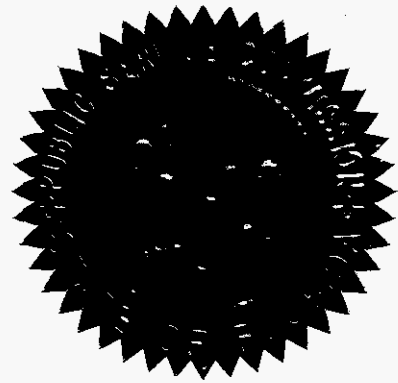


BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:

DOCKET NO. 090077-TI

ACKNOWLEDGMENT OF CANCELLATION  
OF IXC REGISTRATION NO. TJ719  
BY PRONET COMMUNICATIONS,  
INCORPORATED, EFFECTIVE  
FEBRUARY 9, 2009.



PROCEEDINGS: AGENDA CONFERENCE  
ITEM NO. 5

COMMISSIONERS  
PARTICIPATING: CHAIRMAN MATTHEW M. CARTER, II  
COMMISSIONER LISA POLAK EDGAR  
COMMISSIONER NANCY ARGENZIANO  
COMMISSIONER NATHAN A. SKOP  
COMMISSIONER DAVID E. KLEMENT

DATE: Tuesday, December 15, 2009

PLACE: Betty Easley Conference Center  
Room 148  
4075 Esplanade Way  
Tallahassee, Florida

REPORTED BY: JANE FAUROT, RPR  
Official FPSC Reporter  
(850) 413-6732

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## P R O C E E D I N G S

1  
2           **CHAIRMAN CARTER:** And with that,  
3 Commissioners and Staff, we are now on Item 5.

4           **MS. MORROW:** Good morning, Commissioners.  
5 Jamie Morrow for Commission staff. Item Number 5  
6 addresses a protest that was filed by ProNet  
7 Communications in Docket Number 090077-TI. On  
8 February 9th, the Commission received ProNet's  
9 request for a voluntary cancellation of its  
10 interexchange company registration with an effective  
11 date of December 31st, 2008, with an accompanying  
12 waiver of its 2009 regulatory assessment fees. On  
13 May 1st, 2009, this Commission issued an order  
14 denying ProNet a voluntary cancellation. ProNet  
15 timely protested this order.

16           Because ProNet's registration was  
17 effective during the 2009 calendar year, it is  
18 statutorily required to pay its 2009 RAFs before  
19 this Commission can grant it a voluntary  
20 cancellation. Staff recommends that this Commission  
21 deny ProNet's request for a waiver of its 2009 RAF  
22 payment and dismiss this protest on its own motion  
23 as ProNet has not provided facts upon which this  
24 Commission may grant the requested relief.

25           Staff is available for questions, and

1 Mrs. Korel Johnston of ProNet is here via telephone  
2 for questions, as well.

3 **CHAIRMAN CARTER:** Commissioners, before we  
4 go further, let's hear from Ms. Johnston.

5 Ms. Johnston, are you there?

6 **MS. JOHNSTON:** Yes, I am.

7 **CHAIRMAN CARTER:** Chris, can we up the  
8 volume a little bit?

9 You are recognized, ma'am.

10 **MS. JOHNSTON:** Thank you very much. Good  
11 morning to the Commission and to the staff. We felt  
12 that because our staff had been cut by 50 percent in  
13 December of 2008, we were unable to file our letter  
14 of withdrawal on time. Quite honestly, we were so  
15 busy with end of the year sort of things that we  
16 didn't realize until February that we should have  
17 filed it earlier.

18 We filed it as timely as we could, and at  
19 that time we had also filed other RAFC for the 2008  
20 year. So from our standpoint we were 25 days late  
21 in filing because we were trying our best to  
22 voluntarily withdraw, and we had no longer any  
23 customers in Florida since at least the middle of  
24 2008. So we were finding ourself in the position of  
25 not complying with the rule, but doing our best to

1 observe the spirit of all the rules and stay in  
2 compliance.

3 We are a very small long distance company.  
4 We have a staff of three people. And while in the  
5 scope of all the things I have heard mentioned this  
6 morning, \$700 doesn't sound like a lot, it is two  
7 weeks pay for one of my staff. At this point in  
8 time, in the size that we are being such a small  
9 long distance company, the fee creates a hardship.  
10 The fact that we filed it 25 days late, it just  
11 seems that if there's any proper room for leniency  
12 that we would strongly request that because this  
13 truly creates a hardship for the company.

14 We have wanted to withdraw voluntarily,  
15 any other outcome affects our company negatively.  
16 We have never had any kind of judgment against us.  
17 At one time we were a long distance company in about  
18 15 states. We have managed to maintain compliance  
19 in all those states without any legal help. We have  
20 done that in-house. And here at the last years of  
21 the company because as the company continues to  
22 shrink it will really not be able to afford to stay  
23 in business. It will, quite frankly, be very sad to  
24 me to have to have an involuntary withdrawal from  
25 Florida because of \$700 that creates a hardship on

1 the company. So that is the request that we bring  
2 before the Commission.

3 **CHAIRMAN CARTER:** Thank you, Ms. Johnston.  
4 Thank you so much for your comments.

5 Commissioners?

6 Commissioner Argenziano, you're  
7 recognized.

8 **COMMISSIONER ARGENZIANO:** Well, Mr. Chair,  
9 I just think the company has tried. I think there  
10 was an error. I think \$700 is not going to make and  
11 break, and I understand staff is following the  
12 rules, but I would move to show some leniency and  
13 let them go. It is a small company. It is not a  
14 time to put companies out of business. It's time to  
15 help. And in the spirit of Christmas, I say let's  
16 waive the fee and grant the voluntary cancellation.

17 **COMMISSIONER SKOP:** Second.

18 **CHAIRMAN CARTER:** Okay. Commissioners, it  
19 has been moved and seconded. Any discussion?

20 Staff, just so you understand, the motion  
21 as it reads is that there will be no penalty in  
22 terms of the \$700, and that we would waive the --  
23 let me get it right here -- allow for the  
24 involuntary withdrawal.

25 You're recognized.

1                   **COMMISSIONER ARGENZIANO:** I wanted to just  
2 mention that staff did a good job. They did what  
3 they were supposed to do, and I appreciate their  
4 work.

5                   **CHAIRMAN CARTER:** Thank you.

6                   Are you guys comfortable with the motion  
7 and what was said? Okay, good. As long as you  
8 understand, that's really what I'm asking. I said  
9 comfortable, but like my dad used to say, son, are  
10 you comfortable cutting that wood to start the fire?  
11 I thought that was a question, but it really wasn't.

12                   **MS. MORROW:** Just to be sure, you're going  
13 to be waiving the \$700 RAF as well as the penalties  
14 and interest for 2008?

15                   **CHAIRMAN CARTER:** That's correct. That is  
16 correct.

17                   Commissioners, any further discussion?  
18 There is a motion and a second. All in favor, let  
19 it be known by the sign of aye.

20                   (Simultaneous vote.)

21                   **CHAIRMAN CARTER:** All those opposed, like  
22 sign. Show it done.

23                   Thank you, Ms. Johnston, and Merry  
24 Christmas to you.

25                   **MS. JOHNSTON:** I would like to thank you

1 all very much, and let you know that we truly  
2 appreciate your leniency.

3 And Merry Christmas to all of you and the  
4 very best to you in your new endeavors.

5 **CHAIRMAN CARTER:** Thank you.

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STATE OF FLORIDA )

: CERTIFICATE OF REPORTER


COUNTY OF LEON )

I, JANE FAUROT, RPR, Chief, Hearing Reporter Services Section, FPSC Division of Commission Clerk, do hereby certify that the foregoing proceeding was heard at the time and place herein stated.

IT IS FURTHER CERTIFIED that I stenographically reported the said proceedings; that the same has been transcribed under my direct supervision; and that this transcript constitutes a true transcription of my notes of said proceedings.

I FURTHER CERTIFY that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

DATED THIS 4th day of January, 2010.



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