BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2010-298-C - ORDER NO. 2011-50

JANUARY 13, 2011

| | | |
|---|---|---|
| IN RE: Petition of the Office of Regulatory Staff for Commission to Order a Rule to Show Cause as to Why the Certificates of Public Convenience and Necessity for Certain Providers of Telecommunications Services Should Not Be Revoked for Failure to File Gross Receipts and Annual Reports | ) ) ) ) ) ) ) | ORDER REVOKING CERTIFICATES |

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Petition for a Rule to Show Cause as to why Certificates of Public Convenience and Necessity ("Certificates") of certain telecommunications companies should not be revoked for failure to file gross receipts or annual reports. The Office of Regulatory Staff's ("ORS") Petition was filed with the Commission on September 1, 2010. The Commission is responsible for the regulation of telephone utilities operating for compensation as set forth in S.C. Code Ann. § 58-9-10 *et seq.* (Supp. 2009).

The telecommunications companies listed in Exhibits A and B to ORS's Petition are subject to the jurisdiction of this Commission pursuant to S.C. Code Ann. § 58-9-710 *et seq.* (1976 & Supp. 2009). Further, these telecommunications companies have submitted themselves to the jurisdiction of the Commission by virtue of holding a Certificate of Public Convenience and Necessity as indicated through the Commission

Docket and Order numbers listed for each respective carrier in Exhibits A and B to the Petition.

Telecommunications companies holding a Certificate are required to file annual reports and gross receipts filings. "Subject to the approval of the Commission, the Office of Regulatory Staff may require any telephone utility to file annual reports in such form and of such content as the Office of Regulatory Staff may require and special reports concerning any matter about which the Office of Regulatory Staff is authorized to inquire or to keep itself informed or which it is required to enforce." S.C. Code Ann. § 58-9-370(A) (Supp. 2009). Furthermore, 26 S.C. Ann. Regs. 103-612.1 (Supp. 2009) states that "[e]ach telephone utility operating in the State shall file an annual report with the Commission and provide a copy to ORS, giving such information as the Commission may direct."

ORS developed a list of the telecommunications companies that failed to file the requisite annual reports and gross receipts filings for the year ending 2009. ORS attached the lists as Exhibits A and B to ORS's Petition. On November 2, 2010, ORS pre-filed the direct testimony of Ms. Dawn Hipp advising the Commission of those companies that had failed to file the required reports and filings.

The Commission set this matter for a hearing on December 15, 2010, at 2:45 p.m. At the hearing, ORS was represented by Jeffrey Nelson, Esquire. Dawn Hipp, Director of the Telecommunications, Transportation, Water and Wastewater Department of the Office of Regulatory Staff, testified for ORS.

At the hearing, Ms. Hipp presented testimony that certain companies certificated by the Commission to provide telecommunications services have failed to file the required annual reports and gross receipts filings. Further, Ms. Hipp testified that, since the filing of the Petition and the submission of pre-filed testimony in this matter, certain of the telecommunications companies named in the Petition have come into compliance with the Commission's rules and regulations. At the hearing, ORS submitted Revised Exhibits A and B (entered into the record respectively as Hearing Exhibit 1) listing those companies which remained out of compliance.

The Commission finds that the Petition should be dismissed as to those companies who have complied with S.C. Code Ann. § 58-9-370(A) (Supp. 2009) and with the Commission's Rules and Regulations as of the date of the hearing in this matter. The Commission is also of the opinion, and so finds, that the Certificates of Public Convenience and Necessity held by the companies listed in Hearing Exhibit 1 (attached to this Order) should be revoked and cancelled as of the date of the hearing in this matter for their continued violation of the Commission's Rules and Regulations and laws concerning reporting requirements of telecommunications carriers.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the Certificates of Public Convenience and Necessity held by those companies listed in Hearing Exhibit 1 be, and hereby are, revoked and cancelled.

2. That all operating rights authorized under the Certificates held by the companies listed in the attached Appendix and cancelled by this Order are null and void.

3. That this Petition be, and hereby is, dismissed with respect to all companies who have complied with S.C. Code Ann. § 58-9-370(A) (Supp. 2009) and with the Commission's Rules and Regulations.

4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

John E. Howard, Chairman

**ATTEST:**

David A. Wright, Vice Chairman
(SEAL)

**Revised Exhibit A**
**Docket No. 2010-298-C**
**Rule to Show Cause Telecommunications Carriers Non-Compliant with Gross Receipts Filing 2009**

**December 15, 2010**

| No | Name | DBA | Address | City | State | Zip | Date Certified | Docket Number | Order Number | Secretary of State Standing |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Baker Material Handling Corp | | 2450 W 5th North St | Summerville | SC | 29484 | 4/14/1989 | 1985-150-C | 1989-401 | Good Standing |
| 2 | BPS Communications | | Rt. 1, Box 211 | Cheraw | SC | 29520 | 3/13/1996 | 1985-150-C | 1996-184 | Not registered |
| 3 | Com-Tech Resources | Com-Tech Systems | 3709 Westway Street, Suite A | Tyler | TX | 75703 | 7/25/2000 | 1985-150-C | 2000-603 | Dissolved in 2008 |
| 4 | Diamond Ventures, Inc. | | PO Box 311 | Laurens | SC | 29360 | 11/27/2000 | 1985-150-C | 2000-947 | Good Standing |
| 5 | Fairmont I Shopping Plaza | | 498 Albemarle Rd #410 | Charleston | SC | 29407 | 5/14/1985 | 1985-150-C | 1985-404 | Not registered |
| 6 | General Growth Properties, Inc. | | 110 North Wacker Dr. RL-21 | Chicago | IL | 60606 | 9/22/1993 | 1985-150-C | 1993-885 | Good Standing |
| 7 | Hippodrome Corporation | | 3061 Sheridan St. | Las Vegas | NV | 89102 | 8/30/2005 | 1985-150-C | 2005-457 | Forfeiture in 2009 |
| 8 | JLR Communications, Inc. | | 7715 Crittenden St #355 | Philadelphia | PA | 19118 | 3/13/2002 | 1985-150-C | 2002-185 | Forfeiture in 2006 |
| 9 | Netlojix Telecom, Inc. | | 7001 Blvd. 26, #323 | N. Richland Hills | TX | 76180 | 6/5/2000 | 1999-485-C | 2000-463 | Reinstatement |
| 10 | OneTone Telecom, Inc. | | 100 Century Plaza, Ste 9-I | Seneca | SC | 29672 | 7/8/1999 | 1999-132-C | 1999-485 | Good Standing |
| 11 | Paragon Communications Services, LLC | | 4485 Tench Rd Ste 420 | Suwanee | GA | 30024 | 12/12/2003 | 1985-150-C | 2003-723 | Dissolved in 2007 |
| 12 | Reef of Myrtle Beach, Inc. | | 2101 S. Ocean Blvd. | Myrtle Beach | SC | 29577 | 6/9/1995 | 1985-150-C | 1995-1201 | Good Standing |
| 13 | Rohi Marketing, Inc. | | 810 A Main Street | N Wilkesboro | NC | 28659 | 9/9/1987 | 1985-150-C | 1987-993 | Forfeiture in 1989 |
| 14 | Star Lanes Bowling Center | | 200 Public Square Ste 700, BP Tower | Cleveland | OH | 44114 | 1/9/1986 | 1985-150-C | 1986-11 | Forfeiture in 1992 |
| 15 | Universal Telecom, Inc. | | PO Box 679 | Lagrange | KY | 40031-0679 | 12/16/1999 | 1999-354-C | 1999-886 | Good Standing |



PENGAD 800-631-6989
EXHIBIT
1
2010-298-C

**Revised Exhibit B**

**Docket No. 2010-298-C**

**Rule to Show Cause Telecommunications Carriers Non-Compliant with Annual Report Filing 2009**

**December 15, 2010**

| | OrganizationName | Registered Agent | Secretary of State status | Foreign or Domestic | Docket # | Order # | Date Certificate Issued |
|---|---|---|---|---|---|---|---|
| 1 | Andiamo Telecom, LLC | Business Filings International Inc<br>75 Beattie Place<br>Greenville SC 29601 | Good Standing | Foreign | 2004-252-C (IXC) | 2005-75 | 2/10/2005 |
| 2 | Netlojix Telecom, Inc. | National Registered Agents Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223 | Reinstatement | Foreign | 1999-485-C (IXC) | 2000-463 | 6/5/2000 |
| 3 | Network US, Inc. DBA Affinity | National Registered Agents Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223 | Forfeiture | Foreign | 2001-302-C (IXC) | 2002-218 | 3/26/2002 |
| 4 | Norstar Telecommunications, LLC | TCS Corporate Services, Inc<br>2 Office Park Court, Ste 103<br>Columbia SC 29223 | Good Standing | Foreign | 2007-283-C (IXC) | 2007-905 | 12/18/2007 |
| 5 | Uni-Tel Communications Group, Inc. | National Registered Agents Inc<br>2 Office Park Ct, Ste 103<br>Columbia SC 29223 | Good Standing | Foreign | 2000-403-C (IXC) | 2001-299 | 4/5/2001 |
| 6 | Universal Telecom, Inc. | CT Corporation System<br>2 Office Park Court, Ste 103<br>Columbia SC 29223 | Good Standing | Foreign | 1999-354-C (CLEC) | 1999-886 | 12/16/1999 |