

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-

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**DATE:** June 27, 2007

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Competitive Markets & Enforcement (Isler)  
Office of the General Counsel (McKay)

**RE:** Docket No. 070187-TX – Request for cancellation of CLEC Certificate No. 7910  
by VGM International, Inc., effective December 31, 2006.

**AGENDA:** 07/10/07 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** Edgar, Carter, McMurrian

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\CMP\WP\070187.RCM.DOC

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### Discussion of Issues

**Issue 1:** Should the Commission vacate Order No. PSC-07-0430-PAA-TX, issued on May 16, 2007, and close this docket?

**Recommendation:** Yes, Order No. PSC-07-0430-PAA-TX should be vacated and this docket should be closed. (Isler, McKay)

**Staff Analysis:** On December 28, 2006, the Commission received the company's 2006 Regulatory Assessment Fee (RAF) return form with the note "account closed in early 2006." Payment of the 2006 fee was not included. On January 2, 2007, staff contacted the company and explained that the 2006 RAF needed to be paid before going forward with the cancellation. The company subsequently paid the fee. On May 15, 2007, Order No. PSC-07-0430-PAA-TX was

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issued, which acknowledged the company's request for cancellation. On June 6, 2007, the Commission received a letter from the company's Chief Operating Officer, Galina Solomovich, which asked that the cancellation be stopped and the certificate be reinstated. Therefore, vacating the Commission's proposed agency action order is appropriate. This docket should be closed as there are no further issues that need addressing by the Commission.

We are vested with jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.337, and 364.285, Florida Statutes.

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for cancellation of CLEC  
Certificate No. 7910 by VGM International,  
Inc., effective December 31, 2006.

DOCKET NO. 070187-TX  
ORDER NO.  
ISSUED:

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman  
MATTHEW M. CARTER II  
KATRINA J. MCMURRIAN

ORDER VACATING ORDER NO. PSC-07-0430-PAA-TX  
AND CLOSING DOCKET

BY THE COMMISSION:

On December 28, 2006, this Commission received the company's 2006 Regulatory Assessment Fee (RAF) return form with the note "account closed in early 2006." The company did not include payment of the 2006 fee with its RAF return form. Therefore, on January 2, 2007, our staff contacted the company and explained that the 2006 RAF needed to be paid before going forward with the cancellation. The 2006 RAF was subsequently paid.

On May 15, 2007, Order No. PSC-07-0430-PAA-TX was issued, which acknowledged the company's request for cancellation. According to the Order, protests were due by June 6, 2007. On June 6, 2007, this Commission received a letter from the company's Chief Operating Officer, Galina Solomovich, which asked that the cancellation be stopped and the certificate be reinstated.

Accordingly, we hold that Order No. PSC-07-0430-PAA-TX, issued on May 15, 2007, shall be vacated. Since there are no further issues that need addressing by this Commission, this docket shall be closed. The Commission is vested with jurisdiction over these matters 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 Order No. PSC-07-0430-PAA-TX, issued on May 15, 2007, is hereby vacated. It is further

ORDERED that Docket No. 070187-TX is closed.

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

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ANN COLE  
Commission Clerk

( S E A L )  
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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 Office of Commission Clerk, 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 Office of Commission Clerk 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.