080123 PSC-08-0448-CO-TP

From: Commission Clerk

Sent: Tuesday, July 15, 2008 2:42 PM

Subject: Order or Notice issued by the Public Service Commission (Email ID = 340911)

Attachments: 06078-08.pdf

The attached order or notice has been issued by the Public Service Commission.

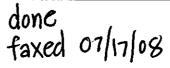
If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

FPSC, CLK - CORRESPONDENCE <u>Administrative_Parties_Consume</u> DOCUMENT NO. <u>05328-08</u> DISTRIBUTION:

From: Sent: To: Subject: postmaster@PSCSMTPSrvr Wednesday, July 16, 2008 4:37 AM Commission Clerk Delivery Status Notification (Delay)



Attachments:

ATT394646.txt; Order or Notice issued by the Public Service Commission (Email ID = 340911)



ATT394646.t Order or xt (346 B) :e issued by th

This is an automatically generated Delivery Status Notification.

THIS IS A WARNING MESSAGE ONLY.

YOU DO NOT NEED TO RESEND YOUR MESSAGE.

Delivery to the following recipients has been delayed.

tcataldo@volocommunications.com

CLK Official Filing****7/15/2008 11:12 AM

Matilda Sanders PSC - 08 - 0448 - CD - TP

From: Sent: To: Cc: Subject:

Date and Time:

Docket Number:

Filename / Path:

Gloria Ross Tuesday, July 15, 2008 11:12 AM CLK - Orders / Notices Victor McKay Order / Notice Submitted

7/15/2008 11:10:00 AM 080123-TP I:\2008\080123\080123COvsm.doc FPSC, CLK - CORRESPONDENCE <u>Administrative_Parties_Consumer</u> DOCUMENT NO. <u>05328-08</u> DISTRIBUTION: _____

Consummating Order

O faxed O mailed 11 emailed 1 certified

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FLORIDA PUBLIC SERVICE COMMISSION CASE MANAGEMENT SYSTEM PARTICIPATING EMAIL ADDRESSES FOR DOCKET 080123

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
AT&T Florida	TL720	greg.follensbee@att.com	Yes
Embarq Florida, Inc.	TL727	sandy.khazraee@embarq.com	Yes
FairPoint Communications	TL719	lwood@fairpoint.com	Yes
Frontier Communications of the South, LLC	TL732	AmcCall@czn.com	Yes
ITS Telecommunications Systems, Inc.	TL712	maryannh@itstelecom.net	Yes
NEFCOM	TL715	dnobles@townes.net	Yes
Smart City Telecom	TL731	lbhall@smartcity.com	Yes
TDS Telecom/Quincy Telephone	TL718	Thomas.mccabe@tdstelecom.com	Yes
Verizon Florida LLC	TL710	david.christian@verizon.com	Yes
Volo Communications of Florida, Inc.		tcataldo@volocommunications.com	No
Windstream Florida, Inc.	TL716	bettye.j.willis@windstream.com	Yes

080123

From: Commission Clerk

Sent: Friday, June 20, 2008 3:02 PM

Subject: Order or Notice issued by the Public Service Commission (Email ID = 818839)

Attachments: 08-0404.ord.doc

The attached order or notice has been issued by the Public Service Commission.

If you have any problems opening this attachment, please contact the Office of Commission Clerk by reply email or at 850-413-6770.

When replying, please do not alter the subject line; as it is used to process your reply.

Thank you.

FPSC, CLK - CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 05328-08
DISTRIBUTION:

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation of CLEC Certificate No. 8345, and for acknowledgment of cancellation of IXC Registration No. TJ784 held by Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc., effective February 12, 2008.

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 COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS COMPANY CERTIFICATE AND INTRASTATE INTEREXCHANGE CARRIER TARIFF AND REGISTRATION 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.

Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. currently holds Certificate No. 8345, issued on June 16, 2003, authorizing the provision of competitive local exchange telecommunications service (CLEC) and intrastate interexchange telecommunications (IXC) Registration No. TJ784 issued on June 17, 2003. Pursuant to Section 364.336, Florida Statutes, telecommunications companies must pay a minimum annual Regulatory Assessment Fee (RAF) for each certificate or registration if the certificate or registration 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 Regulatory Assessment Fee return 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. In addition, Rule 25-24.820, Florida Administrative Code, provides that a company requesting cancellation of its CLEC certificate must state its intent and date to pay the current Regulatory Assessment Fee. 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.

On February 12, 2008, this Commission received an e-mail from Mr. Ken Duarte, Director of Carrier Relations & Regulatory Affairs, with the company. Mr. Duarte advised that the company had shut down its network and laid off its personnel. He stated the company had no customers and no funds to pay its employees or Regulatory Assessment Fees, and requested cancellation of its IXC registration and CLEC certificate. The 2007 and 2008 Regulatory Assessment Fees and late payment charges for 2005, 2006, and 2007, remain unpaid.

For the reasons described above, we deny Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc.'s request for voluntary cancellation of its CLEC certificate and IXC tariff and removal of its name from the register. However, we find it appropriate to involuntarily cancel the CLEC certificate and the IXC tariff and remove the company's name from the register, effective February 12, 2008, on this Commission's own motion for failure to comply with Rules 25-24.820 and 25-24.474, Florida Administrative Code, and pursuant to Section 364.336, Florida Statutes.

Since it appears Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. does not currently provide service in Florida and has requested cancellation of its certificate and registration, there would be no purpose in requiring the company to pay a penalty. The cancellation of the CLEC certificate and IXC tariff and removal of its name from the register, in no way diminishes the entity's obligation to pay the applicable RAFs, including applicable late payment charges. If this Order is not protested, the company's CLEC Certificate No. 8345 and IXC tariff shall be cancelled and Registration No. TJ784 removed from the register, effective February 12, 2008. If the company pays the RAFs, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of the company's CLEC certificate and IXC tariff and removal of its name from the register shall be voluntary. If the company fails to protest the Order or pav the RAFs, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, then the company's CLEC certificate and IXC tariff shall be cancelled administratively and its name removed from the register. The collection of the past due RAFs shall be referred to the Florida Department of Financial Services for further collection efforts. If the company's CLEC certificate and IXC tariff are cancelled and its name removed from the register in accordance with this Order, the company shall be required to immediately cease and desist providing telecommunications service in Florida. This docket shall be closed administratively either upon receipt of the payment of the RAFs, including applicable late payment charges, or upon cancellation of the company's CLEC certificate and IXC tariff and removal of its name from the register. If Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc.'s CLEC certificate and IXC tariff are cancelled and its name removed from the register on this Commission's own motion and it subsequently decides to reapply for a certificate as a telecommunications company, Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. shall be required to first pay any outstanding fees, including accrued statutory late payment charges. We are vested with

jurisdiction over these matters pursuant to Sections 350.113, 364.336, 364.337, 364.02, and 364.285, Florida Statutes.

Based on the foregoing, it is

ORDERED that pursuant to Rule 25-24.820, Florida Administrative Code, Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc.'s CLEC Certificate No. 8345 is hereby cancelled effective February 12, 2008, on this Commission's own motion for failure to pay the 2007 and 2008 Regulatory Assessment Fees, including statutory late payment charges for the years 2005, 2006, and 2007, pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that pursuant to Rule 25-24.474, Florida Administrative Code, Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc.'s IXC tariff and Registration No. TJ784 is hereby cancelled and its name removed from the register effective February 12, 2008, on this Commission's own motion for failure to pay the 2007 and 2008 Regulatory Assessment Fees, including statutory late payment charges for the years 2005, 2006, and 2007, pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that the cancellation of the certificate and tariff and removal of its name from the register in no way diminishes Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc.'s obligation to pay the applicable Regulatory Assessment Fees, including applicable late payment charges. If the company's CLEC certificate and IXC tariff are cancelled and its name removed from the register and the company subsequently decides to reapply for a certificate/registration as a telecommunications company, that company shall be required to first pay any outstanding fees, including accrued statutory late payment charges. It is further

ORDERED that if Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. pays the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, the cancellation of the certificate/registration shall be deemed voluntary. It is further

ORDERED that if Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. does not pay the Regulatory Assessment Fees, including applicable late payment charges, prior to the expiration of the Proposed Agency Action Order, the collection of the Regulatory Assessment Fees shall be referred to the Florida Department of Financial Services for further collection efforts. It is further

ORDERED that if Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc.'s CLEC certificate and IXC tariff are cancelled and its name removed from the register in accordance with this Order, Volo Communications of Florida, Inc. d/b/a Volo Communications Group of Florida, Inc. shall immediately cease and desist providing telecommunications service 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 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, this docket shall be closed administratively either upon receipt of payment of the Regulatory Assessment Fees, including any late payment charges, or upon cancellation of the company's competitive local exchange telecommunications certificate and intrastate interexchange carrier tariff and removal of its name from the register.

By ORDER of the Florida Public Service Commission this 20th day of June, 2008.

/s/ Ann Cole ANN COLE Commission Clerk

This is an electronic transmission. A copy of the original signature is available from the Commission's website, www.floridapsc.com, or by faxing a request to the Office of Commission Clerk at 1-850-413-7118.

(SEAL)

VM

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 July 11, 2008.

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.

From:	System Administrator	Faxed 06/23/08
To: Sent:	tcataldo@volocommunications.com Sunday, June 22, 2008 5:05 PM	
Subject:	Undeliverable: Order or Notice issued by the Public S	service Commission (Email ID = 818839)

done

Your message did not reach some or all of the intended recipients.

Subject:Order or Notice issued by the Public Service Commission (Email ID = 818839)Sent:6/20/2008 3:02 PM

The following recipient(s) could not be reached:

tcataldo@volocommunications.com on 6/22/2008 5:05 PM Could not deliver the message in the time limit specified. Please retry or contact your administrator. <mail.psc.state.fl.us #4.4.7>

CLK Official Filing****6/19/2008 3:47 PM

Matilda Sanders PSC-08-0404-PAA-TP

From: Sent: To: Cc: Subject: Gloria Ross Thursday, June 19, 2008 3:47 PM CLK - Orders / Notices Victor McKay Order / Notice Submitted

Date and Time: Docket Number: Filename / Path: 6/19/2008 3:37:00 PM 080123-TP 080123CLECvsm.doc

ADMINISTRATIVE

C Order Canceling CLEC Certificate

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> > DOCUMENT NUMBER-DATE 0 5328 JUN 20 8 FPSC-COMMISSION CLERK

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FLORIDA PUBLIC SERVICE COMMISSION CASE MANAGEMENT SYSTEM PARTICIPATING EMAIL ADDRESSES FOR DOCKET 080123

PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY				
AT&T Florida	TL720	greg.follensbee@att.com	Yes				
Embarg Florida, Inc.	TL727	sandy.khazraee@embarq.com	Yes				
FairPoint Communications	TL719	lwood@fairpoint.com	Yes				
Frontier Communications of the South, LLC	TL732	TL732 AmcCall@czn.com					
ITS Telecommunications Systems, Inc.	TL712	maryannh@itstelecom.net	Yes				
NEFCOM	TL715	dnobles@townes.net	Yes				
Smart City Telecom	TL731	lbhall@smartcity.com	Yes				
TDS Telecom/Quincy Telephone	TL718	Thomas.mccabe@tdstelecom.com	Yes				
Verizon Florida LLC	TL710	david.christian@verizon.com	Yes				
Volo Communications of Florida, Inc.		tcataldo@volocommunications.com	No_				
Windstream Florida, Inc.	TL716	bettye.j.willis@windstream.com	Yes				

Section 1 - Office of Commission Clark Docket No. 020122-12 Date Docketed: 02/02/2008 Title: Request for cancellation of CLEC Cartificate No. 8345, and for school/edgment of cancellation for DTAM be communications of Florida, Inc., volo Communications of Flori			-	<u>Case As</u>	<u>ssignment</u>	and Sch	eduling_	Recor	rd			Pag	e 1 of :	1		
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					2.	Agenda									NE	05/0	6/2008
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Section 1 - Of	fice of Commission Clerk										
Docket No. <u>0801</u>	<u>23-TP</u> Date Docketed: <u>03/0</u>	<u>3/2008</u>	Title:	acknowl	edgment	of cance	llation o	of IXC Re	icate No. 8 egistration Inc. d/b/a	No. TJ7	d for 784
	Communications of Florida, Communications of Florida,			Communi 2008.	cations	Group of	Florida	, Inc., o	effective F	ebruary	12,
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	<u>Staff Assignments</u>	FOR UP	PDATES CO	NTACT TH	E RECORDS	S SECTIO	N:(850) 4	13-6770			
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Recommended assignments for hearing	30.
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Full Commission <u>X</u> Commission Panel	33.
Hearing Examiner Staff	34.
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Date filed with CLK: 04/28/2008	36.
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Initials OPR	38.
Staff Counsel	39.
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<u>Section 3 - Chairman Completes</u>

PSC/CLK015-C (Rev. 04/07)

Assignments are as follows:

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Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved Date: -Penting 5/16/08

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