

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Bankruptcy cancellation
by Florida Public Service
Commission of IXC Certificate
No. 7605 and ALEC Certificate
No. 7606 issued to Vitts
Networks, Inc., effective
4/13/01.

DOCKET NO. 010548-TP

In re: Bankruptcy cancellation
by Florida Public Service
Commission of Alternative Local
Exchange Telecommunications
Certificate No. 7426 and
Interexchange Telecommunications
Certificate No. 7425 issued to
OnSite Access Local LLC,
effective 7/2/01.

DOCKET NO. 011002-TP
ORDER NO. PSC-01-2168-PAA-TP
ISSUED: November 5, 2001

The following Commissioners participated in the disposition of
this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

REISSUANCE OF ORDER GRANTING CANCELLATION OF INTEREXCHANGE
TELECOMMUNICATIONS CERTIFICATES AND ALTERNATIVE LOCAL EXCHANGE
TELECOMMUNICATIONS CERTIFICATES DUE TO CHAPTER 11 BANKRUPTCY AS
NOTICE OF PROPOSED AGENCY ACTION

BY THE COMMISSION:

This is a reissuance of Order No. PSC-01-2054-FOF-TP, issued
October 18, 2001. Due to a clerical error, the Order was
inadvertently issued as a Final Agency Action instead of as a
Proposed Agency Action. Accordingly, the Order is being reissued

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in Docket Nos. 010548-TP and 011002-TP, as a Proposed Agency Action, to provide adequate notice.

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 Division of the Commission Clerk and Administrative Services advised our staff by memorandum that the entities listed below had not paid the 2000 Regulatory Assessment Fees (RAFs). Also, accrued statutory penalties and interest charges for late RAFs payments for the year 2000 had not been paid. The entities were scheduled to remit their RAFs by January 30, 2001.

Pursuant to Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate 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. All entities that apply for certification receive a copy of our rules governing telecommunications services.

We received notice that each of the companies listed below had filed for Chapter 11 bankruptcy protection. In addition, we received letters from each of the companies requesting cancellation of their respective certificates and asking that any unpaid RAFs be written off as no funds existed.

Chapter 11 of Section 109 of the Federal Bankruptcy Code provides for reorganization by business entities. The filing of a bankruptcy petition under Chapter 11 invokes an automatic injunction known as the Automatic Stay, codified in Bankruptcy Code Section 362. Section 362(b)(5) provides that, for governments, the filing of the petition does not operate as a stay "of the enforcement of a judgment, other than a money judgment, obtained in an actual proceeding by a governmental unit to enforce such governmental unit's police or regulatory power." (emphasis added) Thus, it would appear that we are not enjoined from exercising our police powers to protect public health, safety and welfare, but are enjoined from exercising our regulatory authority seeking to

collect a debt. However, in this case, each of the entities has requested cancellation of its respective certificate. Under those circumstances, this Commission is free to do so. We note that the Division of the Commission Clerk and Administrative Services will be notified that the past due RAFs should not be sent to the Comptroller's Office for collection, but that permission for the Commission to write-off the uncollectible amounts should be requested.

Accordingly, we find it appropriate to cancel the certificates listed below, effective on the dates shown. We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.335, Florida Statutes.

<u>ENTITY'S NAME</u>	<u>CERTIFICATE NO.</u>	<u>EFFECTIVE DATE</u>
Vitts Networks, Inc.	7605 (IXC)	04/13/01
Vitts Networks, Inc.	7606 (ALEC)	04/13/01
OnSite Access Local LLC	7425 (IXC)	07/02/01
OnSite Access Local LLC	7426 (ALEC)	07/02/01

Based on the foregoing, it is

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

ORDERED that the outstanding Regulatory Assessment Fees should not be sent to the Comptroller's Office for collection. The Division of the Commission Clerk and Administrative Services, instead, shall request for permission to write-off the uncollectible amounts. 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

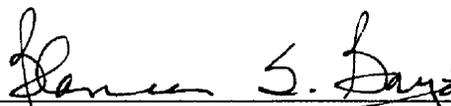
ORDERED that, if a protest to this Order is filed, the protest shall not prevent the action proposed herein from becoming final with regard to the remaining entities listed in this Order. It is further

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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 Director, Division of the Commission Clerk and Administrative Services, 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 in the event this Order becomes final, these dockets shall be closed.

By ORDER of the Florida Public Service Commission this 5th day of November, 2001.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk and
Administrative Services

(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 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.

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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 Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 26, 2001.

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 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.