

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation by Florida
Public Service Commission of IXC
Certificate No. 7544 and ALEC
Certificate No. 7452 issued to
BroadStreet Communications,
Inc., for violation of Rule 25-
4.0161, F.A.C., Regulatory
Assessment Fees;
Telecommunications Companies.

DOCKET NO. 020287-TP
ORDER NO. PSC-02-0713-PAA-TP
ISSUED: May 24, 2002

The following Commissioners participated in the disposition of
this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELING INTEREXCHANGE TELECOMMUNICATIONS
AND ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATES
INVOLUNTARILY

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.

BroadStreet Communications, Inc. (BroadStreet) currently holds
Certificate of Public Convenience and Necessity No. 7544, issued by
the Commission on September 1, 2000 authorizing the provision of
Interexchange Telecommunications (IXC) services and Certificate of
Public Convenience and Necessity No. 7452, issued by the Commission

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on June 12, 2000, authorizing the provision of Alternative Local Exchange Telecommunications (ALEC) services.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. Pursuant to Rule 25-4.0161 (2), Florida Administrative Code, the form and applicable fees are due to the Florida Public Service Commission by January 30 of the subsequent year. Pursuant to Section 350.113(4), Florida Statutes, the RAFs forms, for the period of January 1, through December 31, are mailed to entities at least 45 days prior to the date that payment of the fee is due. All entities that apply for certification receive a copy of our rules governing IXC and ALEC services.

On December 17, 2001, we received a letter from this company requesting cancellation of its certificates since it did not provide service in Florida. On December 18, our staff e-mailed the company and on December 27, faxed the company a letter which explained that prior to granting a voluntary cancellation, the company must pay the 2001 RAF for each certificate. As of the date of the vote, the past due amounts have not been paid and the company has not complied with Rules 25-24.474 and 25-24.820, Florida Administrative Code.

INVOLUNTARY CANCELLATION OF IXC CERTIFICATE

BroadStreet has not complied with Rule 25-24.474(2), Florida Administrative Code, which states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request:

(a) Statement of intent and date to pay Regulatory Assessment Fee.

(b) Statement of why the certificate is proposed to be cancelled.

(c) A statement on treatment of customer deposits and final bills.

(d) Proof of individual customer notice regarding discontinuance of service.

INVOLUNTARY CANCELLATION OF ALEC CERTIFICATE

BroadStreet has not complied with Rule 25-24.820(2), Florida Administrative Code, which states:

(2) If a certificated company desires to cancel its certificate, it shall request cancellation from the Commission in writing and shall provide the following with its request. Cancellation of a certificate shall be ordered subject to the holder providing the required information.

(a) A statement of intent and date certain to pay regulatory assessment fee.

(b) A statement of why the certificate is proposed to be cancelled.

(c) A statement as to how customer deposits and final bills will be handled.

(d) Proof of individual customer notice regarding discontinuance of service.

Accordingly, since BroadStreet's certificates remain active until it requests voluntary cancellations pursuant to Rules 25-24.474(2) and 25-24.820(2), Florida Administrative Code, or we involuntarily cancel the certificates, BroadStreet is responsible for the RAFs.

For the reasons described above, pursuant to Rules 25-24.474(1)(b) and (c) and 25-24.820(1)(b) and (c), Florida Administrative Code, we deny BroadStreet's request for voluntary cancellations of IXC Certificate No. 7544 and ALEC Certificate No. 7452 for failure to comply with the provisions of Rules 25-24.474(2) and 25-24.820(2), Florida Administrative Code. However, we find it appropriate to involuntarily cancel BroadStreet's

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certificates, effective December 17, 2001, for failure to pay RAFs pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code.

Since BroadStreet is no longer in business, there would be no purpose in requiring BroadStreet to pay a penalty. By involuntarily canceling BroadStreet's certificates, however, we would be able to track this company should it apply for another certificate with us in the future. The cancellation of the certificates and the closing of the Docket in no way diminishes BroadStreet's obligation to pay applicable delinquent RAFs, statutory penalties, and interest charges. The collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. If BroadStreet's certificates are canceled in accordance with this Order, BroadStreet shall immediately cease and desist providing Interexchange Telecommunications and Alternative Local Exchange Telecommunications services in Florida. We are vested with jurisdiction over this matter pursuant to Sections 364.336 and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that we hereby deny BroadStreet Communications, Inc.'s request for voluntary cancellation of Interexchange Telecommunications Certificate No. 7544. It is further

ORDERED by the Florida Public Service Commission that we hereby deny BroadStreet Communications, Inc.'s request for voluntary cancellation of Alternative Local Exchange Telecommunications Certificate No. 7452. It is further

ORDERED that pursuant to Rule 25-24.474(1)(b) and (c), Florida Administrative Code, we hereby cancel BroadStreet Communications, Inc.'s Interexchange Telecommunications Certificate No. 7544, effective December 17, 2001, for failure to comply with Rule 25-24.474(2), Florida Administrative Code; Section 364.336, Florida Statutes; and Rule 25-4.0161, Florida Administrative Code. It is further

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ORDERED that pursuant to Rule 25-24.820(1)(b) and (c), Florida Administrative Code, we hereby cancel BroadStreet's Alternative Local Exchange Telecommunications Certificate No. 7452, effective December 17, 2001, for failure to comply with Rule 25-24.820(2), Florida Administrative Code; Section 364.336, Florida Statutes; and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that the cancellation of the certificates in no way diminishes BroadStreet Communications, Inc.'s obligation to pay applicable delinquent Regulatory Assessment Fees, and accrued statutory penalties and interest charges. The collection of the past due fees shall be referred to the Office of the Comptroller for further collection efforts. It is further

ORDERED that if BroadStreet Communications, Inc.'s certificate is canceled in accordance with this Order, BroadStreet Communications, Inc. shall immediately cease and desist providing Interexchange Telecommunications services in Florida. It is further

ORDERED that if BroadStreet Communications, Inc.'s certificate is canceled in accordance with this Order, BroadStreet Communications, Inc. shall immediately cease and desist providing Alternative Local Exchange Telecommunications services in Florida. 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 Director, Division of the Commission Clerk and Administrative Services, 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, this docket shall be closed.

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By ORDER of the Florida Public Service Commission this 24th
Day of May, 2002.

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

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

AJT

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,

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in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on June 14, 2002.

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.