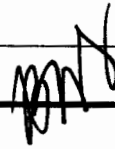


REQUEST TO ESTABLISH DOCKET

DOCKET NO. 130262-TX

(Please type or print. File original *plus* 1 copy with CLK.)

| | | | |
|--|---|---|--|
| Date: | 10/18/2013 | Docket No.: | |
| 1. From Division / Staff: | Office Of Telecommunications/Catherine Beard  | | |
| 2. OPR: | Catherine Beard, Toni Earnhart TEL | | |
| 3. OCR: | GCO | | |
| 4. Suggested Docket Title: | <u>Bankruptcy cancellation by Florida Public Service Commission of Certificate of Necessity No. 8623, issued to Broadstar, LLC d/b/a PrimeCast, effective October 15, 2013.</u> | | |
| 5. Program/Module/Submodule Assignment: | B-1.L | | |
| 6. Suggested Docket Mail List. | | | |
| a. Provide NAMES/ACRONYMS, if registered company. | | <input type="checkbox"/> Provided as an Attachment | |
| Company Code, if applicable: | Parties (include address, if different from MCD): | Representatives (name and address): | |
| TX875 | | | |
| | | | |
| | | | |
| | | | |
| b. Provide COMPLETE NAME AND ADDRESS for all others. (match representatives to companies) | | | |
| Company Code, if applicable: | Interested persons, if any, (include address, if different from MCD): | Representatives (name and address): | |
| | | | |
| | | | |
| | | | |
| | | | |
| 7. Check one: | <input checked="" type="checkbox"/> Supporting Documentation Attached | | <input type="checkbox"/> To be provided with Recommendation |
| Comments: Documentation Attached | | | |

Jeffrey L. Burtch,
Chapter 7 Panel Trustee
P.O. Box 549
Wilmington, Delaware 19899-0549

13 OCT 21 AM 9:09

OFFICE OF
TELECOMMUNICATIONS
Facsimile #: (302) 984-3939

Telephone #: (302) 984-3800

October 15, 2013

VIA EMAIL and Regular Mail
TEarnhar@PSC.STATE.FL.US

Toni Joy Earnhart
Public Utility Analyst
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399

**Re: Broadstar, LLC; Bankr. Case No. 12-11363 (KG)
Certificate No. 8623**

Dear Ms. Earnhart:

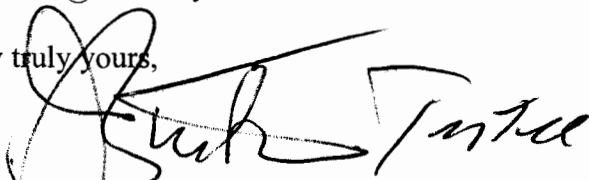
I am the Chapter 7 Trustee for Capitol Infrastructure LLC and related debtors, including Broadstar, LLC (the "Debtors"). The Debtors filed voluntary petitions pursuant to Chapter 11 of the Bankruptcy Code in the District of Delaware on April 26, 2012. On October 15, 2012, all of the Debtors' bankruptcy cases were converted to Chapter 7.

It is my understanding that Broadstar, LLC was the holder of a Florida telecommunications certificate, Certificate No. 8623. Broadstar did not operate in the Chapter 7 bankruptcy and will not be operating in the future. As a result, I request a voluntary Bankruptcy Cancellation of the telecommunications certificate for Broadstar, LLC.

I enclose a copy of the Notice of Bankruptcy Case Filing for Broadstar, LLC and a copy of my appointment as Chapter 7 Bankruptcy Trustee for Broadstar, LLC.

Should you have any questions, please contact my counsel, Susan E. Kaufman at 302-984-3820, skaufman@coochtaylor.com.

Very truly yours,



Jeffrey L. Burtch,
Chapter 7 Trustee

Enclosures

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

IN THE MATTER OF : CHAPTER 7
Broadstar, LLC :
Debtors. : Case No. 12-11363 (KG)
: (Jointly Administered)

NOTICE TO INTERIM TRUSTEE/ TRUSTEE OF SELECTION IN AN ASSET CASE

TO: Jeffrey L. Burtch, Esq.

You are hereby notified of your appointment in an asset case as Interim Trustee/Trustee of the estate of the above named debtor. The amount of your bond has been fixed by the United States Trustee. You are required to notify **T. PATRICK TINKER, ASSISTANT UNITED STATES TRUSTEE**, at J. Caleb Boggs Federal Building, 844 King Street, Suite 2207, Wilmington, DE. 19801 in writing within (5) days after receipt of this notice only if you reject this case.

ROBERTA DEANGELIS
UNITED STATES TRUSTEE
T. PATRICK TINKER
ASSISTANT UNITED STATES TRUSTEE

DATED: October 16, 2012

United States Bankruptcy Court
District of Delaware**Notice of Bankruptcy Case Filing**

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 11 of the United States Bankruptcy Code, entered on 04/26/2012 at 11:06 PM and filed on 04/26/2012.

Broadstar, LLC
111 Corning Road, Suite 112
Cary, NC 27518
Tax ID / EIN: 20-2848917
aka Broadstar Networks, LLC
dba Primecast



The case was filed by the debtor's attorney: The bankruptcy trustee is:

David M. Fournier
Pepper Hamilton LLP
Hercules Plaza, Suite 5100
1313 Market Street
Wilmington, DE 19899-1709
usa
302 777-6500

Jeffrey L. Burtch
P.O. Box 549
Wilmington, DE 19899
302-652-3641

The case was assigned case number 12-11363-KG to Judge Kevin Gross.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page www.deb.uscourts.gov or at the Clerk's Office, 824 Market Street, 3rd Floor, Wilmington, DE 19801.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Toni Earnhart

From: Susan Kaufman <skaufman@coochtaylor.com>
Sent: Tuesday, October 15, 2013 12:16 PM
To: Toni Earnhart
Cc: Jeffrey Burtch
Subject: {BULK} RE: SECOND EMAIL TO FOLLOW-UP ON---FW: Additional Information for removing company from Active List... RE: FLORIDA Broadstar, LLC d/b/a PrimeCast 2012 RAF returned mail
Attachments: Letter 10-15-13.pdf
Importance: Low

Ms. Earnhart:

Please see the annexed letter from the Chapter 7 Trustee for Capitol Infrastructures, LLC and related debtors concerning the telecommunications certificate for Broadstar, LLC. If you have any questions, please contact me.

Susan E. Kaufman, Esq.
Cooch and Taylor, PA
1000 West Street
10th Floor
Wilmington, DE 19801
(302) 984-3820
(302) 984-3939 (fax)

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From: Toni Earnhart [mailto:TEarnhar@PSC.STATE.FL.US]
Sent: Tuesday, October 15, 2013 9:18 AM
To: Susan Kaufman
Cc: mattspringer.mra@gmail.com; rickalder@aol.com
Subject: SECOND EMAIL TO FOLLOW-UP ON---FW: Additional Information for removing company from Active List... RE: FLORIDA Broadstar, LLC d/b/a PrimeCast 2012 RAF returned mail
Importance: High

Ms. Kaufman,

As Trustee, have decided to request a Voluntary Bankruptcy Cancellation of Broadstar, LLC d/b/a PrimeCast's Certificate in Florida?

Any RAF debt would be written off versus claims of collection made given the bankruptcy.

By requesting this voluntary bankruptcy cancellation, the company is removed without prejudice from the Florida Commissions active telecom company list.

Thus the company will no longer incur postage expenses, etc... from mailings that are always "return to sender" and reduces the additional administrative expenses related to maintaining an inactive bankrupt company in active status in Florida.

It is strictly a cost saving measure. No company representation is necessary for the docket. These bankruptcy recommendation items are always approved by the Commissioners given the cost savings advantage to both the State of Florida and the FLPSC.

It only requires a written letter requesting a voluntary bankruptcy cancellation and a copy of the most current bankruptcy status notice.

I take care of the rest.

Please let me know if this is possible.

Take Care,

***Toni Joy Earnhart, Public Utility Analyst
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533***

From: Toni Earnhart
Sent: Wednesday, September 04, 2013 3:51 PM
To: Susan Kaufman
Subject: RE: Additional Information for removing company from Active List... RE: FLORIDA Broadstar, LLC d/b/a PrimeCast 2012 RAF returned mail
Importance: High

Ms. Kaufman,

The Florida Commission is working to remove inactive utility certificates from the Florida Commission's active utility listings if the company's bankruptcy status is closed. We use the PACER database information to accomplish that cancellation process, though it may take years to occur.

If staff identifies a company in active bankruptcy status, and we still manage to have communication with the involved parties, we try to gain the necessary permissions to voluntarily have the company, or the receivers, request a voluntary Bankruptcy Cancellation of the telecommunications certificate.

By requesting, in writing, a bankruptcy cancellation, staff can cancel the company's inactive telecommunications certificate and forward any regulatory assessment fee uncollectable debt to the Department of Financial Services to be written off.

Since it is typically, unusual for a utility in this situation to regain financial footing and move forward, this Bankruptcy Cancellation allows the Commission to remove the inactive company from its public listings, and cease any regulatory mail outs, etc... thus saving postage costs. The goal being, cost saving measures.

Are you able to request a Bankruptcy Cancellation on behalf of Broadstar, LLC d/b/a PrimeCast? If so, all I need to accomplish this Bankruptcy Cancellation is a written letter requesting it mailed to the address listed below. I can move forward by opening a Consent Item docket, asking the Commissioners to vote in favor of the voluntary Bankruptcy Cancellation request. Again, any Regulatory Assessment Fee Debt and uncollectable penalties and interest are written off upon staff's referral to the Florida Department of Financial Services.

Please let me know if you can assist in this process.

Toni Joy Earnhart, Public Utility Analyst
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533

From: Matt Springer [<mailto:mattspringer.mra@gmail.com>]
Sent: Tuesday, September 03, 2013 9:27 PM
To: rickalder@aol.com
Cc: Toni Earnhart; Glen Lang; Susan Kaufman
Subject: Re: Additional Information for removing company from Active List... RE: FLORIDA Broadstar, LLC d/b/a PrimeCast 2012 RAF returned mail

Dear Ms. Earnhart

My name is Matt Springer, and I was an officer with certain entities previously affiliated with Broadstar, LLC. As Mr. Alder notes, Broadstar, LLC was sold to affiliate Capitol Broadband Ventures, LLC in March 2012. Broadstar, Capitol Broadband Ventures, and several other entities filed for Chapter 11 protection in April 2012 which was converted to a Chapter 7 filing in October 2012. Susan Kaufman (copied hereon) is a representative with the Chapter 7 Trustee's Office and can probably assist you with any actions related to Broadstar's certificate.

Regards,
Matt Springer

On Tue, Sep 3, 2013 at 4:04 PM, <rickalder@aol.com> wrote:
Hi Toni - thanks for getting back to me. I actually sold the company to Capitol Broadband Ventures, LLC. That company then sold off some Broadstar assets to Hotwire Communications and then filed for bankruptcy (and converted from Chapter 11 to Chapter 7 in 2012.)

I've copied Glen Lang and Matt Springer to see if they can process the voluntary Bankruptcy Cancellation of the certificate on the Broadstar LLC Certificate, etc. as I have no access to records.

Rick

-----Original Message-----

From: Toni Earnhart <TEarnhar@PSC.STATE.FL.US>
To: ralder <ralder@goprimecast.com>
Sent: Tue, Sep 3, 2013 3:18 pm
Subject: Additional Information for removing company from Active List... RE: FLORIDA Broadstar, LLC d/b/a PrimeCast 2012 RAF returned mail

Mr. Alder,

Hotwire Communications purchased Broadstar's assets, but not the actual certificate. I spoke with them last month. The Commission doesn't consider the certificate sold unless the certificate goes to the company purchasing the assets, and it did not.

If you don't plan to use the Broadstar LLC Certificate, you can request a voluntary Bankruptcy Cancellation of the certificate. I can process a cancellation and get the certificate out of the Commission's active company listings as well as ask Department of Financial Services to write off the regulatory assessment fees.

Has the bankruptcy converted from Chapter 11 to Chapter 7 yet? If you could attach the bankruptcy information to your letter, that would be helpful.

All you need to do is send a letter to the Commission requesting a Bankruptcy Cancellation for Broadstar, LLC d/b/a PrimeCast, Certificate No. 8623. There is no cost to you and you won't continue to get mail from the FLPSC once we purge our system of cancelled certifications. If you don't cancel the certificate, you will continue to get mail for many years to come.

Let me know if you would like me to take care of this for you.

***Toni Joy Earnhart, Public Utility Analyst
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533***

From: Rick Alder [<mailto:ralder@goprimecast.com>]
Sent: Monday, February 11, 2013 5:44 PM
To: Toni Earnhart
Cc: diking@hotwirecommunication.com
Subject: FW: FLORIDA Broadstar, LLC d/b/a PrimeCast 2012 RAF returned mail
Importance: High

Ms. Earnhart – I sold Primecast back in April of 2012 to another company and ownership changes notices were to have been sent, however I still occasionally get these notices.

I have copied Ms. Dianne King on this correspondence and she can forward to the attorney handling the on-going handling of these issues.

Rick Alder

From: Toni Earnhart [<mailto:TEarnhar@PSC.STATE.FL.US>]
Sent: Monday, February 11, 2013 10:18 AM
To: ralder@goprimecast.com
Subject: FLORIDA Broadstar, LLC d/b/a PrimeCast 2012 RAF returned mail
Importance: High

Mr. Adler,

The above Local Exchange Company mail has been returned. See the attachment.

The 2012 RAF was due January 30th and has not been paid. Late notices have been sent to the same address and will likely be returned by the post office as well.

I will send you another 2012 RAF form in a separate email, the company now owes P&I.

Please email back the new contact information and mailing information for the above company.

If no response is received, the company's certificate will be at risk for a Compliance Action to cancel it for non-payment of RAF and non-response to staff inquiries.

It is important to keep the company contact information current with the FL PSC to avoid compliance actions.

If you have any questions, please email or call me.

***Toni Joy Earnhart, Regulatory Analyst
Florida Public Service Commission
Office of Telecommunications
2540 Shumard Oak Blvd.
Tallahassee, FL 32399
Phone 850-413-6532
Fax 850-413-6533***

--
Matt Springer, Principal
Madrock Advisors
919.720.6938
mattspringer.mra@gmail.com

Regulatory Assessment Fee Account Information

History | History 2 | Statistics | Comments | Forms | Mailing | Company | Accounts | Dockets | Consumer

Company Identification

Complete Name: **Broadstar, LLC d/b/a PrimeCast**

Mailing Name: **PrimeCast**

Company Code: **TX875** Regulated: **06/13/2006** Inactive:

RAF Account Information

RAF Period Covered: **01/01/2012-12/31/2012 CLX** Service: **CLX**

Audited Refund Confidential Write off True up
 RAF Form Received Actual Return Number of Payments Received: **0**
 RAF Account Satisfied Estimated Return
 Amended Return Do Not Calculate: Penalty Interest
 Extension Approved Correspondence Suspended Bankruptcy Comments Available

Operating Revenue: **\$0.00** Gross Intrastate Revenue: **\$0.00**

RAF Rate:

| Assessments | Due | Paid | Owe |
|---------------|---------------|---------------|---------------|
| RAF | \$0.00 | \$0.00 | \$0.00 |
| Penalty | \$0.00 | \$0.00 | \$0.00 |
| Interest | \$0.00 | \$0.00 | \$0.00 |
| Extension Fee | \$0.00 | \$0.00 | \$0.00 |
| Total | \$0.00 | \$0.00 | \$0.00 |

Print/Preview

RAF Documents

Annual Reports

Edit

Cancel

Navigation:

1 of 1

Modification Log

12/10/2012

Last modification was made on Monday, December 10, 2012 at 9:54 AM by David Brown

COMPANY IDENTIFICATION

Printed on 10/18/2013 at 12:05:01 by TJE

Complete Name: Broadstar, LLC d/b/a PrimeCast

Mailing Name: PrimeCast

Company Code: TX875

FEID Number: 20-2848917

COMPANY INFORMATION

Address Line 1: 3800 North Park Central Blvd.

Address Line 2:

City: Pompano Beach

State: FL Zip Code: 33064-2264

Reg. Date: 06/13/2006

Inactive Date:

Transferred To:

Trans. From:

Certificate 1: 8623

Certificate 2:

Corporate Type: Lmtd Liability Corp.

Service 1: CLX - Competitive Local Exchange

Service 2:

Service 3:

Service 4:

Class (WAW):

Phone Count:

County 1:

County 2:

County 3:

County 4:

Bankruptcy: Yes

COMPANY IDENTIFICATION

Printed on 10/18/2013 at 12:04:51 by TJE

Complete Name: Broadstar, LLC d/b/a PrimeCast

Mailing Name: PrimeCast

Company Code: TX875

FEID Number: 20-2848917

RAF ACCOUNT FOR THE PERIOD 01/01/2012 THROUGH 12/31/2012

Reg. Date: 06/13/2006

Inactive Date:

Service: CLX - Competitive Local Exchange

Received: No RAF Form

Status: Pending

Amended: No

Extension: No

Frozen: No

Comments: No

Payment Count: 0 Payments Made to Date

Operating Rev: \$0.00

Interstate Rev: \$0.00

RAF Rate:

| Assessment | Due | Paid | Owe |
|---------------|--------|--------|--------|
| RAF | \$0.00 | \$0.00 | \$0.00 |
| Penalty | \$0.00 | \$0.00 | \$0.00 |
| Interest | \$0.00 | \$0.00 | \$0.00 |
| Extension Fee | \$0.00 | \$0.00 | \$0.00 |
| Total | \$0.00 | \$0.00 | \$0.00 |

Last modification was made on Monday, December 10, 2012 at 9:54 AM by David Brown