FILED JUL 10, 2013 DOCUMENT NO. 03895-13 FPSC - COMMISSION CLERK

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:

July 9, 2013

TO:

Shalonda M. Hopkins, Office of the General Counsel 8h

FROM:

Curtis J. Williams, Office of Telecommunications

RE:

Docket No. 130144-TX; Request for cancellation of Certificate of Necessity Ro.

8811 by Gracias VRS, LLC, effective March 8, 2012.

Gracias VRS, LLC, holder of Certificate of Necessity No. 8811, has requested cancellation of Certificate No. 8811, effective March 8, 2012. The certificate holder has provided adequate notice in writing of its request for cancellation of its certificate of necessity and submitted the final 2012 regulatory assessment fees due.

Pursuant to 364.335(3), Florida Statutes, it is our recommendation that the voluntary cancellation be approved, an administrative order be issued, and the docket be closed.

c: CLK



3700 Commerce Blvd Klasimmee, FL 34741 Website: www.ASLServices.com VP: graciasvrs.tv or eng.graciasvrs.tv Hearing: 1-877-DAME-VRS/ 1-877-326-3877

GraciasVRS Certified 7009 3410 0002 4112 9007 CLEC Certificate #8811 Company Code TY046

RE: Request to withdrawal CPC&N status.

DATE DEPOSIT

6-12-0-R

MAR 19 2012 7 3 4

CK\$ 600 00R

Greetings Commission,

I am respectfully writing to request to withdrawal CPC&N status for GraciasVRS.

Please allow me to provide some background information for you:

When GraciasVRS began our certification process by the FCC to provide Video Relay Services and compensated through the TRS Fund, we were required to maintain status as a common carrier, which is what precipitated GraciasVRS in obtaining a "Certificate of Public Convenience and Necessity" (CPC&N)."). Holding common carrier status was a prerequisite for certification under the then existing certification rules, Section 64.604 (47 C.F.R. § 64.604). This was a residual of legacy monopoly ("Bell System") common carrier regulation.

The Commission, in its July 28, 2011 Second Report and Order implementing the new certification rules provided the following history at footnote 26 of the order:

2004 TRS Report and Order, 19 FCC Rcd at 12517, ¶ 103 n.304. The Commission explained that Title IV of the ADA, codified at section 225 of the Act, puts the obligation on the entities providing telephone transmission service to also offer TRS, and that the three eligibility categories that existed at that time, prior to adoption of a Commission certification process, were modeled upon the ways in which common carriers could be deemed to be in compliance with their underlying obligation under section 225 to provide TRS. Id. at ¶ 103 and n.304. When the Commission adopted its certification process the following year, it explained that those three eligibility categories were adopted at a time when all TRS calls were carried over telephone lines, and concluded that those categories "do not reflect advances in the way that TRS is offered," particularly with respect to the forms of iTRS that existed at that juncture, VRS and IP Relay. IP Relay/VRS Certification Order, 20 FCC Rcd at 20586, ¶¶ 17, 18.

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When the FCC promulgated the new TRS certification rules the Commission removed the common carrier requirement:

9. Finally, experience has shown that common carrier status generally has little or no bearing on the qualifications of a company to provide iTRS service because states may grant applications for common carrier status without verifying the applicant's qualifications or experience. Nor do they ensure that the carrier has the facilities or staff to comply with our iTRS rules.

The Commission maintained that since it would now be the sole certifying entity for TRS Fund eligibility, the need for applicants to be common carriers no longer existed:

12. ... we find that an applicant's status as an interstate common carrier does not necessarily demonstrate that provider's ability to meet the Commission's iTRS provider requirements.

Consequently, since maintain the CPC&N license is no longer required, GraciasVRS is requesting to withdrawal our status and would like insight on the proper method to do this.

In addition, I did respond to the 2012 Local Compensation Data Request by faxing in a response check marking that GraciasVRS is NOT providing local telephone services.

I greatly appreciate your assistance in this matter and look forward to hearing from you soon.

Sincerely,

Gaprielle Joseph

VP-Operations

GraciasVRS

¹¹¹ See para. 34, infra.

LPSC-COMMISSION CLERK

Section 1 - Office of Commission Clerk

T130120

Docket No. 130144-TX Date Docketed: 05/16/2013 Title: Request for cancellation of dentificate of ledessity No. 8811 by Gracias VRS, LLC, effective March 8, 2012.

Company: Gracias VRS, LLC

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REASON FOR REVISION

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SUBMITTED BY OPR-TEL:	64		STAFF COUNSEL	(GCL)		
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Catherine Beard

From:

Toni Earnhart

Sent:

Thursday, April 18, 2013 9:04 AM

To:

Catherine Beard

Subject:

RE: Misfiled 2012 cancellation request...FYI

I have all the information together for it. Let me get it together.

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

From: Catherine Beard

Sent: Thursday, April 18, 2013 8:21 AM

To: Toni Earnhart

Subject: RE: Misfiled 2012 cancellation request...FYI

What is the company name?

From: Bob Casey

Sent: Thursday, April 18, 2013 8:19 AM

To: Toni Earnhart

Cc: Catherine Beard; Beth Salak; Bob Casey

Subject: FW: Misfiled 2012 cancellation request...FYI

Let's let Catherine handle this cancellation. You will be on the CASR to review the rec and assist Catherine if necessary.

Thanks.

From: Beth Salak

Sent: Wednesday, April 17, 2013 5:48 PM

To: Toni Earnhart **Cc:** Bob Casey

Subject: RE: Misfiled 2012 cancellation request...FYI

Thanks, Toni.

Bob, should some one else being doing this cancellation?

From: Toni Earnhart

Sent: Wednesday, April 17, 2013 5:13 PM

To: Beth Salak; Bob Casey

Subject: Misfiled 2012 cancellation request...FYI

This cancellation request came to my attention after Jeff said the company called him about the Data Request they received. They told him they had "opted out" of the telecom business in early 2012. He questioned them further and they finally said they had requested cancellation in 2012. He brought it to my attention.

I researched further and found the company's cancellation request scanned into the RAF documents in March 2012. This probably happened because the company didn't submit a 2012 RAF form, only a cancellation request. A copy should have been forwarded to TEL or the CLK for further processing.

Since the company paid their 2012 RAF early, the company didn't show up on any of my December 2012 FISCAL RAF form mail out lists.

I am going to open a cancellation docket with a March 8, 2012 cancellation effective date.

I have spoken with FISCAL about this issue happening last year and in prior years occasionally.

I wanted to give you the heads up on this docket cancellation request since the effective date is in early 2012.

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

Curtis Williams

From:

Toni Earnhart

Sent:

Wednesday, May 29, 2013 2:17 PM

To:

Curtis Williams

Subject:

RE: New filing in Docket No. 130144-TX Request for cancellation of Certificate of

Necessity No. 8811 by Gracias VRS, LLC, effective March 8, 2012.

MIT MEZDED

Hey Curtis,

I just sent a 2013 RAF form for you to send to the company to complete and pay the minimum 2013 RAF if they didn't pay it with the cancellation request.

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: Bob Casey

Sent: Wednesday, May 29, 2013 2:14 PM

To: Curtis Williams

Cc: Beth Salak; Bob Casey; Catherine Beard; Dan Flores; Jim Polk; Sakina Deas; Toni Earnhart

Subject: FW: New filing in Docket No. 130144-TX Request for cancellation of Certificate of Necessity No. 8811 by Gracias

VRS, LLC, effective March 8, 2012.

This is assigned to you.

Thanks.

From: Filings Clerk

Sent: Thursday, May 16, 2013 4:26 PM

To: Jeff Bates; Beth Salak; Bob Casey; Mark Long; Terri Fleming; Carolyn Craig

Subject: New filing in Docket No. 130144-TX Request for cancellation of Certificate of Necessity No. 8811 by Gracias

VRS, LLC, effective March 8, 2012.

DOCKET TITLE = Request for cancellation of Certificate of Necessity No. 8811 by Gracias VRS, LLC, effective March 8, 2012.

DOCUMENT DESCRIPTION = TEL/Beard request to establish docket: Request for cancellation of Certificate of Necessity No. 8811 by Gracias VRS, LLC, effective 3/8/12.

DOCUMENT PATH = file://L:\PSC\LIBRARY\FILINGS\13\02711-13

Document ID = 02711-13 Document Filed 05/16/13 The filing described above is now available in PDF format.

To access it, click on the DOCUMENT PATH link. This will pop up a Windows Explorer window. You will see the PDF (Adobe Acrobat) version; you will also see other versions if they exist. Double-click on the preferred version and the document will open.

If you need to cut/paste/search in the document and find you can't, try later when the reformatted version is available. (For more information, see PDF Tips on the How To menu.)

This is an automatically generated e-mail; no response/reply is necessary.

COMPANY IDENTIFICATION

Printed on 04/17/2013 at 16:30:49 by TJE

Complete Name: Gracias VRS, LLC

Mailing Name: Gracias VRS, LLC

Company Code: TY046

FEID Number: 26-3151842

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

Reg. Date:

04/22/2011

Inactive Date:

Service:

CLX - Competitive Local Exchange

Received:

No RAF Form

Status:

Satisfied

Amended:

No

Extension:

No

Frozen:

No

Comments:

No

Payment Count: 1 Payment Made to Date

Operating Rev:

\$0.00

Interstate Rev:

\$0.00

RAF Rate:

0.0018

Assessment	Due	Paid	Owe	
RAF	\$600.00	\$600.00	\$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	\$600.00	\$600.00	\$0.00	

Last modification was made on Monday, March 19, 2012 at 10:57 AM by Valorie Moore

REQUEST TO ESTABLISH DOCKET (Please type or print, File original plus 1 copy with CLK.)						
Date: 05/10/13 Docket No.: 130144-TX 130144-TX						
1. From Division / Staff: TELL Beard						
2. OPR: C. Beard, T. Earnhardt, B. Casey, TEL & &						
3. OCR: GCO						
4. Suggested Docket Title: Request for Cancellation of Certificate of Necessity No. 2811 by Gracias VRS, LLC effective March 8, 2012.						
5. Program/Module/Submodule Assignment:						
6. Suggested Docket Mail List.						
a. Provide NAMES/ACRONYMS, if registered company. □ Provided as an Attachment						
Company Code, if applicable: Parties (include address, if different from MCD): Representatives (name and address):						
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: Supporting Documentation Attached To be provided with Recommendation						
Comments:						

TO THE STATE OF THE

02711 MAY 16 =

COMPANY IDENTIFICATION

T130120

Printed on 07/03/2013 at 17:00:08 by CJW

Complete Name: Gracias VRS, LLC

Mailing Name: Gracias VRS, LLC

Company Code: TY046 26-3151842 FEID Number:

MAILING INFORMATION

Attention:

Address Line 1: 3700 Commerce Blvd.

Address Line 2:

State: FL Zip Code: 34741-4656 City: Kissimmee

E-mail Address: vannessa@asiservices.com Web Address: http://www.graciasvrs.com

Liaison 2: Liaison 1: Vannessa Roth

Title: Title: Director of Operations Phone: Phone: (407) 518-7900 ext 333

E-mail: E-mail: vannessa@asiservices.com

Fax 1: (407) 518-7903 Fax 2:

County: