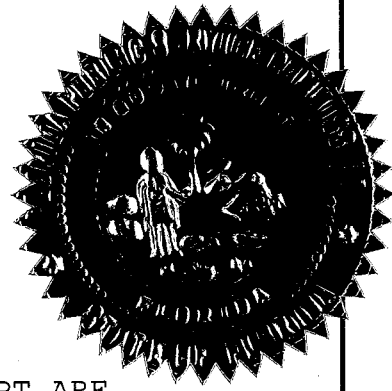


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

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In the Matter of: DOCKET NO. 060699-TI  
BANKRUPTCY CANCELLATION BY FLORIDA  
PUBLIC SERVICE COMMISSION OF IXC  
REGISTRATION NO. TI176 ISSUED TO GST  
NET, INC., EFFECTIVE OCTOBER 20, 2006.

In the Matter of: DOCKET NO. 060683-TI  
BANKRUPTCY CANCELLATION BY FLORIDA  
PUBLIC SERVICE COMMISSION OF IXC  
REGISTRATION NO. TI005 ISSUED TO  
INCOMNET COMMUNICATIONS CORPORATION,  
EFFECTIVE OCTOBER 16, 2006



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PROCEEDINGS: AGENDA CONFERENCE  
ITEMS NO. 9 and NO. 10  
  
BEFORE: CHAIRMAN LISA POLAK EDGAR  
COMMISSIONER J. TERRY DEASON  
COMMISSIONER ISILIO ARRIAGA  
COMMISSIONER MATTHEW M. CARTER, II  
COMMISSIONER KATRINA J. TEW  
  
DATE: Tuesday, November 21, 2006  
  
PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida  
  
REPORTED BY: LINDA BOLES, CRR, RPR  
Official Commission Reporter  
(850) 413-6734

1 PARTICIPATING:

2                   PATRICK WIGGINS, ESQUIRE, FPSC General Counsel's  
3 Office, and PAULA ISLER, representing the Florida Public  
4 Service Commission Staff.

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## P R O C E E D I N G S

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CHAIRMAN EDGAR: We will be on Item 9.

MS. ISLER: Paula Isler with staff. Item 9 is staff's recommendation to cancel GST Net's IXC registration due to bankruptcy. Staff is available to answer any questions.

CHAIRMAN EDGAR: Thank you.

Commissioners, questions? Commissioner Tew.

COMMISSIONER TEW: Thank you. And actually I can take up Items 9 and 10 together. I had the same concern in both, and actually concern is probably a bit strong.

I talked to staff yesterday, and essentially what I want to do is because these items, both of their recommendations are in the draft order format, and I had some questions and concerns about the details of the bankruptcy situation that were laid out in the draft order and I talked to the attorneys about clarifying that language. And, again, because it was in that draft order format, I felt like it was necessary to bring it up and give them the flexibility from the bench to work on that language.

So if the Commissioners are comfortable with giving them that flexibility just to clarify some of those things, it wouldn't change the outcome of the actual recommendation, then I can move staff with that understanding.

CHAIRMAN EDGAR: Commissioner, could you give us just a little more detail as to what it was that you wanted to be

1 clarified?

2           COMMISSIONER TEW: Sure. There -- in both dockets,  
3 Numbers 9 and 10 items, there was discussion about the  
4 bankruptcy situation for each of these companies and how they  
5 had not paid regulatory assessment fees for, I think, six years  
6 in the first one and I can't remember exactly how many years in  
7 the second. And after I read that, I read it as the regulatory  
8 assessment fees were due, and I had a long discussion with  
9 Mr. Wiggins about when, when regulatory assessment fees are due  
10 whenever a company is in the middle of a bankruptcy proceeding.  
11 And it wasn't clear when they've come out of bankruptcy, if  
12 they have. And I think they were going to look into that a  
13 little further and just clarify some of that background  
14 information in the order, but it wouldn't actually change any  
15 of the ordering paragraphs or the ultimate result. I just felt  
16 like because it was in an order, that we needed to make sure it  
17 was clear, especially with Number 9 because the company has an  
18 ability to come back and say that they want to maintain their  
19 registration with this Commission if they pay the regulatory  
20 assessment fees. But I wasn't sure it was clear exactly which  
21 regulatory assessment fees were due in the context of a  
22 bankruptcy proceeding.

23           MR. WIGGINS: Madam Chair.

24           CHAIRMAN EDGAR: Mr. Wiggins.

25           MR. WIGGINS: I'd just like to be a little clearer in

1 the order about what happens postpetition. You have  
2 prepetition, then you have postpetition. And then it would be  
3 like me going down the rapids with a kayak; you're not quite  
4 sure whether I'll merge or not. So there's a, there's a  
5 process in there where sometimes they come out and they can,  
6 they may owe fees back to the date of the petition. A  
7 bankruptcy judge may say something different. But that, that  
8 area in the order is just a little vague because it's not  
9 addressed because these people did not come out of the rapids;  
10 they're down. So we felt -- I felt like that with just maybe  
11 four or five sentences we could make that clearer and also make  
12 it clearer for future orders as well.

13 CHAIRMAN EDGAR: Thank you.

14 Commissioners, questions?

15 COMMISSIONER CARTER: Madam Chairman, if that's  
16 appropriate, then I would think we could move staff on 9 and  
17 10.

18 CHAIRMAN EDGAR: With, as Commissioner Tew suggested,  
19 some direction to our staff to add additional clarifying  
20 background sentences on the factual situation.

21 Commissioners, is there a second?

22 COMMISSIONER TEW: Second.

23 CHAIRMAN EDGAR: Motion and a second. And, again,  
24 for clarification, my understanding is that the motion we have  
25 before us is for both Issue 9 and Issue 10. Any further

1 discussion?

2 Seeing none, all in favor, say aye.

3 (Unanimous affirmative vote.)

4 Opposed? Show the motion adopted. Thank you.

5 (Agenda Items 9 and 10 concluded.)

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1 STATE OF FLORIDA )  
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CERTIFICATE OF REPORTER

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I, LINDA BOLES, CRR, RPR, Official Commission Reporter, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 22<sup>nd</sup> DAY OF NOVEMBER, 2006.

Linda Boles  
LINDA BOLES, CRR, RPR  
FPSC Official Commission Reporter  
(850) 413-6734