

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: April 12, 2007

TO: Commission Clerk (Cole)

FROM: Division of Competitive Markets & Enforcement (M. Watts)
Office of the General Counsel (McKay)

RE: Docket No. 060781-TP – Request for cancellation of CLEC Certificate Nos. 8371 and 7804 by Acceris Management and Acquisition LLC and New Access Communications LLC, respectively, acknowledgment of cancellation of IXC Registration Nos. TK011 and TJ511 by Acceris Management and Acquisition LLC and New Access Communications LLC, respectively, effective March 1, 2007, and request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., due to transfer of assets to First Communications, LLC.

AGENDA: 04/24/07 – Regular Agenda – Proposed Agency Action – Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Administrative

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\CMP\WP\060781ED.RCM.DOC

Case Background

On December 7, 2006, Acceris Management and Acquisition LLC (AMA), New Access Communications LLC (NAC), and First Communications, LLC (FCL), each intrastate interexchange companies (IXCs) and competitive local exchange companies (CLECs), submitted a joint request for a waiver of the carrier selection requirements of Rule 25-4.118, Florida

Administrative Code. The Commission approved the companies' request for waiver at its February 13, 2007, Agenda Conference.

AMA and NAC also requested that, at the conclusion of the transaction, their respective IXC registrations and CLEC certificates be cancelled effective March 1, 2007. The companies' IXC registrations were canceled in accordance with Section 2.07.C.5.i., Administrative Procedures Manual. The Commission approved the cancellation of the companies' respective CLEC certificates at the March 13, 2007, Agenda Conference. However, on March 21, 2007, AMA filed a request that the Commission temporarily reinstate its CLEC certificate and move its effective date of cancellation to June 30, 2007. The Proposed Agency Action Order canceling AMA's CLEC certificate has not been issued.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.02, 364.336, 364.337, and 364.603, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

Discussion of Issues

Issue 1: Should the Commission approve Acceris Management and Acquisition LLC d/b/a Acceris Communications d/b/a WorldxChange's request to change the effective date of cancellation of CLEC certificate number 8371 from March 1, 2007, as was approved by the Commission at the March 13, 2007, Agenda Conference, to June 30, 2007?

Recommendation: Yes. The Commission should approve the company's request to change the effective date of cancellation of CLEC certificate number 8371 to June 30, 2007. **(M. Watts/McKay)**

Staff Analysis: In its March 21, 2007 letter, AMA stated that it underestimated the amount of time it would take to transition its customers to FCL. On March 16, 2007, AMA received a letter from BellSouth stating it would immediately terminate AMA's Commercial Agreement (CA) if its Florida CLEC certification were canceled. Therefore, to allow FCL time to completely transition its customers and to either adopt its agreement with BellSouth or negotiate a new one, AMA requests that the effective date of cancellation of its CLEC certificate be extended to June 30, 2007.

Staff reviewed the company's request and believes it would be in the best interest of the customers to extend the effective date of cancellation. If the request is not approved, the customers would suffer loss of service upon BellSouth's termination of its CA with AMA. Therefore, staff recommends that the Commission approve Acceris Management and Acquisition LLC d/b/a Acceris Communications d/b/a WorldxChange's request to change the effective date of cancellation of CLEC certificate number 8371 from March 1, 2007, as was approved by the Commission at the March 13, 2007, Agenda Conference, to June 30, 2007.

Issue 2: Should this docket be closed?

Recommendation: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of the consummating order. **(McKay)**

Staff Analysis: If no person whose substantial interests are affected by the proposed agency action files a protest within 21 days of the issuance of the order, this docket should be closed upon the issuance of the consummating order.