

State of Florida



Public Service Commission
CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

RECEIVED-FPSC
09 JUL -1 AM 10: 59
COMMISSION
CLERK

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

DATE: July 1, 2009

TO: Office of Commission Clerk (Cole)

FROM: Division of Regulatory Compliance (Isler) *Isler*
Office of the General Counsel (Morrow) *Morrow*

RE: Docket No. 090333-TI – Bankruptcy cancellation by Florida Public Service Commission of IXC Registration No. TJ477, issued to Long Distance Billing Services, Inc., effective June 11, 2009.

Docket No. 090334-TI – Bankruptcy cancellation by Florida Public Service Commission of IXC Registration No. TK004, issued to ezTel Network Service, LLC, effective June 11, 2009.

AGENDA: 07/14/09 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\RCP\WP\090333.RCM.DOC

Discussion of Issues

Issue 1: Should the Commission cancel Long Distance Billing Services, Inc. and ezTel Network Service, LLC's, Intrastate Interexchange Telecommunications (IXC) tariffs and remove each company's name from the register on its own motion effective June 11, 2009, due to bankruptcy; direct the Division of Administrative Services to request permission from the Florida Department of Financial Services to write off any unpaid Regulatory Assessment Fees, including statutory

DOCUMENT NUMBER-DATE

06626 JUL -1 09

FPSC-COMMISSION CLERK

Docket Nos. 090333-TI, 090334-TI

Date: July 1, 2009

late payment charges, instead of requesting collection services; and require the company to immediately cease and desist providing telecommunications service in Florida?

Recommendation: Yes, each entity's IXC tariff and registration should be cancelled on the Commission's own motion as listed on Attachment A. (Isler, Morrow)

Staff Analysis: See attached proposed Order.

Issue 2: Should these dockets be closed?

Recommendation: Yes, these dockets should be closed if no protest is filed and upon issuance of a Consummating Order. (Morrow)

Staff Analysis: The Order issued from this recommendation will become final upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest within 21 days of the issuance of the Proposed Agency Action Order. A protest in one docket should not prevent the action in a separate docket from becoming final. These dockets should then be closed upon issuance of a Consummating Order.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation by Florida Public Service Commission of IXC Registration No. TJ477, issued to Long Distance Billing Services, Inc., effective June 11, 2009.	DOCKET NO. 090333-TI
In re: Bankruptcy cancellation by Florida Public Service Commission of IXC Registration No. TK004, issued to ezTel Network Service, LLC, effective June 11, 2009.	DOCKET NO. 090334-TI ORDER NO. ISSUED:

The following Commissioners participated in the disposition of this matter:

MATTHEW M. CARTER II, Chairman
LISA POLAK EDGAR
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

NOTICE OF PROPOSED AGENCY ACTION ORDER
CANCELLING INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS TARIFFS
AND REGISTRATIONS ON THE COMMISSION'S OWN MOTION

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Long Distance Billing Services, Inc. currently holds Intrastate Interexchange Telecommunications Company (IXC) Registration No. TJ477, issued by the Commission on January 26, 2001. ezTel Network Service, LLC holds IXC Registration No. TK004, issued on May 31, 2005.

Pursuant to Section 364.336, Florida Statutes, telecommunications companies must pay a minimum annual Regulatory Assessment Fee (RAF) if the certificate was active during any portion of the calendar year and provides for late payment charges as outlined in Section 350.113, Florida Statutes, for any delinquent amounts.

Our staff monitors companies that have previously filed for bankruptcy protection to further attempt collection of the past due RAFs. Monitoring is conducted using internet-based Public Access to Court Electronic Records (PACER). In many cases, companies under bankruptcy protection discontinue providing telecommunications services and close their operations; however, our staff are not able to take action to remove these companies from the Commission's books until the bankruptcy case is closed or permission to cancel is obtained from the bankruptcy court.

PACER indicates that Long Distance Billing Services, Inc. filed for Chapter 11 bankruptcy protection in the District of Mississippi on February 22, 2005. The case was converted to a Chapter 7 proceeding on November 8, 2007, and the case closed on December 17, 2008. All mail from this Commission is being returned by the US Postal Service marked "refused" and the telephone numbers on file for the company have been reassigned to another customer. Our staff also researched the Florida Department of State, Division of Corporations' records, which show that the company's last Annual Report was filed on May 7, 2004, and its corporate status was subsequently revoked on September 16, 2005. Our staff also researched the Federal Communications Commission's records and found that it shows the company is no longer active as of November 8, 2007. The company owes the 2004, 2005, 2006, 2007, 2008, and 2009 Regulatory Assessment Fees, plus the statutory late payment charges for the years 2004, 2005, 2006, 2007, and 2008.

PACER indicates that ezTel Network Service, LLC filed for Chapter 11 bankruptcy protection in the District of Mississippi on July 30, 2002. The case was converted to a Chapter 7 proceeding on November 16, 2007, and the case closed on February 25, 2008. All mail from this Commission is being returned by the US Postal Service marked "refused" and the telephone numbers on file for the company have been reassigned to another customer. Our staff also researched the Florida Department of State, Division of Corporations' records, which show that the company's last Annual Report was filed on May 10, 2004, and its corporate status was subsequently revoked on September 16, 2005. Our staff also researched the Federal Communications Commission's records and found that it shows the company is no longer active as of November 8, 2007. The company owes the 2005, 2006, 2007, 2008, and 2009 Regulatory Assessment Fees, plus the statutory late payment charges for the years 2005, 2006, 2007, and 2008.

Although these companies' bankruptcy cases have closed, it clearly appears that they are no longer providing service in Florida and no longer exist. We are vested with jurisdiction over this matter pursuant to Sections 364.02, 364.336, and 364.285, Florida Statutes. Accordingly, we shall cancel Long Distance Billing Services, Inc. and ezTel Network Service, LLC's IXC tariffs and remove each entity's name from the register on this Commission's own motion, effective June 11, 2009. In addition, any unpaid Regulatory Assessment Fees shall not be sent to the Florida Department of Financial Services for collection, and permission for this Commission to write off the uncollectible amount shall be requested.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Long Distance Billing Services, Inc.'s IXC tariff is cancelled and its name removed from the register, effective June 11, 2009. It is further

ORDERED by the Florida Public Service Commission that ezTel Network Service, LLC's IXC tariff is cancelled and its name removed from the register, effective June 11, 2009. It is further

ORDERED that each entity's unpaid Regulatory Assessment Fees shall not be sent to the Department of Financial Services for collection. The Division of Administrative Services, instead, shall request permission to write-off the uncollectible amount. It is further

ORDERED that if Long Distance Billing Services, Inc. and ezTel Network Service, LLC's respective IXC tariffs are cancelled and their names removed from the register in accordance with this Order, each entity shall immediately cease and desist providing telecommunications service in Florida. It is further

ORDERED that any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order becomes final, these dockets shall be closed.

By ORDER of the Florida Public Service Commission this _____ day of _____, _____.

ANN COLE
Commission Clerk

(S E A L)

JLM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on _____.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.