

REQUEST TO ESTABLISH DOCKET
(Please Type)

Date	February 25, 2004	Docket No.	04-0172-T1
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1. Division Name/Staff Name:	Competitive Markets & Enforcement/HAWKINS
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2. OPR:	HAWKINS
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3. OCR:	
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4. Suggested Docket Title:	Request for cancellation of IXC ^{Ack of} Certificate No. 5772 ^{Registration 1/17/03} by Big Planet, Inc. d/b/a Big Planet of Utah, Inc., effective 12/31/03.
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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.

DOCUMENT NUMBER-DATE
02848 FEB 26 03
FPSC-COMMISSION CLERK

BHTH
2/24/04

Big Planet, Inc. d/b/a

COMPANY NAME: Big Planet of Utah, Inc. CO. CODE: TJ178

COMPANY LIAISON: _____

DOCKET NO.: _____ CERTIFICATE NO.: 5772 EFFECTIVE: 01/26/99

RAF RETURN NOTICE: _____

DELINQUENT NOTICE: _____

OTHER RETURNED MAIL: _____

CCA'S RETURNED MAIL: _____

YEAR(s) RAFs NOT PAID: _____

YEAR(s) PENALTIES & INTEREST _____

Amount

REVENUES/YEAR: _____

DATE LOTUS CHECKED FOR PAYMENT: _____

OTHER INFORMATION

12/31/03 - From company's attorney (Grace R. Chiu; Swidler, Berlin, Shereff,

Briedman, LLP) - Letter dated 12/30/03 requesting cancellation of

company's certificate effective 01/01/04.

- Faxed Ms. Chiu the 2003 RAF return form and a breakdown of the

2001 \$14.81 balance. In addition, I advised company would owe the

2004 RAF if company wanted an effective date of 01/01/04.

Response due 01/15/04.

Voluntary Canceled,
Eff. 12/31/03
(We rec'd. the request on
12/31/03. Co. originally
requested eff. date of
1/1/04, but changed its
mind & wants eff. date of
12/31/03.)
Shanks,
P

1/14/04 - From Co's ^{ATTN} (Grace Chiu) - Email adv

Big Planet wants its cancella. eff.

12/31/03 not 1/1/04.

1/19/04 - From Co. - Advise of the 2001 P&I.

2/11/04 - From Co. - Advise of 2003 BAF, P&I.

2/23/04 - Forwarded file to Gilchrist for handling.
Voluntary cancellation, Eff. 12/31/03.

COMPANY IDENTIFICATION

Printed on 02/23/2004 at 10:57:49 by PJI

Complete Name: Big Planet, Inc. d/b/a Big Planet of Utah, Inc.

Mailing Name: Big Planet , Inc.

Company Code: TJ178 FEID Number: 87-0565309

RAF ACCOUNT FOR THE PERIOD 01/01/2003 THROUGH 12/31/2003

Reg. Date: 01/26/1999 Inactive Date:
 Service: IXC - Interexchange Telephone
 Received: Actual RAF Form
 Status: Satisfied
 Amended: No Extension: No
 Frozen: No Comments: No
 Payment Count: 1 Payment Made to Date
 Operating Rev: \$63,180.00 Interstate Rev: \$100,844.00
 RAF Rate: 0.0015 Net RAF Due: \$94.77

Assessment	Due	Paid	Owe
RAF	\$94.77	\$94.77	\$0.00
Penalty	\$4.74	\$4.74	\$0.00
Interest	\$0.95	\$0.95	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$100.46	\$100.46	\$0.00

Last modification was made on Thursday, February 19, 2004 at 10:23 AM by Valorie Moore

Period covered: 01/01/2003 through 12/31/2003 RAF rate: 0.0015
 Operating rev: \$63,180.00 Interstate rev: \$100,844.00
 Documents: Delinquent letter mailed on 02/18/2004
 Actual RAF form received on 02/11/2004
 RAF form mailed on 12/31/2003
 RAF form mailed on 12/03/2003

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
02/11/2004	02/18/2004	02/19/2004-VPM	JH434	0024467	\$100.46
	RAF paid		JH434		\$94.77
	Penalty paid		JH434		\$4.74
	Interest paid		JH434		\$0.95

COMPANY IDENTIFICATION

Printed on 02/23/2004 at 16:22:57 by PJI

Complete Name: Big Planet, Inc. d/b/a Big Planet of Utah, Inc.

Mailing Name: Big Planet , Inc.

Company Code: TJ178 FEID Number: 87-0565309

RAF ACCOUNT FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001

Reg. Date: 01/26/1999 Inactive Date:
 Service: IXC - Interexchange Telephone
 Received: Actual RAF Form
 Status: Satisfied
 Amended: No Extension: No
 Frozen: No Comments: No
 Payment Count: 1 Payment Made to Date
 Operating Rev: \$54,827.62 Interstate Rev: \$443,862.86
 RAF Rate: 0.0015 Net RAF Due: \$82.24

Assessment	Due	Paid	Owe
RAF	\$82.24	\$82.24	\$0.00
Penalty	\$12.34	\$12.34	\$0.00
Interest	\$2.47	\$2.47	\$0.00
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$97.05	\$97.05	\$0.00

Last modification was made on Thursday, January 22, 2004 at 10:34 AM by David Brown

Period covered: 01/01/2001 through 12/31/2001 RAF rate: 0.0015
 Operating rev: \$54,827.62 Interstate rev: \$443,862.86
 Documents: Actual RAF form received on 01/19/2004
 Actual RAF form received on 04/19/2002
 RAF form faxed on 04/05/2002
 Remarks: Sent to Scott Scarnsworth at (801) 345-6999
 Delinquent letter mailed on 02/20/2002
 RAF form mailed on 12/06/2001

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
01/19/2004	01/22/2004	01/22/2004-DBR	JG417	149048	\$14.81
	RAF paid		JG417		\$0.00
	Penalty paid		JG417		\$12.34
	Interest paid		JG417		\$2.47
04/19/2002	04/29/2002	05/01/2002-JIK	HJ208	0023204	\$82.24
	RAF paid		HJ208		\$82.24

Paula Isler

From: Paula Isler
Sent: Friday, January 16, 2004 12:30 PM
To: 'Chiu, Grace'
Subject: RE: Big Planet, Inc. (TJ178)

Hi. No I don't need copies. Our Fiscal section will notify me when payment is received. Thanks for your help and have a great weekend.

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

From: Chiu, Grace [mailto:GRChiu@SWIDLAW.com]
Sent: Thursday, January 15, 2004 3:47 PM
To: PIsler@psc.state.fl.us
Subject: RE: Big Planet, Inc. (TJ178)

Paula,

To follow up on yesterday's email: We will be sending out the balance due on the 2001 RAF payment tomorrow; the Commission will receive it on Monday (or Tuesday if the PSC is closed). In addition, Big Planet is completing its 2003 RAF for filing. I will keep you posted on when it will be filed. Please let me know if you need copies of these filings sent to you.

Grace

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

From: Chiu, Grace
Sent: Wednesday, January 14, 2004 7:56 PM
To: 'PIsler@psc.state.fl.us'
Subject: Big Planet, Inc. (TJ178)

Paula,

Thank you for your fax re Big Planet's request for cancellation. I am following up on the 2001 RAF payment and 2003 RAF – should be no problem. I'll get back to you shortly!

Also, thanks for clarifying the effective date – Big Planet wants its cancellation **effective December 31, 2003**. (I thought cancelling it effective Jan. 1 would mean that it would not be active for any part of 2004.)

Grace

The preceding E-mail contains information that is confidential, may be protected by the attorney/client or other applicable privileges, and may constitute non-public information. It is intended to be conveyed only to the designated recipient(s). If you are not the intended recipient of this message, please notify the sender at 202-424-7783. Unauthorized use, dissemination, distribution, or reproduction of this message is strictly prohibited and may be unlawful.

Grace R. Chiu
Swidler Berlin Shereff Friedman, LLP
3000 K Street NW, Suite 300

Washington, D.C. 20007
(202) 424-7783 (Tel)
(202) 424-7645 (Fax)
mailto:grchiu@swidlaw.com

TRANSMISSION VERIFICATION REPORT

TIME : 12/31/2003 15:02
NAME : PSC
FAX : 4137077
TEL : 4137077

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

12/31 15:00
612024247647
00:01:57
04
OK
STANDARD
ECM

Faxed

- 1) cover sheet
- 2) 2003 RAF return
(2 pgs)
- 3) 2001 RAF summary
showing breakdown

December 31, 2003

STATE OF FLORIDA



PUBLIC SERVICE COMMISSION

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

TO:

Grace R. Chiu

Phone: 202-424-7783

Fax: 202-424-7647

FROM:

Paula Isler

Phone: (850) 413-6502

Fax: (850) 413-6503

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

RE:

Big Planet, Inc. d/b/a Big Plant of Utah,
Inc. (TJ178)

Dear Ms. Chiu:

The Commission received your letter dated December 30, 2003, requesting cancellation of Big Planet's IXC certificate effective January 1, 2004. Before staff can recommend voluntary cancellation of a certificate, a company must leave in good standing. In this case, our records show that the company has a \$14.81 balance for late payment of the 2001 Regulatory Assessment Fee. In addition, the 2003 fee, which is due by January 30, 2004, has not been paid. These will need to be taken care of before a docket can be established. The 2003 Regulatory Assessment Fee return form and a breakdown of the 2001 balance are attached.

Also, just as information, if a certificate is active for any day during a calendar year, the Regulatory Assessment Fee is applicable. This means that if the company wants an effective date of January 1, 2004, it will also owe the 2004 Regulatory Assessment Fee. If on the other hand, the company would like an effective date of December 31, 2003, it will not owe the 2004 fee.

Please review this information and respond by January 15, 2004. Let me know if you have any questions. Thanks.

Interexchange Company Regulatory Assessment Fee Return

Florida Public Service Commission

(See Filing Instructions on Back of Form)

FOR PSC USE ONLY	
Check# _____	
\$ _____	0603001 003001
\$ _____	P 0603001 004011
\$ _____	I
Postmark Date _____	
Initials of Preparer _____	

STATUS:

- Actual Return
 Estimated Return
 Amended Return

TJ178-03-0-R
 Big Planet, Inc.
 75 West Center Street
 Provo, UT 84601-4432
 cc: A. Isler

PERIOD COVERED:

01/01/2003 TO 12/31/2003

Please Complete Below If Official Mailing Address Has Changed

(Name of Company)	(Address)	(City/State)	(Zip)
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LINE NO.	ACCOUNT CLASSIFICATION	FLORIDA GROSS OPERATING REVENUE	INTRASTATE REVENUE
1.	Long Distance Services	\$ _____	\$ _____
2.	Access Services	_____	_____
3.	Private Line Services	_____	_____
4.	Leased Facilities & Circuits Services	_____	_____
5.	Miscellaneous Services	_____	_____
6.	TOTAL Telephone Services	\$ _____	\$ _____
7.	LESS: Amounts Paid to Other Telecommunications Companies* (see "2. Fees" on back)	(_____)	(_____)
8.	TOTAL REVENUES For Regulatory Assessment Fee Calculation	_____	_____
9.	Regulatory Assessment Fee Due (Multiply Line 8 by 0.0015)	_____	_____
10.	Penalty for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
11.	Interest for Late Payment (see "3. Failure to File by Due Date" on back)	_____	_____
12.	TOTAL AMOUNT DUE	_____	\$ _____

* These amounts must be intrastate only and must be verifiable.

AS PROVIDED IN SECTION 364.336, FLORIDA STATUTES, THE MINIMUM ANNUAL FEE IS \$50

CURRENT COMPANY STATUS

- Facilities-Based Carrier Reseller Call Aggregator
 Alternate-Operator Service Rebiller Other: _____

BILLING INFORMATION

Complete below if billing agent if other than yourself.

(Name)	(Address: City/State/Zip)	(Telephone)
What is the total amount of customer deposits collected? Amount: \$ _____ for 19 _____		What is the total amount of bond held (if applicable)? Amount: \$ _____ Expires: _____

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 (_____)
	F.E.I. No. _____	

COMPANY IDENTIFICATION

Printed on 12/31/2003 at 13:19:15 by PJI

Complete Name: Big Planet, Inc. d/b/a Big Planet of Utah, Inc.

Mailing Name: Big Planet, Inc.

Company Code: TJ178 FEID Number: 87-0565309

RAF ACCOUNT FOR THE PERIOD 01/01/2001 THROUGH 12/31/2001

Reg. Date: 01/26/1999 Inactive Date:
 Service: IXC - Interexchange Telephone
 Received: Actual RAF Form
 Status: Pending
 Amended: No Extension: No
 Frozen: No Comments: No
 Payment Count: 1 Payment Made to Date
 Operating Rev: \$54,827.62 Interstate Rev: \$443,862.86
 RAF Rate: 0.0015 Net RAF Due: \$82.24

Assessment	Due	Paid	Owe
RAF	\$82.24	\$82.24	\$0.00
Penalty	\$12.34	\$0.00	\$12.34
Interest	\$2.47	\$0.00	\$2.47
Extension Fee	\$0.00	\$0.00	\$0.00
Total	\$97.05	\$82.24	\$14.81

Last modification was made on Wednesday, May 1, 2002 at 10:42 AM by Jackie Knight

Period covered: 01/01/2001 through 12/31/2001 RAF rate: 0.0015
 Operating rev: \$54,827.62 Interstate rev: \$443,862.86
 Documents: Actual RAF form received on 04/19/2002
 RAF form faxed on 04/05/2002
 Remarks: Sent to Scott Scarnsworth at (801) 345-6999
 Delinquent letter mailed on 02/20/2002
 RAF form mailed on 12/06/2001

Postmarked	Trans Date	Date Posted-By	Dep #	Check #	Check Amount
04/19/2002	04/29/2002	05/01/2002-JIK	HJ208	0023204	\$82.24
	RAF paid		HJ208		\$82.24

Paula Isler

From: Ruth Nettles
Sent: Wednesday, December 31, 2003 1:45 PM
To: Paula Isler
Subject: RE: request to cancel IXC registration

You got it. Thank you for the response. I shall place in undocketed file.

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

From: Paula Isler
Sent: Wednesday, December 31, 2003 1:44 PM
To: Ruth Nettles
Subject: RE: request to cancel IXC registration

Do not open a docket. They have a balance from 2001 and owe the 2003 RAF. I will contact the company's attorney.

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

From: Ruth Nettles
Sent: Wednesday, December 31, 2003 11:28 AM
To: Paula Isler
Subject: request to cancel IXC registration

Good morning. I have a request from Swidler, on behalf of Big Pnaet, Inc. for approval to surrender certificate and withdraw tariff. There is no mention of payment for RAFs.

Please advise, thanks.

Paula Isler

From: NET SatisFAXtion [postmaster]
To: Paula Isler
Subject: 850 413 7118, 4 page(s)

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

Received: 12/31/2003 11:59 AM
Total pages: 4
CSID: 850 413 7118
Transfer time: 0:01:12
Transfer rate: 14400
Error count: 0
Port used: Rockwell 56000 External M... #9
Status: Success



FAX.TIF

ORIGINAL

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 424-7647
WWW.SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TEL.(212) 973-0111
FAX (212) 891-9598

GRACE R. CHIU
DIRECT DIAL: (202) 424-7783
E-MAIL: GRCHIU@SWIDLAW.COM

December 30, 2003

VIA OVERNIGHT DELIVERY

Blanca S. Bayó
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

RECEIVED-PSC
03 DEC 31 AM 10:43
COMMISSION
CLERK

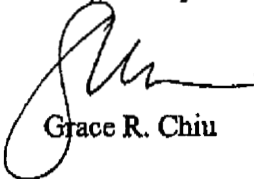
Re: **Application of Big Planet, Inc. for Approval to Surrender Its Certificate of Public Convenience and Necessity and Withdraw its Tariff**

Dear Ms. Bayó:

Enclosed for filing on behalf of Big Planet, Inc. is an original of the above-referenced Application. Kindly date-stamp the enclosed extra copy of this filing and return it in the self-addressed, postage paid envelope provided.

Big Planet respectfully requests expedited treatment and approval of this Application because Big Planet has no operations and does not serve any customers in the State of Florida. Should you have any questions regarding this application, please do not hesitate to contact me.

Respectfully submitted,


Grace R. Chiu

Counsel to Big Planet, Inc.

RECEIVED & FILED


PSC-BUREAU OF RECORDS

Enclosures

cc: Larry Bianucci (Big Planet)
J Reid Bullock (Big Planet)
William B. Wilhelm, Jr. (wo/encl.)

9313115v1

DOCUMENT NUMBER-DATE

13593 DEC 31 8

PSC-COMMISSION CLERK

**BEFORE THE
STATE OF FLORIDA
PUBLIC SERVICE COMMISSION**

Application of)
)
BIG PLANET, INC.)
)
for Approval to Surrender Its Certificate)
to Provide Interexchange Services and)
Withdraw its Tariff)

Docket No. _____

APPLICATION

Big Planet, Inc. ("Big Planet" or "Applicant"), by its undersigned counsel and pursuant to Section 364.33 of the Florida Statutes, FLA. STAT. ANN. § 364.33, hereby respectfully requests that the Commission issue an order canceling Big Planet's certificate to provide interexchange telecommunications services and approving the withdrawal of Big Planet's Florida tariff currently on file with the Commission.

Big Planet submits the following information in support of this Application:

1. Big Planet is a privately held Utah corporation headquartered in Provo, Utah. Big Planet is authorized to provide intrastate interexchange telecommunications services in the State of Florida pursuant to Certificate No. 5772, granted by the Commission in Docket No. 981182-TI ("Certificate").
2. Big Planet does not provide telecommunications services to any customers in the State of Florida and has no outstanding obligations to any Florida customers in the form of deposits or pre-payments for services which have not or will not be provided.

DOCUMENT NUMBER-DATE
13593 DEC 31 8
FPSC-COMMISSION CLERK

3. Big Planet does not intend to operate as a provider of intrastate telecommunications services in Florida and, therefore, desires to surrender its Certificate effective January 1, 2004.

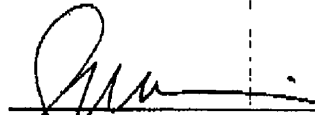
4. In connection with this Application, Big Planet withdraws and therefore also requests cancellation of its Florida tariff currently on file with the Commission.

5. Any requirement to give prior written notice to customers of Big Planet's surrender of its Certificate is inapplicable in this instance because Big Planet has no customers in Florida.

6. Big Planet submits that the surrender of its Certificate is reasonable, necessary and not disruptive to the present or future public interest, convenience and necessity of the State of Florida.

WHEREFORE, Big Planet respectfully requests that the Commission grant this Application and issue an Order canceling its Certificate and its Florida tariff currently on file with the Commission.

Respectfully submitted,



William B. Wilhelm, Jr.

Grace R. Chiu

SWIDLER BERLIN SEHREFF FRIEDMAN, LLP

3000 K Street, N.W., Suite 300

Washington, D.C. 20007-5116

(202) 424-7500 (Tel)

(202) 424-7647 (Fax)

Counsel for Big Planet, Inc.

Dated: December 30, 2003

VERIFICATION

STATE OF UTAH :
: ss.
COUNTY OF UTAH :

I, Larry Macfarlane, being first duly sworn, declare under penalty of perjury that: I am President of Big Planet, Inc., the Applicant in the foregoing Application; that I am authorized to make this Verification on behalf of the Applicant; that I have read the foregoing Application and know the contents thereof; and that the same are true and correct to the best of my knowledge, information, and belief.

Larry V. Macfarlane
(Signature)
Larry Macfarlane
President

Sworn and subscribed before me this 23 day of December, 2003.

Charles M. ...
Notary Public

My commission expires *July 1, 2006.*

