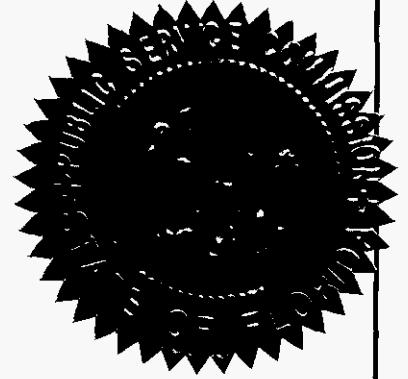


BEFORE THE
FLORIDA PUBLIC SERVICE COMMISSION

DOCKET NO. 090032-TI

In the Matter of:

BANKRUPTCY CANCELLATION BY FLORIDA
PUBLIC SERVICE COMMISSION OF IXC
REGISTRATION NO. TI904, ISSUED TO
INTEGRETEL, INC., EFFECTIVE
DECEMBER 31, 2008.



PROCEEDINGS: AGENDA CONFERENCE
ITEM NO. 7

BEFORE: CHAIRMAN MATTHEW M. CARTER, II
COMMISSIONER LISA POLAK EDGAR
COMMISSIONER KATRINA J. McMURRIAN
COMMISSIONER NANCY ARGENZIANO
COMMISSIONER NATHAN A. SKOP

DATE: Tuesday, April 7, 2009

PLACE: Betty Easley Conference Center
Room 148
4075 Esplanade Way
Tallahassee, Florida

REPORTED BY: LINDA BOLES, RPR, CRR
Official FPSC Reporter
(850) 413-6734

DOCUMENT NUMBER-DATE

FLORIDA PUBLIC SERVICE COMMISSION 03558 APR 17 8

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P R O C E E D I N G S

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2 CHAIRMAN CARTER: Now, Commissioners and
3 staff, we move to Item 7.

4 MS. ISLER: Item 7 is staff's recommendation
5 to cancel Integretel's IXC registration due to
6 bankruptcy and write off the 2007 regulatory assessment
7 fee.

8 CHAIRMAN CARTER: Commissioners, we're in
9 discussion. Commissioner Skop, you're recognized.

10 COMMISSIONER SKOP: Thank you, Mr. Chairman.

11 I had a concern on this. I spoke to staff
12 yesterday extensively on Issue, I mean, on Item 7 and
13 Item 9, but I'll deal with Item 7 first.

14 This is a Chapter 11 debtor in possession
15 bankruptcy case. And I guess my concern would be we did
16 get part of the two thousand -- or we did get the 2008
17 RAFs paid to us by the restructuring officer or the
18 debtor in possession. Apparently, again, looking at
19 some additional documentation that wasn't included in
20 the staff recommendation, the assets are not sufficient
21 to cover the outstanding debts of the company.

22 But nevertheless, you know, part of the issue
23 or the issue raised when staff approached the debtor in
24 possession on the 2007 RAFs was that they responded that
25 we had not filed a proof of claim with the bankruptcy

1 court and therefore we were barred from seeking those,
2 and I guess that's at the bottom of Page 3.

3 So I guess getting down to my point about
4 diligence and, again, protecting the state's interest,
5 there's a time certainly where we're not aware of a
6 bankruptcy filing and there's not a whole lot we can do
7 about it because we've missed the window to file a proof
8 of claim with the bankruptcy court. There are other
9 times, however, and this gets down to internal practice
10 with the Commission, that the clerk receives a
11 notification of a bankruptcy. And if that were the
12 case, I would expect that staff would complete the proof
13 of claim form which takes all of about 30 seconds and
14 only costs a stamp. And in some cases, depending on the
15 court, I think you might be able, even able to fax the
16 form back. But, again, without filing a proof of claim,
17 I think that we're impairing the rights of the state and
18 the state interest in terms of the pre-petition amounts
19 that may or may not be recoverable. In most cases they
20 may not be recoverable, but you don't know if you don't
21 file a claim.

22 So I think that's where, you know, I've asked
23 staff to take a look at our internal practices to ensure
24 we're diligent, and also too to look at the,
25 specifically what happens under Chapter 362 of the

1 bankruptcy code, there's the automatic stay that
2 prevents taking action against the debtor. However,
3 when that, the bankruptcy is discharged, that stay is
4 lifted. We need to have a better understanding as to
5 what happens to those claims, whether they're discharged
6 or whether we're still able to pursue the, the, the
7 company after they emerge from bankruptcy.

8 And they also -- the other thing I've asked
9 staff to do is take a look at with respect to the
10 regulatory assessment fee, if that were construed as a
11 tax rather than a fee under bankruptcy law, then it
12 would have a higher priority for the Commission to be
13 able to have a claim paid by the debtor in possession.

14 So, again, those are just things that I've
15 asked our staff to take a look at internally to ensure
16 that we're diligent in protecting the state's interest
17 in the outstanding pre-petition amounts. And with that,
18 I would move staff recommendation.

19 COMMISSIONER McMURRIAN: Second.

20 CHAIRMAN CARTER: It's been moved and properly
21 seconded that we adopt staff's recommendation on Item 7.
22 Commissioners, any further discussion? Any debate?
23 Hearing none, all in favor, let it be known by the sign
24 of aye.

25 (Unanimous affirmative vote.)

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All those opposed, like sign. Show it done.
(Agenda Item 7 concluded.)

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STATE OF FLORIDA)
 :
COUNTY OF LEON)

CERTIFICATE OF REPORTER

I, LINDA BOLES, RPR, CRR, 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 16th day of April, 2009.

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