



Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

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RECORDS AND
REPORTING

DATE: JUNE 18, 1998

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BARR)

FROM: DIVISION OF COMMUNICATIONS (HAWKINS) *WDM/KM*
DIVISION OF LEGAL SERVICES (PEÑA, K.) *MMY MCB*

RE: DOCKET NO. 980168-TI - REQUEST FOR CANCELLATION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3986 BY ICG TELECOM GROUP, INC., EFFECTIVE 1/29/98.

DOCKET NO. 980174-TA - REQUEST FOR CANCELLATION OF ALTERNATIVE ACCESS VENDOR CERTIFICATE NO. 3166 BY ICG TELECOM GROUP, INC., EFFECTIVE 1/29/98.

AGENDA: 06/30/98 - REGULAR AGENDA - WITHDRAWAL OF REQUESTS FOR CANCELLATION - PARTIES MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980168.RCM

CASE BACKGROUND

On January 16, 1998, ICG Telecom Group, Inc. (ICG) submitted its regulatory assessment fees for 1997. By letters dated that same day, ICG's Tax section informed the Commission that they were paying their last regulatory assessment fees because the business had been sold. In response to the letters, staff filed recommendations to cancel ICG's certificates of public convenience and necessity, authorizing the provision of Interexchange Telecommunication (IXC) and Alternative Access Vendor (AAV) services in Florida. The Commission acknowledged both recommendations, and by Order No. PSC-98-0409-FOF-TA, issued March 20, 1998 in Docket No. 980174-TA, and Order No. PSC-98-0415-FOF-TI, issued March 24, 1998 in Docket No. 980168-TI, ICG's AAV and IXC certificates were canceled (Attachment A, pages 3 & 4-7).

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FPSC-RECORDS/REPORTING

Thereafter, by letter dated April 4, 1998, Mr. J. Carl Jackson, Jr., ICG's Senior Director of Government and External Affairs, filed a timely protest in docket 980168-TI. In the letter, he informed staff that it had not been ICG's intention to request cancellation of its certificates. We note that ICG protested only the portions of Order No. PSC-98-0415-FOF-TI pertaining to ICG. Further, on April 13, 1998, ICG filed a Notice of Withdrawal of Request for Cancellation in both dockets.

Accordingly, staff recommends that the Commission acknowledge the Withdrawals of Request for Cancellation.

STAFF DISCUSSION

ISSUE 1: Should the Commission acknowledge the Withdrawals of Request for Cancellation?

RECOMMENDATION: Yes. The Commission should acknowledge the Withdrawals of Request for Cancellation.

STAFF ANALYSIS: It was not ICG's new management's intention to cancel the certificates. Apparently the comments of the staff person in ICG's tax section were in error. Once ICG received the Orders for cancellation, the company immediately contacted the Commission and requested the withdrawals. Therefore, staff believes the requests should be acknowledged. This recommendation is consistent with the Commission's past decision in Order No. PSC-94-0310-FOF-EQ, issued March 17, 1994, in Docket No. 920977-EQ.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If Commission approves staff recommendation, no further issues will remain for the Commission to address. This docket may, therefore, be closed.

STAFF ANALYSIS: If Commission approves staff recommendation, no further issues will remain for the Commission to address. This docket may, therefore, be closed.

ORDER NO. PSC-98-0415-FOF-TI
DOCKET NOS. 980194-TI, 980169-TI, 980199-TI
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 14, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

In re: Cancellation of certificates to provide interexchange telecommunications services.

Voyager Networks, Inc.
Certificate No. 3152
ICG Telecom Group, Inc.
Certificate No. 3986
Apollo Communications Services,
LLC
Certificate No. 4835

DOCKET NO. 980194-TI
DOCKET NO. 980169-TI
DOCKET NO. 980199-TI

ORDER NO. PSC-98-0415-FOF-TI
ISSUED: March 24, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING INTEREXCHANGE
TELECOMMUNICATIONS CERTIFICATES

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.

The entities listed below have complied with the provision of Rule 25-24.474(2), Florida Administrative Code, by providing adequate notice in writing of their request for cancellation of

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PSC ACTION REPORTING

Their interexchange telecommunications services certificates and by submitting their regulatory assessment fees for 1997. Accordingly, we find it appropriate to cancel the certificates listed below, effective on the dates shown.

ENTITY'S NAME	CERTIFICATE NO.	EFFECTIVE DATE
Voyager Networks, Inc.	3152	02/02/98
TCG Telecom Group, Inc.	3986	01/29/98
Apollo Communications Services, LLC	4835	01/30/98

Each entity shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice for 1998 will be mailed to each of the above entities. Whether the cancellation of their certificates nor the failure to receive a Regulatory Assessment Fee Return notice for 1998 shall relieve these entities from their obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the interexchange telecommunications services certificates listed herein are hereby cancelled, effective on the dates shown above. It is further

ORDERED that each entity shall return its certificate to this Commission and remit all due and owing regulatory assessment fees for 1998. 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 is filed as to the certification of any particular entity or entities, that 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 the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, these Dockets shall be closed.

By **ORDER** of the Florida Public Service Commission, this 24th day of March, 1998.

ELANCA S. BAYO, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review 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.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Alternative Access Vendor
Certificate No. 3166 by ICG
Telecom Group, Inc., effective
1/29/98.

DOCKET NO. 980174-TA
ORDER NO. PSC-98-0409-FOF-TA
ISSUED: March 20, 1998

The following Commissioners participated in the disposition of
this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER CANCELLING ALTERNATIVE ACCESS VENDOR CERTIFICATE

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.

On January 29, 1998, ICG Telecom Group, Inc., holder of
Alternative Access Vendor (AAV) Certificate of Public Convenience
and Necessity No. 3166, submitted a request for the cancellation of
AAV Certificate No. 3166.

ICG Telecom Group, Inc. shall return its certificate to this
Commission. In addition, under Section 364.336, Florida Statutes,
certificate holders must pay a minimum annual regulatory assessment
fee of \$50 if the certificate was active during any portion of the
calendar year. A Regulatory Assessment Fee Return notice will be
mailed to ICG Telecom Group, Inc. Neither the cancellation of its
certificate nor the failure to receive a Regulatory Assessment Fee
Return notice shall relieve ICG Telecom Group, Inc. from its
obligation to pay due and owing regulatory assessment fees.

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DOCKET NO. 980174-TA
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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that ICG Telecom Group, Inc.'s Certificate No. 3166 to provide alternative access vendor services is hereby cancelled, effective January 29, 1998. It is further

ORDERED that ICG Telecom Group, Inc. shall return its certificate to this Commission and remit all due and owing regulatory assessment fees. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 20th day of March, 1998.

/s/ Blanca S. Bayó
BLANCA S. BAYÓ, Director
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

(S E A L)

KMP

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review 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 and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 10, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court.

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