



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

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DATE: December 9, 2002
TO: Division of the Commission Clerk & Administrative Services (Bayó)
FROM: Division of Competitive Markets & Enforcement (D'Haeseleer)
Office of the General Counsel (B. Keating) *PK*
RE: Docket No. 020737-TI, Compliance Investigation of CNM Network, Inc. for apparent violation of Rules 25-24-470, F.A.C., Certificate of Public Convenience and Necessity Required; and 25-4.043, F.A.C., Response to Commission Staff Inquiries.

On July 16, 2002, staff opened Docket No. 020737-TI against CNM Network, Inc. for apparently operating without a certificate and failure to respond to staff inquiries. After the docket was opened, the company's attorney contacted staff. During discussions with the company's attorney, staff learned that the company was operating using Voice over Internet Protocol (VOIP) and believed that it was not subject to the Florida Public Service Commission's (the Commission) jurisdiction. The company subsequently filed a petition (Docket No. 021061-TP) with the Commission requesting a declaratory statement to clarify whether the Commission's jurisdiction extends to telecommunications services provided using VOIP. Since the outcome of Docket No. 021061-TP may have a material effect on the outcome of Docket No. 020737-TI, staff believes that Docket No. 020737-TI is duplicative and should be closed administratively.

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