



ORIGINAL

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

RECEIVED-FPSC
03 FEB 10 AM 10:14
COMMISSION CLERK

DATE: February 7, 2003
TO: Blanca Bayo, Director, Division of Commission Clerk and Administrative Services
FROM: Adam J. Teitzman, Office of the General Counsel *AK JK*
RE: Request for Permission from Department of Financial Services to Write-Off the RAFs for the year(s) 2001 and 2002 for Actel Integrated Communications (TX314 and TJ256).

On November 21, 2002, Docket No. 021177-TP was established to address Actel Integrated Communication's (Actel Integrated) failure to remit RAFs for the year(s) 2001 and 2002. By Order No. PSC-02-1775-PAA-TP, issued on December 18, 2002, the Commission approved the cancellation of Actel Integrated's Alternative Local Exchange Telecommunications (ALEC) Certificate No. 7087 and Interexchange Telecommunications (IXC) Certificate No. 7086. The Commission further ordered that the outstanding Regulatory Assessment Fees not be sent to the Department of Financial Services 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 Department of Financial Services to write-off the uncollectible RAFs for the year(s) 2001 and 2002 for Actel Integrated.

AJT

cc: Jackie Knight
Paula Isler

- AUS _____
- CAF _____
- CMP _____
- COM _____
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- OPC _____
- MMS _____
- SEC /
- OTH _____

DOCUMENT NUMBER-DATE

01340 FEB 10 8

FPSC-COMMISSION CLERK

**STATE OF FLORIDA
DEPARTMENT OF FINANCIAL SERVICES
BUREAU OF ACCOUNTING
DELINQUENT ACCOUNTS RECEIVABLE TRANSMITTAL
(PLEASE PRINT OR TYPE)**

AGENCY FLORIDA PUBLIC SERVICE COMMISSION DATE FEBRUARY 5, 2003 PAGE 1 OF 1
 CONTACT KAREN BELCHER, DIRECTOR, FISCAL SERVICES
 PHONE NUMBER (850) 413-6273
 FLAIR ACCOUNT CODE SAMAS ACCOUNT CODES: 61 50 2 573003 610100 00 000300
61 74 1 000331 610100 00 001200

TX314

021177-TP Actel Integrated Communications, Inc.

Agency Reference # only	Last Name	First	M	Social Security #	DFS use
1509 Government St., Suite 300, Mobile, AL 36604-2016					
Last Known Address (Include Zip)					
(334)473-4858		\$100.00		\$46.00	\$146.00
Home Telephone	Work Phone	Principal Amount		Penalty/Interest Amount	Total
§364.366, F.S., §350.113, F.S., Rule 25-4.0161, F.A.C				11/08/02	8
Penalty/Interest Authority				Date Debt Incurred	Debt Type

2001 and 2002 Regulatory Assessment Fees (plus penalties and interest charges for 2000 and 2001)

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

TJ256

2. 021177-TP Actel Integrated Communications, Inc.

Agency Reference #	Last Name	First	M	Social Security #	DFS use only
1509 Government St., Suite 300, Mobile, AL 36604-2016					
Last Known Address (Include Zip)					
(334)473-4858		\$100.00		\$46.00	\$146.00
Home Telephone	Work Phone	Principal Amount		Penalty/Interest Amount	Total
§364.366, F.S., §350.113, F.S., Rule 25-4.0161, F.A.C				11/08/02	8
Penalty/Interest Authority				Date Debt Incurred	Debt Type

2001 and 2002 Regulatory Assessment Fees (plus penalties and interest charges for 2000 and 2001)

Debt Description, e.g., Drivers License, Property Damage

Additional Information, e.g., Date of Birth, Drivers License Number, etc

****DEBIT TYPE CODE****

1. RETURNED CHECK 2. NONPAYMENT FOR STATE GOODS/SERVICES 3. DAMAGE TO STATE PROPERTY
 7. COURT ORDER 8. FINES 9. OVERPAYMENT OF STATE FUNDS

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation
by Florida Public Service
Commission of IXC Certificate
No. 7086 and ALEC Certificate
No. 7087 issued to Actel
Integrated Communications, Inc.

DOCKET NO. 021177-TP
ORDER NO. PSC-02-1775-PAA-TP
ISSUED: December 18, 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 GRANTING CANCELLATION OF INTEREXCHANGE TELECOMMUNICATIONS
CERTIFICATE 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.

Rules 25-24.474 and 25-24.820, Florida Administrative Code, establish the requirements for cancellation of IXC and ALEC certificates, respectively. Rule 25-4.0161, Florida Administrative Code, incorporated by Rules 25-24.480 and 25-24.835, 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.

DOCUMENT NUMBER DATE

13759 DEC 18 02

FPSC-COMMISSION CLERK

On April 11, 2001, Actel Integrated Communications, Inc. filed for Chapter 11 bankruptcy protection, which was converted to a Chapter 7 bankruptcy proceeding on June 14, 2001. Chapter 7 of Section 109 of the Federal Bankruptcy Code provides for total liquidation of the business entity. The filing of a bankruptcy petition under Chapter 7 invokes an automatic injunction known as the Automatic Stay, codified in Bankruptcy Code Section 362. Upon such filing, an interim Trustee in Bankruptcy is immediately appointed who has the duty to collect and secure the non-exempt assets of the debtor and distribute them to creditors in the manner set forth in the Bankruptcy Code. Secured creditors are given the highest priority in the distribution and, normally, receive all of the distributed assets. Regulatory fees and penalties owed by a company to the Florida Public Service Commission are not secured debts and, as a practical matter, are uncollectible in a Chapter 7 proceeding.

We are prevented by the automatic stay provision of the Bankruptcy Code from taking action against this company for its failure to pay regulatory assessment fees. Although we do not typically grant a cancellation of a telecommunications certificate when there is an outstanding balance, a cancellation can be granted in this case, since the company requested cancellation of its certificate. However, it should be noted that the Division of the Commission Clerk & Administrative Services will be notified that the past due RAFs should not be sent to the Comptroller's Office for collection.

Therefore, we hereby grant the company a bankruptcy cancellation of its IXC Certificate No. 7086 and its ALEC Certificate No. 7087 with an effective date of November 18, 2002. In addition, the Division of the Commission Clerk & Administrative Services will be notified that the 2001 and 2002 RAFs, including statutory penalty and interest charges for the years 2000 and 2001 for each certificate, should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amount should be requested. If the certificates are cancelled in accordance with this Order, Actel Integrated Communications, Inc. shall be required to immediately cease and desist providing interexchange telecommunications and alternative local exchange services in Florida.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Actel Integrated Communications, Inc.'s Certificate No. 7086 to provide Interexchange Telecommunications services is hereby canceled, effective November 18, 2002. It is further

ORDERED by the Florida Public Service Commission that Actel Integrated Communications, Inc.'s Certificate No. 7087 to provide Alternative Local Exchange Telecommunications services is hereby canceled, effective November 18, 2002. 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 if Actel Integrated Communications, Inc.'s Certificate No. 7086 is canceled in accordance with this Order, that entity shall immediately cease and desist providing Interexchange Telecommunications services in Florida. It is further

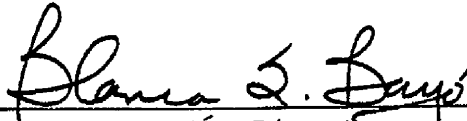
ORDERED that if Actel Integrated Communications, Inc.'s Certificate No. 7087 is canceled in accordance with this Order, that entity shall immediately cease and desist providing Alternative Local Exchange Telecommunications services in Florida. It is further

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-02-1775-PAA-TP
DOCKET NO. 021177-TP
PAGE 4

By ORDER of the Florida Public Service Commission this 18th
day of December, 2002.



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

(S E A L)

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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 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.

ORDER NO. PSC-02-1775-PAA-TP
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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 January 8, 2003.

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.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation
by Florida Public Service
Commission of IXC Certificate
No. 7086 and ALEC Certificate
No. 7087 issued to Actel
Integrated Communications, Inc.

DOCKET NO. 021177-TP
ORDER NO. PSC-03-0089-CO-TP
ISSUED: January 13, 2003

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-02-1775-PAA-TP, issued December 18, 2002, 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, in regard to the above mentioned docket. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-02-1775-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 January, 2003.

/s/ Blanca S. Bayó

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

This is a facsimile copy. Go to the
Commission's Web site,
<http://www.floridapsc.com> or fax a request
to 1-850-413-7118, for a copy of the order
with signature.

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ORDER NO. PSC-03-0089-CO-TP
DOCKET NO. 021177-TP
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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.