

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Compliance Investigation of)
AstroCom Corporation for apparent)
violation of Rule 25-24.470, Registration)
Required.)
_____)

DOCKET NO. 080579-TI

RECEIVED-FPSC
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COMMISSION
CLERK

**ASTROCOM CORPORATION'S NOTICE OF
PROTESTS & PETITION TO INITIATE A PROCEEDING**

Pursuant to Rule 28-106.201, Florida Administrative Code, and as provided by Section 120.80(13)(b) and 120.57 of the Florida Statutes, AstroCom Corporation (Herein called "ASTROCOM") files this Notice of Protest and Petition to Initiate a Proceeding.

I. CASE BACKGROUND

1. On May 15, 2008, a customer complaint regarding a prepaid calling card to the Florida Public Service Commission (herein called "PSC" or "Commission"). PSC Staff determined that the network service provider of the calling card was that of ASTROCOM, and, determined that the company was no longer registered as an intrastate interexchange telecommunications company (IXC) and had not filed a tariff with PSC. Record indicates that effective August 15, 2006 ASTROCOM's IXC registration and tariff were cancelled by this Commission under Order No. PSC-06-061S-PAA-TI for failure to pay penalties and late fees related to its 2005 Regulatory Assessment Fees (RAF).

2. On May 15, 2008, it was also determined by PSC Staff another cancellation of certificate was on record with the PSC. Under Docket No. 080454-TX for apparent violation of Section 364.183(1), F.S., Access to Company Records and apparent first time violation of Rule 25-4.0161, F.A.C., Regulatory Assessment Fees; Telecommunications Companies, ASTROCOM's competitive local exchange (CLEC) certificate had been cancelled by the PSC.

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FPSC-COMMISSION CLERK

3. Two other violation where also on PSC record for ASTROCOM for the failure to pay penalties and late fees related to its 2007 RAF and for failure to respond to a data request under Order No(s). PSC-08-0562-PAA-TX and PSC-08-0629-PAA-TX.

4. The PSC contacted ASTROCOM on June 2, 2008 and June 12, 2008, our staff sent letters, via certified mail and facsimile, to the company. The letters informed the company of the customer complaint and the company's requirement to register with the Commission as an IXC and file a tariff. The letter also informed the company of its failure to pay a \$500 penalty and statutory late fees as ordered by this Commission in Order No. PSC-060615-PAA-TL Letters sent US mail were returned due to an incorrect address. However, according to the facsimile transmittal forms, both letters were successfully faxed to the company.

5. On July 11, 2008, our staff called ASTROCOM to obtain the company's correct mailing address. Our staff obtained the correct mailing address and verified that the fax number listed in MCD was the company's correct fax number.

6. On July 22, 2008, our staff sent a third letter to the company, via certified mail and facsimile. The facsimile transmittal form indicated that the facsimile was successfully transmitted and on July 28, 2008, our staff received the signed certified mail receipt.

7. After July 22, 2008 until this Protest ASTROCOM has not to responded to the PSC in regard to this matter

8. This docket was opened on by the PSC on September 4, 2008.

9. On October 29, 2008, PSC staff received a letter from ASTROCOM, via facsimile, regarding the dockets opened against the company's CLEC and IXC operations. The company requested additional time to review the information related to the IXC docket and assured that our staff would be contacted the next day to resolve the matter. In regards to the

CLEC docket, another member of the PSC staff contacted the company on the same day to discuss settlement options with the company regarding the CLEC issues. ASTROCOM agreed to resolve the matter. PSC staff requested that ASTROCOM submit a proposed settlement offer by November 4, 2008. To date, ASTROCOM has not submitted a proposed settlement offer nor did the company contact PSC staff until this time.

10. On January 27, 2009 Order No. PSC-09-0059-PAA-TI was issued against ASTROCOM which imposed a penalty for the apparent violation of Rule 25-24.470 of the Florida Administrative Code.

11. ASTROCOM at this time submits a settlement offer, a copy of which is attached as Exhibit A of this Notice. Although this Offer is recognized by ASTROCOM as untimely, the company asks that the PSC take into consideration the surrounding facts of ASTROCOM's economic situation. During the relevant time period of these violations and PSC Orders, the company experienced multiple commercial incidents where substantial telecommunication services rendered by ASTROCOM to other carriers that not compensate or reimbursed ASTROCOM (due to contract breach by the other carriers), forcing the company to immediately down-size and which resulted in substantial economic strain for ASTROCOM.

II. PETITION TO INITIATE A PROCEEDING

12. ASTROCOM's Petition to Initiate a Proceeding is being filed in order to preserve its position in the event that the PSC and ASTROCOM are not able to reach a settlement. Should the PSC accept ASTROCOM's Settlement proposal, ASTROCOM will not pursue its petition for an evidentiary hearing.

13. The name and address of the agency is:

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

14. The name address and telephone number of ASTROCOM is:

Astrocom Corporation
10850 NW 21st Street, Suite 170
Miami, Florida 33 172

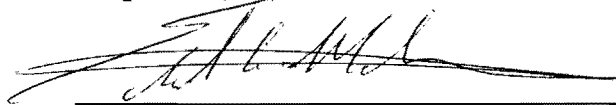
15. The name address and telephone number of ASTROCOM's representative for service of this limited purpose is:

Maldonado Law Group
7925 NW 12th Street, Suite 300, Doral FL 33126
Tel: (305) 477-7580 Fax: (305) 477-7504
Attn: Edward A. Maldonado, Esq.
Regulatory/Legal Counsel for ASTROCOM COPROATION (a Florida company)

16. ASTROCOM's substantial interests will be affected by the PSC's determination because the proposed action would assess a \$25,000.00 USD penalty against ASTROCOM that the Company is not in an economic condition to pay.

17. ASTROCOM desires to continue in business as an Inter-Exchange Carrier in the State of Florida, if at all possible, and requests by way of relief that the PSC accept ASTROCOM's offer to settle through ASTROCOM's payment of \$5,000.00 USD and any and all applicable late fees and penalties on past RAF filings. If ASTROCOM's offer is accepted, ASTROCOM requests the reinstatement of its interexchange carrier certification and shall immediately file a tariff to comply with regulation of its services within the State of Florida.

Respectfully Submitted,



For the Maldonado Law Group
By Edward Maldonado, Esq.,
Attorney for ASTROCOM CORPORATION
7925 NW 12th Street, Suite 300
Doral, FL 33126
Tel: 305-477-7580
Fax: 305-477-7504
Fla. Bar No. 0129781

Exhibit "A"

Offer of Settlement of ASTROCOM CORPORATION

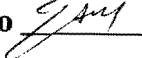


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February 16, 2009

To: Ms. Kiwanis L. Curry
Florida Public Service Commission
Division of Regulatory Compliance
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

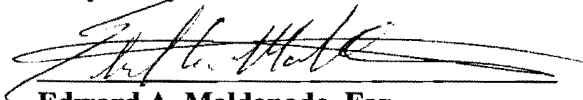
From: Edward A. Maldonado 

Our Client: ASTROCOM CORPORATION in RE: Docket No. 080579-TI and Order No. PSC-09-0059-PAA-TI

Dear Ms. Curry:


I have been authorized by the undersigned officer of ASTROCOM CORPORATION to tender an offer of **\$5,000.00 USD** to resolve the above matter. The company has experienced substantial financial difficulty over the past two year that has resulted in its down-size. This has inhibited the company from responding to the Florida Public Service Commission's prior request for late fees and penalties, timely filing of its RAF and reinstatement materials, and responding to the Commission in regard to a consumer complaint of May 15th 2008.

Very Truly Yours,



Edward A. Maldonado, Esq.
Regulatory Counsel for
ASTROCOM COPORATION (a Florida company)
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I, Liliana Castro, Finance Manager of ASTROCOM CORPORATION authorize this settlement amount, and, allow this law firm to negotiate with the Florida Public Service Commission any compromise or counteroffer necessary to resolve this matter within the company's means.


Liliana Castro, Finance Manager ASTROCCOM CORP.
Monday, February 16, 2009