

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: FINDING OF INSOLVENCY  
CANCELLATION BY FLORIDA PUBLIC  
SERVICE COMMISSION OF IXC CERT.  
NO. 7175 ISSUED TO INTERGLOBAL  
TELEPHONE COMPANY D/B/A ITC FOR  
VIOLATION OF RULE 25-24.0161,  
F.A.C., REGULATORY ASSESSMENT  
FEES; TELECOMMUNICATIONS  
COMPANIES.

DOCKET NO. 020515-TI  
ORDER NO. PSC-02-0999-PAA-TI  
ISSUED: July 24, 2002

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER CANCELING CERTIFICATE

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.

CASE BACKGROUND

On October 15, 1999, Interglobal Telephone Company d/b/a ITC (ITC) was granted Interexchange Carrier (IXC) Certificate No. 7175. We received the company's 2000 Regulatory Assessment Fee (RAF) return on January 31, 2001, wherein ITC reported no revenues for the period ended December 31, 2000.

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FPSC-COMMISSION CLERK

We mailed the 2001 RAF return form to ITC on December 12, 2001. That return, with appropriate payment, was due by January 30, 2002. Not receiving the return and payment, we mailed a delinquent notice to ITC on February 22, 2002.

Still having received no response, on May 21, 2002, our staff wrote the company and explained that past due balances, plus statutory penalty and interest charges must be paid in order to avoid a docket being opened for an involuntary cancellation of its certificate. On June 6, 2002, we received a letter from a law firm advising that ITC had been out of business since September 26, 2001. Attached to the letter was a "Notice of Assignment" Order.

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.337, Florida Statutes.

#### DISCUSSION

Rule 25-4.0161, Florida Administrative Code, which implements Section 364.336, Florida Statutes, requires the payment of regulatory assessment fees by January 30 of the subsequent year for telecommunications companies, and provides for penalties and interest as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

Rule 25-24.474, Florida Administrative Code, establishes the requirements for cancellation of certificates. On June 6, 2002, we were notified that the company has been out of business since September 26, 2001. We were provided a "Notice of Assignment" Order dated October 1, 2001, from the Circuit Court of the 17<sup>th</sup> Judicial Circuit in Broward County. The Order stated that the company had filed a petition "commencing an Assignment for the benefit of creditors proceeding pursuant to Chapter 727, Florida Statutes" and stated claims must be filed before January 24, 2002. This Commission did not receive the Order in time to file a claim.

Basically, a finding of insolvency under Chapter 727, Florida Statutes, is the state equivalent of a finding of bankruptcy under Chapter 9 of the Federal Bankruptcy Code. It is a procedure for the administration and liquidation of insolvent estates, administered by the circuit courts of Florida. The statute provides only for liquidation and has no provision for efforts to

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reorganize and survive as is provided in Chapter 11 of the Federal Bankruptcy Code.

Accordingly, we grant the company a cancellation of its IXC Certificate No. 7175, with an effective date of June 6, 2002, based on the finding of insolvency. In addition, our Division of the Commission Clerk & Administrative Services is hereby notified that the 2001 and 2002 RAFs, including statutory penalty and interest charges for the years 2000 and 2001, should not be sent to the Comptroller's Office for collection, but that permission for this Commission to write-off the uncollectible amount should be requested.

Based on the foregoing, it is

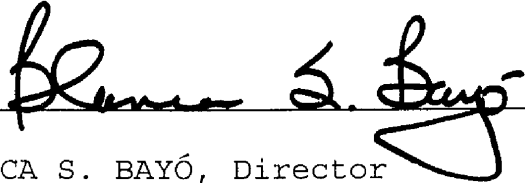
ORDERED by the Florida Public Service Commission that IXC Certificate No. 7175, issued to Interglobal Telephone Company d/b/a ITC, is hereby canceled, effective as of June 6, 2002, as discussed in the body of this Order. It is further

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 administratively.

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By ORDER of the Florida Public Service Commission this 24th  
Day of July, 2002.

A handwritten signature in black ink, reading "Blanca S. Bayó", is written over a horizontal line.

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

( S E A L )

CLF

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 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 August 14, 2002.

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