

Section 1 - Bureau of Records Complete

Docket No. 041411-TX Date Docketed: 12/17/2004 Title: Request for cancellation of CLEC Certificate No. 7030 by SBC Telecom, Inc., effective December 17, 2004.

Company: SBC Telecom, Inc.

Official Filing Date: _____

Expiration: _____

Last Day to Suspend: _____

Referred to:

CCA	(CMP)	ECR	EXE	FLL	GCL	MMS	RCA	SCR
	X				X			

("O" indicates OPR)

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Time Schedule

Program Module B1(f)

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff

Current CASR revision level

Due Dates

Previous Current

Staff Counsel

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission ___ Commission Panel ___
Hearing ___ Staff ___

Date filed with CCA: _____

Initials OPR _____

Staff Counsel _____

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____

Date: _____

DOCUMENT NO

12363-05

Section 1 - Bureau of Records Complete:

Docket No. 041411-TX Date Docketed: 12/17/2004 Title: Request for cancellation of CLEC Certificate No. 7030 by SBC Telecom, Inc., effective December 17, 2004.

Company: SBC Telecom, Inc.

Official Filing Date: _____ Expiration: _____

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Referred to:

CCA	(CMP)	ECR	EXE	FLL	GCL	MMS	RCA	SCR
	X				X			

("C") indicates OPR

Section 2 - OPR Completes and returns to CCA in 10 workdays.

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IT IS TENTATIVE AND SUBJECT TO REVISION.
FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

Staff Assignments

OPR Staff	P Isler	0	Current CASR revision level	Due Dates	
				Previous	Current
			1. Staff Recommendation	NONE	01/20/2005
			2. Agenda	NONE	02/01/2005
			3. PAA Order - Close if No Protest	NONE	02/21/2005
			4.		
			5.		
			6.		
			7.		
Staff Counsel	D Rockette-Gray		8.		
			9.		
			10.		
OCRs			11.		
			12.		
			13.		
			14.		
			15.		
			16.		
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			24.		
			25.		
			26.		
			27.		
			28.		
			29.		
			30.		
Recommended assignments for hearing and/or deciding this case:			31.		
			32.		
Full Commission <input checked="" type="checkbox"/> Commission Panel <input type="checkbox"/>			33.		
Hearing <input type="checkbox"/> Staff <input type="checkbox"/>			34.		
			35.		
Date filed with CCA: <u>12/27/2004</u>			36.		
			37.		
Initials OPR _____			38.		
Staff Counsel _____			39.		
			40.		

Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	BZ	DS	BD	DV	ED		
X							

Prehearing Officer

Commissioners					ADM
BZ	DS	BD	DV	ED	
					X

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.

Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: BB/Rmj

Date: 12/27/2004

STATE OF FLORIDA

COMMISSIONERS:
BRAULIO L. BAEZ, CHAIRMAN
J. TERRY DEASON
LILA A. JABER
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON



DIVISION OF THE COMMISSION
CLERK & ADMINISTRATIVE
SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

December 22, 2004

Holland & Knight LLP
D. Bruce May, Jr., Esquire
315 South Calhoun Street, Suite 600
Tallahassee, Florida 32301

Re: Docket No. 041411-TX

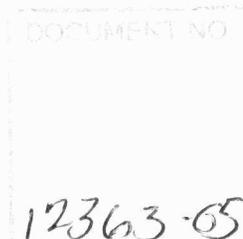
Dear Mr. May:

This will acknowledge receipt of a request for cancellation of CLEC Certificate No. 7030 by SBC Telecom, Inc., effective December 17, 2004, which was filed in this office on December 17, 2004, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

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Kay Flynn

041411-74

From: Kay Flynn
Sent: Tuesday, January 04, 2005 3:35 PM
To: Beth Keating; Ray Kennedy
Cc: Paula Isler; Hong Wang; Nonnye Grant; Blanca Bayo
Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Beth, I will defer to you on that, and we can work with what is stated in the order and in the subsequent memo.

Thanks for the further explanation. (Hong and Nonnye, pls note.)

Kay

From: Beth Keating
Sent: Tuesday, January 04, 2005 3:20 PM
To: Kay Flynn; Ray Kennedy
Cc: Paula Isler; Hong Wang; Nonnye Grant
Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

In my scenario, the Commission would, in fact, order that the cancellation be granted. They would also order that the cancellation occur after a specific event (i.e. notification to the Commission that the reorganization had been completed). The only thing that would be recognized administratively is the specific date upon which the event (notification) occurred.

From: Kay Flynn
Sent: Tuesday, January 04, 2005 10:34 AM
To: Ray Kennedy
Cc: Paula Isler; Beth Keating; Hong Wang; Nonnye Grant
Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

My only concerns with handling this one as the attorney has requested are that (1) the rule says "cancellation of a certificate shall be *ordered*" and (2) the APM doesn't list CLEC cert cancellations as something that can be done administratively--but then I may be splitting hairs by classing what's proposed (issue order and then administratively cancel later with a memo) as administrative.

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

From: Ray Kennedy
Sent: Monday, January 03, 2005 1:18 PM
To: Kay Flynn
Cc: Paula Isler; Beth Keating
Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

ok

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

From: Kay Flynn
Sent: Monday, January 03, 2005 12:07 PM
To: Ray Kennedy
Cc: Paula Isler; Beth Keating
Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Can I get back with you tomorrow morning? We are terribly shortstaffed today.

1/4/2005

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

From: Ray Kennedy
 Sent: Monday, January 03, 2005 11:12 AM
 To: Kay Flynn
 Cc: Paula Isler; Beth Keating
 Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Do you have any issues with doing what is described in the first paragraph directly below (Beth's comments)?

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

From: Beth Keating
 Sent: Monday, January 03, 2005 11:04 AM
 To: Ray Kennedy
 Cc: Paula Isler
 Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

As far as I can tell from the rule, if they can/have provided what's in the rule, I don't see why we can't do what Bruce suggests. Is it a CCA issue? I realize that in such cases, it would likely require a follow-up letter to the docket from the company and, possibly, a memo from the OPR to CCA to close the docket and confirm the cancellation date, but it may also prevent the type of issue that has arisen in the MCI docket.

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

From: Ray Kennedy
 Sent: Monday, January 03, 2005 11:00 AM
 To: Beth Keating
 Cc: Tommy Williams; Victor McKay; Paula Isler
 Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Rule 25-24.820

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

From: Beth Keating
 Sent: Monday, January 03, 2005 10:58 AM
 To: Ray Kennedy; Paula Isler
 Cc: Tommy Williams; Victor McKay
 Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

I'll check, but perhaps someone could give me a head start by directing me to the rule? We had/have a similar issue with MCI. We required them to give us a date specific for cancellation of their CLEC certificates during their reorganization process, and requiring that specific date ultimately backfired, as the reorganization was not completed in the originally contemplated time frame. We are still working through that issue.

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

From: Ray Kennedy
 Sent: Monday, January 03, 2005 10:53 AM
 To: Beth Keating
 Cc: Paula Isler
 Subject: FW: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Happy New Year

In a nutshell, counsel handling this for the company wants the PSC to issue an order stating the company's CLEC certificate will be cancelled whenever the company notifies the commission that its reorganization is complete. On voluntary cancellations, we always have a date specific in the recommendation and order for the cancellation (e.g., we need a date to put in the system).

Please give us guidance on this as I believe it is only a legal matter.

1/4/2005

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

From: Paula Isler
Sent: Thursday, December 30, 2004 10:36 AM
To: Ray Kennedy
Subject: FW: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Ray, I need your help. Bruce May, the attorney, called me after getting my e-mail and said they are requesting cancellation in all states and want an Order from the Commission before the reorganization has been completed. Specifically, he said he wanted an Order right away on the CLEC certificate (he understands one will not be issued on the IXC) stating that the certificate will be cancelled upon notification from the company upon completion of the reorganization. I told him that I did not think that could be done because we have to have a specific cancellation date mentioned in the Order. I also told him that the Order granting the cancellation would not mention anything about the reorganization because reorganizations are not acknowledged by the Commission.

However, I told him I didn't want to tell him wrong and that I would discuss this with you Monday and get back with him. When you get a chance, please let me know so that we can discuss this. Thanks.

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

From: Paula Isler
Sent: Thursday, December 30, 2004 10:15 AM
To: 'bruce.may@hklaw.com'
Cc: nd1639@sbc.com
Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

I changed the docket titles to reflect an effective date of 03/31/05. However, I will not take any action on these dockets until the Commission receives your letter advising that the reorganization has been completed. If you find that it will have a later (or earlier) effective date, then we can change the title at that time. I'll just need something from you in writing. Thanks for your help.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
PIsler@psc.state.fl.us

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

From: bruce.may@hklaw.com [mailto:bruce.may@hklaw.com]
Sent: Wednesday, December 29, 2004 5:45 PM
To: Paula Isler
Cc: nd1639@sbc.com
Subject: RE: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Paula:

The certificate cancellations should be effective upon the Commission receiving written notice from SBC that the reorganization has been completed. We would greatly appreciate it if you could re-title the dockets accordingly. Please let me know if you have any questions. Happy new year.

Bruce

Holland + Knight

D. Bruce May, Jr.
Partner
Holland & Knight LLP

315 South Calhoun Street
Tallahassee, Florida 32301

Main (850) 224-7000
Direct (850) 425-5607
Cell (850) 443-1945
Fax (850) 224-8832

1/4/2005

Email bruce.may@hkllaw.com

www.hkllaw.com

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

From: Paula Isler [mailto:PIsler@PSC.STATE.FL.US]
Sent: Thursday, December 23, 2004 11:54 AM
To: Bruce.May@hkllaw.com
Subject: SBC Telecom, Inc. - Docket Nos. 041410-TI and 041411-TX

Dear Mr. May:

Your letter dated December 17, 2004, was received which notified this Commission of a corporate reorganization and consolidation of SBC Telecom, Inc. and SBC Long Distance, Inc. and the cancellation of SBC Telecom, Inc.'s IXC registration and CLEC certificate. The cancellation requests were docketed based on your letter and I've been assigned both cases.

You are correct that there is no action required on the part of the Commission as far as the reorganization is concerned. However, in reviewing your letter, it appears that the reorganization will take place around March 31, 2005, and that once it has been completed, then the IXC and CLEC certificates will be cancelled.

The Division of the Commission Clerk and Administrative Services titled Docket No. 041410-TI:

Acknowledgment of cancellation of IXC Registration No. TJ372 by SBC Telecom, Inc., effective December 17, 2004.

And, the title for Docket No. 041411-TX is:

Request for cancellation of CLEC Certificate No. 7030 by SBC Telecom, Inc., effective December 17, 2004.

Before I take any action, please advise what effective date you want for the cancellations. Thanks for your assistance.

Paula Isler
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850
(850) 413-6502-Phone
(850) 413-6503-Fax
PIsler@psc.state.fl.us

1/4/2005

CCA Official Filing

2/8/2005 1:04 PM*****

Matilda Sanders1

Matilda Sanders

0156-PAA

From: LaSandra Givens
Sent: Tuesday, February 08, 2005 12:59 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

3

Date and Time: 2/8/2005 12:58:00 PM
Docket Number: 041411-tx
Filename / Path: 041411or.drg.doc

Paa order

12/0

CCA Official Filing

*****3/4/2005 9:17 AM*****

*****Matilda Sanders*****

****1**

Matilda Sanders

0248-C0

From: LaSandra Givens
Sent: Friday, March 04, 2005 9:09 AM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted

2

Date and Time: 3/4/2005 9:09:00 AM
Docket Number: 041411-TX
Filename / Path: 041411CO.DRG.DOC

CONSUMMATING ORDER

12/0