

REQUEST TO ESTABLISH DOCKET
(Please Type)

| | | | |
|-------------|-------------------|-------------------|--------------------------|
| Date | December 17, 2003 | Docket No. | 031112- TX TX |
|-------------|-------------------|-------------------|--------------------------|

| | |
|-------------------------------------|---|
| 1. Division Name/Staff Name: | Competitive Markets & Enforcement/McCoy <i>JM</i> |
|-------------------------------------|---|

| | |
|----------------|-------|
| 2. OPR: | McCoy |
|----------------|-------|

| | |
|----------------|--|
| 3. OCR: | |
|----------------|--|

| | |
|-----------------------------------|--|
| 4. Suggested Docket Title: | Request for cancellation by Broadwing Local Services Inc., ^{CLC} FATS Certificate No. 7641, effective 11/18/03. |
|-----------------------------------|--|

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:

Yes **Documentation is attached.**

 Documentation will be provided with recommendation.

COMPANY NAME: Broadwing Local Services Inc. CO. CODE: TX494

COMPANY LIAISON: Karen Hanson, National Director/Regulatory Affairs

DOCKET NO.: _____ CERTIFICATE NO.: 7641 EFFECTIVE: 12/11/00

RAF RETURN NOTICE: _____

DELINQUENT NOTICE: _____

OTHER RETURNED MAIL: _____

CCA'S RETURNED MAIL: _____

YEAR(s) RAFs NOT PAID: _____

YEAR(s) PENALTIES & INTEREST NOT PAID: _____

| | Amount | Year | Paid |
|----------------|--------|-------|-------|
| REVENUES/YEAR: | _____ | _____ | _____ |

DATE LOTUS CHECKED FOR PAYMENT: _____

OTHER INFORMATION

11/18/03 - From The Magee Law Firm (Jennifer A. Newberry) - Letter dated

11/17 requesting cancellation of company's CLEC certificate.

11/19/03 - Emailed Ms Newberry and advised company needed to pay 2003 RAF or

provide date certain it would be paid. She asked me to fax the

2003 form to Scott Ringo at 513-723-9815. Faxed note and form.

12/03/03 - From company - Payment of 2003 RAF (postmarked 11/22/03).

12/16/03 - Forwarded file to J. Gilchrist for handling.

TO AVOID PENALTY AND INTEREST CHARGES, THE REGULATORY ASSESSMENT FEE RETURN MUST BE FILED ON OR BEFORE 01/30/2004

Competitive Local Exchange Company Regulatory Assessment Fee Return

Wula

Florida Public Service Commission
(See Filing Instructions on Back of Form)

STATUS: FILED

| FOR PSC USE ONLY | |
|--------------------------------|---------|
| Check# <u>10831</u> | |
| \$ <u>50.00</u> | 0603006 |
| | 003001 |
| | P |
| | 0603006 |
| | 004011 |
| | I |
| Postmark Date <u>11-22-03</u> | |
| Initials of Preparer <u>RT</u> | |

TX494-03-0-R
 Broadwing Local Services Inc.
 1122 Capital of Texas Highway, South
 Austin, TX 78746
 DEC 1 2003
 cc: P. Isler

- Actual Return
- Estimated Return
- Amended Return

PERIOD COVERED:
01/01/2003 TO 12/31/2003

Please Complete Below If Official Mailing Address Has Changed

Broadwing Local Services Inc 201 East Fourth St Cincinnati Ohio 45202
(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 | | \$ <u>-0-</u> |

* 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: inactive

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 337.06, 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.

Andrew Sheel *Managing Director - Cap Tex* *11/19/03*
(Signature of Company Official) (Title) (Date)

(Preparer of Form - Please Print Name)

Telephone Number () Fax Number ()

TRANSMISSION VERIFICATION REPORT

TIME : 11/19/2003 11:29
NAME : PSC
FAX : 4137077
TEL : 4137077

| | |
|--------------|-----------------|
| DATE, TIME | 11/19 11:27 |
| FAX NO./NAME | 615137239815 |
| DURATION | 00:01:23 |
| PAGE(S) | 03 |
| RESULT | OK |
| MODE | STANDARD ECM |

November 19, 2003

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

**2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FL 32399-0850**

TO:

Scott Ringo

Phone: ()

Fax: (513) 723-9815

FROM:

Paula Isler

Phone: (850) 413-6502

Fax: (850) 413-6503

E-mail: Pisler@psc.state.fl.us

RE:

Broadwing Local Services Inc. (TX494)

Dear Mr. Ringo:

Ms. Jennifer Newberry asked me to fax the 2003 Regulatory Assessment Fee return to you since the company wishes to cancel its CLEC certificate. As soon as the return and payment are received, a docket will be established to grant the company a voluntary cancellation.

Let me know if you have any questions.

Competitive Local Exchange Company Regulatory Assessment Fee Return

Florida Public Service Commission
(See Filing Instructions on Back of Form)

STATUS:

- Actual Return
- Estimated Return
- Amended Return

TX494-03-0-R
 Broadwing Local Services Inc.
 1122 Capital of Texas Highway, South
 Austin, TX 78746

 cc: P. Isler

PERIOD COVERED:
01/01/2003 TO 12/31/2003

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 | | \$ _____ |
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| 11. | Penalty for Late Payment (see "3. Failure to File by Due Date" on back) | _____ | |
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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 ()

Paula Isler

From: Jennifer Newberry [jnewberry@mageelawfirm.com]
Sent: Wednesday, November 19, 2003 10:08 AM
To: Paula Isler
Cc: Scott. Ringo (E-mail)
Subject: RE: Broadwing Local Services Inc. (TX494)

Mr. Isler:

Thank you for your e-mail. At this time, the company would prefer to go ahead and pay the minimum regulatory fee for Broadwing Local Services since the company has had no revenues. Please fax the 2003 return to Scott Ringo, Director-Regulatory Affairs, at (513) 723-9815. If you need anything further, please feel free to contact me.

Jennifer Newberry

-----Original Message-----

From: Paula Isler [mailto:PIsler@PSC.STATE.FL.US]
Sent: Tuesday, November 18, 2003 2:01 PM
To: Jennifer Newberry
Cc: Ruth Nettles; Jackie Gilchrist
Subject: Broadwing Local Services Inc. (TX494)

Dear Ms. Newberry:

The Commission received your November 17, 2003, letter, along with an application to abandon Broadwing's CLEC certificate. Rule 25-24.820(2)(a), Florida Administrative Code, states:

(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.

The application to abandon the company's certificate complied with the cancellation rule except it did not provide the date certain the company would pay the fee. As information, the 2003 Regulatory Assessment Fee returns will be mailed mid-December and become due by January 30, 2004. The company can either go ahead and pay the \$50 minimum fee, since you stated the company had no revenues, or it can provide a date certain the fee will be paid. If the company chooses the former, I can fax you (or the company) the 2003 return. If you choose the latter, please mail a letter providing a date certain.

As soon as payment or the required information is received, a docket will be established to grant the company a voluntary cancellation. Please let me know how the company wishes to proceed or if you have any questions.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
PIsler@psc.state.fl.us

Paula Isler

From: Paula Isler
Sent: Wednesday, November 19, 2003 10:31 AM
To: 'Jennifer Newberry'; Paula Isler
Cc: Scott. Ringo (E-mail)
Subject: RE: Broadwing Local Services Inc. (TX494)

Done. Thanks.

-----Original Message-----

From: Jennifer Newberry [mailto:jnewberry@mageelawfirm.com]
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Cc: Scott. Ringo (E-mail)
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Paula Isler
Florida Public Service Commission

2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
Pisler@psc.state.fl.us

Della Fordham

From: Kflynn@psc.state.fl.us
Sent: Thursday, November 20, 2003 8:46 AM
To: SHOWARD@psc.state.fl.us; DFORDHAM@psc.state.fl.us
Subject: New filing in undocketed matter

DOCUMENT DESCRIPTION = Broadwing Local Services Inc. (Newberry) - Letter dated 11/17/03 with attached application to abandon certification [TX494]. [CCA note: Advice requested from CMP/Gilchrist, Isler on handling.]

DOCUMENT PATH =
file://L:\PSC\LIBRARY\FILINGS\03\11585-03

Document ID = 11585-03
Document Filed 11/18/03

The filing described above is now available in PDF format, and may also be available in WordPerfect or other formats.

To access it, click on the DOCUMENT PATH link. This will pop up a Windows Explorer window. You will see the PDF (Adobe Acrobat) version; you will also see other versions if they exist. Double-click on the preferred version and the document will open.

If you need to cut/paste/search in the document and find you can't, try later when the reformatted version is available. (For more information, see PDF Tips on the How To menu.)

You can also go to the docket in CMS by triple-clicking on the DOCKET NUMBER, typing ctrl-C to copy, and using the paste icon to paste the docket number into the query line in CMS.

This is an automatically generated e-mail; no response/reply is necessary.

Paula Isler

From: NET SatisFAXtion [postmaster]
To: Paula Isler
Subject: 850 413 7118, 5 page(s)

This is a **FAX** message received by **NET SatisFAXtion**

Received: 11/18/2003 12:12 PM
Total pages: 5
CSID: 850 413 7118
Transfer time: 0:01:20
Transfer rate: 14400
Error count: 0
Port used: Rockwell 56000 External M...#10
Status: Success

*TX494
Broadwing Local Services Inc*



FAX.TIF

ORIGINAL

RECEIVED FPSC

03 NOV 18 AM 11:21

THE MAGEE LAW FIRM, PLLC
6845 ELM STREET
SUITE 205
MCLEAN, VIRGINIA 22101
TELEPHONE (703) 356-7500
TELECOPIER (703) 356-6863

COMMISSION
CLERK

Of Counsel
KRISTIE STOKES HASSETT*
KATHRYN D. LECKEY
*Not Admitted in Virginia

JAMES E. MAGEE
CORINNE J. MAGEE
JENNIFER A. NEWBERRY

November 17, 2003

031066

VIA FEDERAL EXPRESS

Ms. Blanca S. Bayo
Commission Clerk and
Administrative Services Director
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

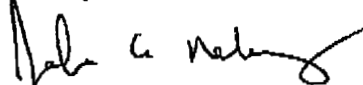
Re: Application to Abandon Certification for Broadwing Local Services Inc.
(Original Docket No. 000906-TX, Authority No. T-00-1209)

Dear Ms. Bayo:

On behalf of Broadwing Local Services Inc., enclosed please find an original and seven (7) copies of an Application to Abandon Certification. A receipt copy is also enclosed. Please date stamp the receipt copy and return it in the self-addressed, stamped envelope provided.

In the event you have any questions, or require further information, please contact the undersigned at (703) 356-7500.

Respectfully submitted,



Jennifer A. Newberry
Counsel for Broadwing Local
Services Inc.

Enclosures

RECEIVED & FILED

FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

11585 NOV 18 03

12323.1

**FLORIDA
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of)
Broadwing Local Services Inc.)
("Broadwing") to Abandon Certification) Case No. _____

APPLICATION TO ABANDON CERTIFICATION

Broadwing Local Services Inc. ("Broadwing" or "Applicant"), through its attorney, hereby respectfully requests that the Florida Public Service Commission ("Commission") grant this Application to abandon certification to operate as an alternative local exchange company in the State of Florida.

Broadwing provides the following information in support of this Application:

1. Broadwing's name, address, telephone number, and fax number are:

Broadwing Local Services Inc.
201 East Fourth Street
Cincinnati, Ohio 45201
Telephone: (513) 397-1354
Facsimile: (513) 723-9815

Formerly located at:
1122 Capital of Texas Highway South
Austin, Texas 78746-6426
Telephone: (512) 742-2647
Facsimile: (512) 328-7902

Applicant was certified under the name Broadwing Local Services Inc. on

DOCUMENT NUMBER-DATE

11585 NOV 18 85

FPSC-COMMISSION ST. PETERSBURG
ST. PETERSBURG, FLORIDA

December 7, 2000, in Docket No. 000906-TX, Order No. PSC-00-2176-PAA-TX and Consummating Order No. PSC-00-2378-CO-TX. Applicant proposes to abandon its certification on December 18, 2003.

Notices, orders and pleadings in this matter should be sent to:

Jennifer A. Newberry
The Magee Law Firm, PLLC
Suite 205
6845 Elm Street
McLean, Virginia 22101
Telephone: (703) 356-7500
Facsimile: (703) 356-6863
E-mail: jnewberry@mageelawfirm.com

3. Due to recent changes in Broadwing's business plans, Broadwing desires to abandon its certification in Florida. Further, Broadwing has never actually served local service customers in Florida. Thus, no customers will be affected by Broadwing's abandonment of its certification.

4. Broadwing is not aware of any outstanding taxes, fees or other amounts owed to the Commission or any other agency in Florida. Broadwing is willing to make satisfactory arrangements for the payment of any such amounts that may subsequently be discovered.

5. Broadwing does not maintain any facilities or equipment in Florida. Therefore, this Application will not result in the abandonment of any facilities.

6. On December 12, 2003, Broadwing filed with the Federal Communications Commission a request to discontinue the provision of intrastate resold local services in the District of Columbia, Florida, Michigan, New York and Texas, pursuant to Section 214(a) of the Communications Act of 1934, as amended, 47 U.S.C. §

214(a), and Section 63.71 of the Federal Communications Commission's Rules, 47 C.F.R.

§ 63.71. (A copy of this request was sent to this Commission.)

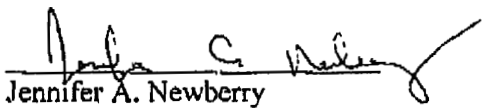
7. An affidavit verifying this Application is attached hereto.

Wherefore, Broadwing respectfully requests that the Commission grant the instant Application authorizing Broadwing to abandon its certification and to withdraw from the State of Florida. Additionally, Broadwing requests that the Commission cancel its approved local exchange tariffs.

Respectfully submitted,

Broadwing Local Services Inc.

By:


Jennifer A. Newberry
The Magee Law Firm, PLLC
Suite 205
6845 Elm Street
McLean, Virginia 22101
Telephone: (703) 356-7500
Facsimile: (703) 356-6863
jnewberry@mageelawfirm.com

Attorney for Broadwing Local
Services Inc.

Dated: November 17, 2003

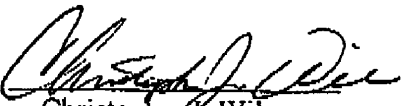
AFFIDAVIT

STATE OF OHIO


COUNTY OF HAMILTON

SS

I, Christopher J. Wilson, declare under penalty of perjury that I am Vice President and General Counsel of Broadwing Local Services Inc; that I have read the foregoing and know the contents thereof; that the same are true to the best of my knowledge, except as to the matters which are therein stated on information or belief, and as to those matters I believe them to be true.

By: 
Christopher J. Wilson
Vice President and General Counsel

Subscribed and sworn to before me
this 14th day of November, 2003


Notary Public

My Commission Expires: Susan D. McClammon
Notary Public, State of Ohio
My Commission Expires Mar. 16, 2006