

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: March 4, 2010

TO: Office of Commission Clerk (Cole)

FROM: Division of Regulatory Analysis (Pruitt)
Office of the General Counsel (McKay)

RE: Docket No. 090513-TI – Acknowledgment of cancellation of IXC Registration
No. TK249 by New Venture L.L.C., effective November 12, 2009.

Docket No. 090541-TI – Acknowledgment of cancellation of IXC Registration
No. TI534 by Pioneer Telecom, Inc., effective October 13, 2009.

Docket No. 100061-TI – Acknowledgment of cancellation of IXC Registration
No. TK105 by Atlantic Ventures Group, Inc. d/b/a Direct Connek, effective
December 31, 2009.

AGENDA: 03/16/10 – Regular Agenda – Proposed Agency Action – Interested Persons May
Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\RAD\WP\090513.RCM.DOC

RECEIVED-FPSC
10 MAR -3 AM 9:11
COMMISSION
CLERK

Handwritten initials and signatures:
Pruitt, McKay, and other initials.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

Discussion of Issues

Issue 1: Should the Commission deny New Venture L.L.C., Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a/ Direct Connek a voluntary cancellation of their respective intrastate interexchange telecommunications carrier (IXC) tariffs and Registration Nos. TK249, TI534, and TK105, and cancel the tariffs and remove each entity's respective name from the register on the Commission's own motion with an effective date as listed in the docket titles?

Recommendation: Yes, unless an entity pays the Regulatory Assessment Fees, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, that entity should be denied a voluntary cancellation as provided in Attachment A. (Pruitt, McKay)

Staff Analysis: See the attached proposed Order.

Issue 2: Should these dockets be closed?

Recommendation: Staff recommends that the Order issued from this recommendation will become final and effective upon issuance of a Consummating Order, unless a person whose substantial interests are affected by the Commission's decision files a protest that identifies with specificity the issues in dispute, in the form provided by Rule 28-106.201, Florida Administrative Code, within 21 days of the issuance of the Proposed Agency Action Order. As provided by Section 120.80(13)(b), Florida Statutes, any issues not in dispute should be deemed stipulated. If any entity fails to timely file a protest and to request a Section 120.57, Florida Statutes, hearing, the facts should be deemed admitted and the right to a hearing waived.

If an entity pays the Regulatory Assessment Fees, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then that cancellation of the entity's respective tariff and the removal of its name from the register will be voluntary. If an entity fails to pay the Regulatory Assessment Fees, including any accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's respective IXC tariff should be cancelled administratively and its name removed from the register. The collection of the unpaid Regulatory Assessment Fees, including any accrued statutory late payment charges, should be referred to the Florida Department of Financial Services for further collection efforts.

These dockets should be closed administratively either as a voluntary cancellation upon receipt of the payment of the Regulatory Assessment Fees, including any accrued statutory late payment charges, or cancelled involuntarily on the Commission's own motion. Upon cancellation of each entity's respective IXC tariff and removal of its name from the register, that entity should be required to immediately cease and desist providing telecommunications service in Florida. (Pruitt, McKay)

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

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Acknowledgment of cancellation of IXC Registration No. TK249 by New Venture L.L.C., effective November 12, 2009.	DOCKET NO. 090513-TI
In re: Acknowledgment of cancellation of IXC Registration No. TI534 by Pioneer Telecom, Inc., effective October 13, 2009.	DOCKET NO. 090541-TI
In re: Acknowledgment of cancellation of IXC Registration No. TK105 by Atlantic Ventures Group, Inc. d/b/a Direct Connek, effective December 31, 2009.	DOCKET NO. 100061-TI

The following Commissioners participated in the disposition of this matter:

NANCY ARGENZIANO, Chairman
LISA POLAK EDGAR
NATHAN A. SKOP
DAVID E. KLEMENT
BEN A. "STEVE" STEVENS III

NOTICE OF PROPOSED AGENCY ACTION ORDER
CANCELLING INTRASTATE INTEREXCHANGE TELECOMMUNICATIONS TARIFFS
AND REGISTRATIONS 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.

New Venture L.L.C., Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a/ Direct Connek currently hold Intrastate Interexchange Telecommunications (IXC) Registration Nos. TK249, TI534, and TK105, respectively. 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 25-24.474, Florida Administrative Code, provides that intrastate interexchange companies must pay any current and past due Regulatory Assessment Fees with its request for cancellation.

This Commission received correspondence from each entity requesting cancellation of their respective tariffs and removal of their names from the IXC register. Our staff contacted each entity and advised that any unpaid RAFs needed to be paid before a voluntary cancellation could be granted. New Venture L.L.C. owes the 2009 RAF, along with accrued statutory late payment charges. Pioneer Telecom, Inc. owes the 2009 RAF and partial RAFs for 1998 and 2003, along with statutory late payment charges for 1998, 1999, 2003, and 2009. Atlantic Ventures Group, Inc. d/b/a Direct Connek owes the 2009 RAF, along with statutory late payment charges for 2007 and 2009.

For the reasons described above, we deny New Venture L.L.C, Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a Direct Connek's requests for voluntary cancellation of their respective IXC tariffs and removal of their names from the register. However, we find it appropriate to involuntarily cancel each entity's respective IXC tariff and remove each entity's name from the register, effective the date as listed in each entity's respective docket title, on this Commission's own motion for failure to comply with Rule 25-24.474, Florida Administrative Code, and pursuant to Section 364.336, Florida Statutes.

The cancellation of an IXC tariff and removal of an entity's name from the register in no way diminishes that entity's obligation to pay the applicable Regulatory Assessment Fees, including any accrued statutory late payment charges. If this Order is not protested, each entity's respective IXC tariff shall be cancelled, and their respective names removed from the register. If an entity pays the Regulatory Assessment Fees, along with accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then the cancellation of that entity's IXC tariff and removal of its name from the register will be voluntary. If an entity fails to protest the Order or pay the Regulatory Assessment Fees, along with accrued late payment charges, prior to the expiration of the Proposed Agency Action Order, then that entity's IXC tariff shall be involuntarily cancelled administratively and its name removed from the register, and the collection of the unpaid Regulatory Assessment Fees, including accrued statutory late payment charges, shall be referred to the Florida Department of Financial Services for further collection efforts. If an entity's respective IXC tariff is cancelled and its name removed from the register in accordance with this Order, that entity shall be required to immediately cease and desist providing telecommunications service in Florida. These dockets shall be closed administratively either upon receipt of the payment of the Regulatory Assessment Fees, including accrued late payment charges for a voluntary cancellation, or upon this Commission's own motion as an involuntary cancellation. Each entity's respective IXC tariff will be cancelled and its name removed from the register. If an entity's IXC tariff is cancelled and its name removed from the register, and that entity subsequently decides to reregister as a telecommunications company, that entity shall be required to first pay any unpaid Regulatory Assessment Fees, including any accrued statutory late payment charges. We are vested with jurisdiction over these matters pursuant to Sections 364.02, 364.285, and 364.336, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that pursuant to Rule 25-24.474, Florida Administrative Code, New Venture L.L.C., Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a Direct Connek's IXC tariffs and Registration Nos. TK249, TI534, and TK105, are hereby cancelled and their names removed from the register effective November 12, 2009, October 13, 2009, and December 31, 2009, respectively, on this Commission's own motion for failure to pay any applicable Regulatory Assessment Fees, including accrued statutory late payment charges in full, pursuant to Section 364.336, Florida Statutes, and Rule 25-4.0161, Florida Administrative Code. It is further

ORDERED that the cancellation of an entity's IXC tariff, including removal of its respective name from the register, in no way diminishes any entity's obligation to pay the applicable Regulatory Assessment Fees, including any accrued statutory late payment charges. If an entity's IXC tariff is cancelled and its name removed from the register, and that entity subsequently decides to reregister as a telecommunications company, that entity shall be required to first pay any unpaid Regulatory Assessment Fees, including accrued statutory late payment charges. It is further

ORDERED that if New Venture L.L.C., Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a Direct Connek pay the Regulatory Assessment Fees, including any statutory late payment charges, prior to the expiration of the Proposed Agency Action Order, the cancellation of their respective tariff and removal of their respective name from the register shall be deemed voluntary. It is further

ORDERED that if New Venture L.L.C., Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a Direct Connek do not pay the Regulatory Assessment Fees, including any statutory 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 New Venture L.L.C., Pioneer Telecom, Inc., and Atlantic Ventures Group, Inc. d/b/a Direct Connek's respective IXC tariffs are cancelled and their names removed from the register in accordance with this Order, that entity 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 any protest to the action proposed herein shall specify the entity or entities to which it applies. It is further

ORDERED that if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

ORDERED that in the event this Order becomes final, these dockets shall be closed administratively as voluntary cancellations upon receipt of the payment of the Regulatory Assessment Fees, including accrued late payment charges, or as involuntary cancellations on this Commission's own motion.

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

ANN COLE
Commission Clerk

(SEAL)
VSM

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 _____.

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.