

State of Florida



Public Service Commission

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

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

DATE: February 19, 2015

TO: Office of Commission Clerk (Stauffer)

FROM: Office of Telecommunications (Williams) *CW PC*
Office of the General Counsel (Ames) *A* *AT* *BNX*

RE: Docket No. 150027-TX – Request for cancellation of Certificate of Authority No. 8475, effective January 20, 2015, and request for relinquishment of eligible telecommunications carrier (ETC) designation in Florida, by Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.

AGENDA: 03/03/15 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

Case Background

By Order PSC-04-0555-PAA-TX, issued May 28, 2004, the Florida Public Service Commission (PSC or Commission) granted Competitive Local Exchange Company (CLEC) certificate No. 8475 to Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc. (Nexus).¹ By Order PSC-06-0350-PAA-TX, issued April 25, 2006, the PSC designated Nexus Eligible Telecommunications Carrier (ETC) status in the State of Florida.² On January 8, 2015, Nexus filed a notice of cancellation of its CLEC Certificate in the State of Florida and

¹ Docket No. 040275-TX, In Re: Application for certificate to provide competitive local exchange telecommunications service by Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.

² Docket No. 050889-TX, In Re: Petition for designation as eligible telecommunications carrier (ETC) by Nexus Communications, Inc. d/b/a Nexus Communications TSI, Inc.

Docket No. 150027-TX
Date: February 19, 2015

relinquishment of its designation as an ETC in the State of Florida. In its cancellation request, Nexus noted that it would discontinue its provision of service throughout Florida on January 20, 2015.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.10 and 364.335, Florida Statutes, and 47 CFR §54.205.

Discussion of Issues

Issue 1: Should the Commission acknowledge Nexus' notice of cancellation of its CLEC Certificate No. 8475 and relinquishment of its ETC designation?

Recommendation: Yes, the Commission should acknowledge Nexus' notice of cancellation of its CLEC Certificate No. 8475 and relinquishment of its ETC designation in Florida. (Williams, Ames)

Staff Analysis: Section 364.335(3), Florida Statutes, provides that a certificate of authority may be terminated by a telecommunications company by submitting notice to the Commission. On January 8, 2015, Nexus filed its notice of cancellation of its Florida CLEC Certificate with the Commission and relinquishment of ETC designation.

Federal rules allow an ETC to relinquish its ETC designation. 47 CFR §54.205 provides that:

A state commission shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give advance notice to the state commission of such relinquishment.

The PSC designated Nexus as an ETC in specified AT&T wire centers. Multiple ETCs serve this area at the present time. 47 CFR §54.205(b) provides that:

Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the state commission shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The state commission shall establish a time, not to exceed one year after the state commission approves such relinquishment under this section, within which such purchase or construction shall be completed.

As required by 47 CFR §54.205(b), on December 16, 2014 Nexus sent written notice to all affected customers explaining that it would cease providing service effective January 20, 2015. Nexus' request indicated that it provided service to 50 customers in Florida.

Pursuant to Section 364.336, Florida Statutes, telecommunications companies must pay a minimum annual regulatory assessment fee (RAF) if the certificate or registration was active during any portion of the calendar year. Nexus paid its RAF for the period covering January 1, 2014 through December 31, 2014. However, to date, Nexus has not paid its RAF for the January

1, 2015 through December 31, 2015 period. Neither the cancellation of the certificate nor the failure to receive a RAF return notice, shall relieve the company from its obligation to pay RAFs, penalty and interest that may be due for this year. Failure to pay the amounts owed to the Florida Public Service Commission will result in the Company being sent to collections.

Staff recommends that the Commission acknowledge Nexus' notice of cancellation of its CLEC Certificate No. 8475 and relinquishment of its ETC designation in Florida.

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of a consummating order. (Ames)

Staff Analysis: At the conclusion of the protest period, if no protest is filed, this docket should be closed upon the issuance of a consummating order.