 07, 2002 11:03 AM
To: SMoses@PSC.STATE.FL.US
Subject: Not Delivered: NxGen Networks, Inc. (Company Codes TJ493 and TX546)



ATT26050.TXT



NxGen Networks, Inc.
(Company ..

An error occurred sending a message to:

vaguilar@ildc.net

Relay host reported error:
Domain ildc.net is not valid, or there is a DNS configuration error.

Original Message Follows:
=====

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



DIVISION OF COMPETITIVE MARKETS &
ENFORCEMENT
WALTER D'HAESELEER
DIRECTOR
(850) 413-6600

Public Service Commission

May 8, 2002

2002 MAY 20 AM 9:54
DIVISION OF
COMPETITIVE SERVICES

Ms. Victoria T. Aguilar, Vice President
NxGen Networks, Inc. (TX546)
1700 Lincoln Street, Suite 1920
Denver, CO 80203-4519

Dear Ms. Aguilar:

The Regulatory Assessment Fee (RAF) is due by January 30th of each year for the preceding calendar year. For certificate holders, the RAF is owed even if a telecommunications company may not have started operations or had any revenues. If payment is made after the due date, then statutory penalty and interest charges are applicable.

Our records show the 2001 RAF return notice was mailed December 12, 2001, and a delinquent notice was mailed February 20, 2002. As of this date, our records do not show receipt of the RAF return or payment. A copy of the 2001 RAF return form is attached.

If full payment, including penalty and interest charges, along with the RAF return form, are not received by May 29, 2002, it is my intention to establish a docket and recommend that the Commission fine your company \$1,000 or cancel your certificate. Please note that once a docket has been established, **just paying the delinquent RAF amount will not prevent your certificate from being cancelled.**

In addition to nonpayment of the 2001 RAF, the Commission has attempted to contact your company without success. Commission rules provide that a telecommunications company must update its address, telephone numbers, and liaison within 10 days of a change. The USPS returned mail to us addressed to your company. This information needs updating with us by May 29th.

If you wish to cancel your certificate voluntarily and leave in good standing with the Commission, your company should pay the past due amount in full, complete the 2001 RAF return form, either pay the 2002 RAF or provide a date certain it will be paid, and comply with the requirements of Rule 25-24.820, Florida Administrative Code, copy attached. Any unpaid RAFs, including penalty and interest charges, are turned over to the Comptroller's Office for collection if the Commission cancels a company's certificate on its own motion (involuntary cancellations).

If you have any questions, please contact me at (850) 413-6502-voice, (850) 413-6503-fax,

Ms. Victoria T. Aguilar, Vice President

Page 2

May 8, 2002

at the address below, or via internet e-mail at pisler@psc.state.fl.us.

Sincerely,

A handwritten signature in black ink that reads "Paula J. Isler". The signature is written in a cursive style with a large, looped initial "P".

Paula J. Isler, Research Assistant
Bureau of Service Quality

Enclosures

Alternative Local Exchange Company Regulatory Assessment Fee Return

STATUS:

- Actual Return
 Estimated Return
 Amended Return

PERIOD COVERED:

04/05/2001 TO 12/31/2001

Florida Public Service Commission

(See Filing Instructions on Back of Form)

TX546-01-0-R
 NxGen Networks, Inc.
 1700 Lincoln Street, Suite 1920
 Denver, CO 80203-4519

cc: P. Isler

FOR PSC USE ONLY

Check# _____

\$ _____ 0603006
003001

\$ _____ P
0603006
004011

\$ _____ I

Postmark Date _____

Initials of Preparer _____

Please Complete Below If Official Mailing Address Has Changed

_____ (Name of Company) _____ (Address) _____ (City/State) _____ (Zip)

LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Basic Local Services	\$ _____	\$ _____
2.	Long Distance Services (IntraLATA only)**	_____	_____
3.	Access Services	_____	_____
4.	Private Line Services	_____	_____
5.	Leased Facilities & Circuits Services	_____	_____
6.	Miscellaneous Services	_____	_____
7.	TOTAL REVENUES		\$ _____
8.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)		_____
9.	Net Intrastate Operating Revenue for Regulatory Assessment Fee Calculation (Line 7 less Line 8)		_____
10.	Regulatory Assessment Fee Due (Multiply Line 9 by 0.0015)		_____
11.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
12.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	
13.	TOTAL AMOUNT DUE		\$ _____

* These amounts must be intrastate only and must be verifiable.
 ** Other long distance revenue must be listed on the Interexchange Regulatory Assessment Fee Return.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

- Facilities-Based Provider Reseller
 Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself.

_____ (Name) _____ (Address: City/State/Zip) _____ (Telephone)

COMPANY INFORMATION

Do you lease telecommunications' facilities? YES NO
 If YES, who do you lease these facilities from? Name: _____
 Address: _____

I, the undersigned owner/officer of the above-named company, have read the foregoing and declare that to the best of my knowledge and belief the above information is a true and correct statement. I am aware that pursuant to Section 837.06, Florida Statutes, whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her duty shall be guilty of a misdemeanor of the second degree.

_____ (Signature of Company Official) _____ (Title) _____ (Date)

(Preparer of Form - Please Print Name)

Telephone Number () _____ Fax Number () _____

F.E.I. No. _____

25-24.820 Revocation of a Certificate.

(1) The Commission may on its own motion, after notice and opportunity for hearing, revoke a company's certificate for any of the following reasons:

- (a) Violation of a term or condition under which the authority was originally granted;
- (b) Violation of Commission rule or order;
- (c) Violation of Florida Statute; or
- (d) Violation of a price list standard.

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

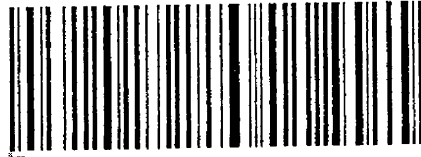
- (a) A statement of intent and date certain to pay regulatory assessment fee.
- (b) A statement of why the certificate is proposed to be canceled.
- (c) A statement as to how customer deposits and final bills will be handled.
- (d) Proof of individual customer notice regarding discontinuance of service.

Specific Authority 350.127(2) FS.
Law Implemented 364.335, 364.345 FS.
History--New 12-27-95.

State of Florida
Public Service Commission

2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

CERTIFIED MAIL

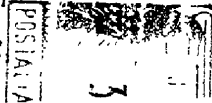


7001 2510 0007 6217 3251



DIVISION OF
COMPETITIVE SERVICES

2002 MAR -5 AM 11:08



NXGE700 802032003 1500 29
RETURN TO SENDER
:NXGEN NETWORKS INC
MOVED LEFT NO ADDRESS
UNABLE TO FORWARD
RETURN TO SENDER

80203-4615-850



TX 546

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



OFFICE OF GENERAL COUNSEL
HAROLD A. MCLEAN
(850) 413-6199

Public Service Commission

February 20, 2002

TX546-01-0-D
NxGen Networks, Inc.
1700 Lincoln Street, Suite 1920
Denver, CO 80203-4519

Dear Certificate Holder:

The Division of the Commission's Clerk and Administrative Services has forwarded your account to our office to address the nonpayment of the Regulatory Assessment Fees (RAFs) required by Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code, for the year 2001, which was due January 30, 2002. The RAFs return form was mailed to you on **December 15, 2001**, and to date, Commission records reflect that payment has not been received.

According to Florida Law, you are required to add interest charges at 12% per annum, and a 5% penalty for each 30-day period or fraction thereof, beyond the due date, up to a maximum of 25% in addition to the delinquent amount due. In addition, pursuant to Section 364.285, Florida Statutes, the Commission is authorized to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each offense, if such entity is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission, or any provision of Chapter 364.

Utilities are charged with knowledge of our rules and statutes. Moreover, it is general Commission practice that all utilities that apply for **Alternative Local Exchange** certificate receive a copy of all applicable rules. Further, in accordance with Section 364.335, Florida Statutes, as part of the application process, utilities provide an affidavit indicating that they have read and understood the applicable rules.

If you wish to request another form, please contact Jackie Knight at the number below. The payment should be identified with the company code and the company's name. Failure to provide payment within 15 days of this notice will result in the establishment of a docket to address your failure to return the RAFs form and pay RAFs in accordance with Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. As specified above, pursuant to Section 364.285, Florida Statutes, the Commission may impose a fine or cancel your telecommunications certificate. Therefore, it is important that you address this matter now.

If you have paid your fees, please provide us with your check number and the date that it was paid.

Should you have any questions concerning this letter please contact **Jackie Knight** at (850) 413-6267 or via Internet e-mail at jknight@psc.state.fl.us.

Sincerely,

Harold McLean
General Counsel

KMP
Enclosure
cc: Jackie Knight, Bureau of Administrative Services/Fiscal Services Section

MCD Company Information for TX546

Printed on 06/27/2002 at 08:16:22 by PJI

Company Code: TX546
Complete Name: NxGen Networks, Inc.
Mailing Name: NxGen Networks, Inc.
Certificate No(s): 7779
Status: Active
Regulation Date: 04/05/2001
Bankruptcy: No
Company Liaison #1: Victoria T. Aguilar
Title: VP, Legal & Regulatory Affairs/GC
Mailing Address: 1700 Lincoln Street, Suite 1920

Physical Location: Denver, CO 80203-4519
1700 Lincoln Street, Suite 1920

Phone: Denver, CO 80203-4519
(303) 839-9150
Fax: (303) 839-9149

Related Dockets:

001761-TX

Application for certificate to provide alternative local exchange telecommunications service by NxGen Networks, Inc.

*8:31 am, 6/27
303-839-9150 - # cannot be completed as dialed
303-839-9149 - > same rec. msg
DA - 303-257-8489
Called > - got fax tone
Attempted to fax a note, but
the tone would not stop, then
the line disconnected.*

COMPANY IDENTIFICATION

Printed on 05/06/2002 at 16:06:03 by PJI

Complete Name: NxGen Networks, Inc.

Mailing Name: NxGen Networks, Inc.

Company Code: TX546 FEID Number: 87-0621120

RAF ACCOUNT FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001

Reg. Date: 04/05/2001 Inactive Date:
 Service: ALX - Alternative Local Exchange
 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 Thursday, December 6, 2001 at 2:38 PM by Jackie Knight

Period covered: 01/01/2001 through 12/31/2001 RAF rate:
 Operating rev: \$0.00 Gross intrastate rev: \$0.00
 Documents: Delinquent letter mailed on 02/20/2002
 RAF form mailed on 12/06/2001