

State of Florida



# Public Service Commission

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

**DATE:** January 20, 2005

**TO:** Director, Division of the Commission Clerk & Administrative Services (Bayó)

**FROM:** Office of the General Counsel (McKay) *VSM* *bc*  
Division of Competitive Markets & Enforcement (Williams) *[Signature]*

**RE:** Docket No. ~~031053-TA~~ – Request for cancellation of AAV/CLEC Certificate No. 3151 by Metropolitan Fiber Systems of Florida, Inc., effective 1/2/04.

Docket No. 031054-TA – Request for cancellation of AAV/CLEC Certificate No. 4040 by MCI WorldCom Communications, Inc., effective 1/2/04.

Docket No. 031055-TS – Request for cancellation of STS Certificate No. 1669 by Access Network Services, Inc., effective 1/2/04.

**AGENDA:** 02/01/05 – Regular Agenda – Interested Persons May Participate

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\GCL\WP\031053.RCM.DOC

### Case Background

Due to the Plan of Reorganization under Title 11 of Chapter 11 of the United States Code (the "Bankruptcy Code"), Case No. 02-13533(AJG), having been filed with the Bankruptcy Court by WorldCom, Inc. and approved by said Bankruptcy Court on October 31, 2003, the above certificates were requested to be cancelled.

By Order No. PSC-03-1460-PAA-TP issued December 22, 2003, cancellation of the certificates was granted effective January 2, 2004. On January 12, 2004, the petitioners timely filed a protest and petition for formal administrative proceeding on Order No. PSC-03-1460-PAA-TP. The petitioners contended that the January 2, 2004 effective date for cancellation of

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the certificates did not allow time for the reorganization plan to be completed. They also disputed the statement in the Order that the petitioners had not paid their 2002 Regulatory Assessment Fees.

After numerous discussions between staff and counsel for the petitioners, on December 23, 2004, the petitioners filed a request to modify the cancellation dates and notice of voluntary dismissal of petition for formal administrative proceeding.

### **Discussion of Issues**

**Issue 1:** Should the Commission accept the Notice of Voluntary Dismissal of Petition for Formal Proceeding, modify Order No. PSC-03-1460-PAA-TP as requested by the petitioners, consummate Order No. PSC-03-1460-PAA-TP as a final order, and close these dockets?

**Recommendation:** Yes. The new effective date for cancellation of the CLEC certificate held by Metropolitan Fiber Systems of Florida and the STS certificate held by Access Network Services, Inc. should be April 20, 2004. The new effective date for cancellation of the CLEC certificate held by MCI WorldCom Communications, Inc. should be June 11, 2004, the date the CLEC price list was cancelled. (**Williams**)

**Staff Analysis:** Staff has reviewed the request filed by the petitioners and agrees that the 2002 Regulatory Assessment Fees were submitted and paid in full. Further, staff agrees with the petitioners and recommends that Order No. PSC-03-1460-PAA-TP be modified. The new effective date for cancellation of the CLEC certificate held by Metropolitan Fiber Systems of Florida and the STS certificate held by Access Network Services, Inc. should be April 20, 2004, and the new effective date for cancellation of the CLEC certificate held by MCI WorldCom Communications, Inc. should be June 11, 2004. In addition, staff recommends that the Notice of Voluntary Dismissal of Petition for Formal Proceeding be acknowledged, and Order No. PSC-03-1460-PAA-TP be reinstated and consummated as a final order recognizing the amendments suggested herein. Finally, since no further action by the Commission is necessary, this docket can be closed.