

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: May 4, 2006

TO: Director, Division of the Commission Clerk & Administrative Services (Bayó)

FROM: Division of Competitive Markets & Enforcement (Isler)
Office of the General Counsel (Tan, Teitzman)

RE: Docket No. 050960-TP – Request for cancellation of CLEC Certificate No. 7493 and for acknowledgment of cancellation of IXC Registration No. TJ376 effective December 27, 2005, by U.S. TelePacific Corp. d/b/a TelePacific Communications.

AGENDA: 05/16/06 – Regular Agenda – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\050960.RCM.DOC

Discussion of Issues

Issue 1: Should the Commission grant U.S. TelePacific Corp. d/b/a TelePacific Communications a voluntary cancellation of its competitive local exchange company (CLEC) Certificate No. 7493 and intrastate interexchange telecommunications company (IXC) tariff and Registration No. TJ376 with an effective date of December 27, 2005?

Recommendation: Yes, the company should be granted a voluntary cancellation as listed on Attachment A. (Isler, Tan, Teitzman)

Staff Analysis: See attached proposed Order.

Docket No. 050960-TP

Date: May 4, 2006

Issue 2: Should this docket be closed?

Recommendation: Yes. Staff recommends that if the Commission approves staff's recommendation in Issue 1, this docket should be closed as no other issues need to be addressed by the Commission. (Tan, Teitzman)

Staff Analysis: Staff recommends that the Commission take action as set forth in the foregoing staff recommendation statement.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of CLEC
Certificate No. 7493 and for acknowledgment
of cancellation of IXC Registration No. TJ376
effective December 27, 2005, by U.S.
TelePacific Corp. d/b/a TelePacific
Communications.

DOCKET NO. 050960-TP
ORDER NO.
ISSUED:

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
ISILIO R. ARRIAGA
MATTHEW M. CARTER II
KATRINA J. TEW

ORDER GRANTING VOLUNTARY CANCELLATION OF COMPETITIVE LOCAL
EXCHANGE TELECOMMUNICATIONS CERTIFICATE AND INTRASTATE
INTEREXCHANGE TELECOMMUNICATIONS TARIFF

BY THE COMMISSION:

U.S. TelePacific Corp. d/b/a TelePacific Communications currently holds Competitive Local Exchange Company (CLEC) Certificate No. 7493, issued by this Commission on July 18, 2000 and Intrastate Interexchange Telecommunications (IXC) Registration No. TJ376, issued by this Commission on July 31, 2000.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAF) of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-24.820, Florida Administrative Code, provides that a competitive local exchange telecommunications company requesting cancellation of its certificate must state its intent and date to pay the current Regulatory Assessment Fee and Rule 25-24.474, Florida Administrative Code, provides that intrastate interexchange companies must pay any current and past due Regulatory Assessment Fees with its request for cancellation. All entities that apply for certification and registration receive a copy of our rules governing competitive local exchange and intrastate interexchange telecommunications services.

Although U.S. TelePacific Corp. d/b/a TelePacific Communications requested cancellation of its CLEC certificate and IXC tariff and removal of its name from the register on December 27, 2005, the company did not comply with the cancellation rules. Therefore, on March 20, 2006, Order No. PSC-06-0224-PAA-TP was issued, which cancelled the company's CLEC Certificate No. 7493 and IXC tariff and removed its name from the register on the Commission's own motion. The company had until April 10, 2006, to respond to the Order.

The company responded to the Proposed Agency Action Order on March 31, 2006, by paying the 2005 Regulatory Assessment Fees, including statutory late payment charges, and requesting voluntary cancellation of its CLEC certificate and IXC tariff and removal of its name from the register. We are vested with jurisdiction over this matter pursuant to Sections 350.113, 364.336, 364.337, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that U.S. TelePacific Corp. d/b/a TelePacific Communications's Certificate No. 7493 to provide Competitive Local Exchange Telecommunications services is hereby voluntarily cancelled, effective December 27, 2005. It is further

ORDERED by the Florida Public Service Commission that U.S. TelePacific Corp. d/b/a TelePacific Communications' IXC tariff and Registration No. TJ376 is hereby voluntarily cancelled, effective December 27, 2005. It is further

ORDERED that this docket is closed.

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

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

TLT/AT

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas, or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.