



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

DATE: August 26, 2002
TO: Division of the Commission Clerk & Administrative Services (Bayou)
FROM: Division of Competitive Markets & Enforcement (D'Haeseleer)
Office of the General Counsel (McLean)
RE: Docket Nos. 020622-TX and 020638-TA - Enron Telecommunications, Inc.

COMMISSION CLERK

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Pursuant to Section 2.07(c)(6)(a), Administrative Procedures Manual, staff requests that Docket Nos. 020622-TX and 020638-TA be closed administratively as they were inadvertently opened in error. Staff discovered that the company had filed for Chapter 11 bankruptcy prior to the dockets being opened (Case No. 01-16034). No Commission action has been taken on these dockets and Chapter 11 of Section 109 of the Federal Bankruptcy Code 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. Therefore, please close Docket Nos. ~~020622-TX and 020638-TA~~ administratively.

cc: Division of Competitive Markets & Enforcement (Isler)
Office of the General Counsel (Elliott; Teitzman)

OK

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8/28/02

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