

**BEFORE
THE PUBLIC UTILITIES COMMISSION OF OHIO**

In the Matter of the Filing of Annual)	
Reports for Calendar Year 2011 by)	Case No. 12-05-TP-RPT
Competitive and Wireless)	
Telecommunications Service Providers)	

APPLICATION FOR REHEARING

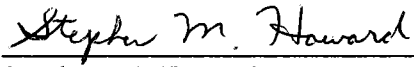
Pursuant to Section 4903.10 of the Ohio Revised Code,¹ BCE Nexxia Corporation (“BCE Nexxia”) respectfully submits this Application for Rehearing of the January 9, 2013 *Entry on Rehearing* that revoked and cancelled BCE Nexxia’s Certificate No. 90-6162 for failure to pay its 2012 assessment for the maintenance of the Public Utilities Commission of Ohio (“Commission”).² As explained in the accompanying Memorandum in Support, the revocation and cancellation of BCE Nexxia’s certificate was unreasonable and unlawful with respect to BCE Nexxia. In addition, on January 11, 2013, BCE Nexxia issued payment to the Commission for the \$100.00 assessment fee.

For all of these reasons, BCE Nexxia respectfully requests that the Commission grant rehearing and reinstate Certificate No. 90-6162 and BCE Nexxia’s authority to provide telecommunications services in Ohio.

¹ Ohio Rev. Code § 4903.10.

² In the Matter of the Filing of Annual Reports for Calendar Year 2011 by Certified Competitive Retail Electric Service Providers, Natural Gas Suppliers, and Governmental Aggregators, Competitive and Wireless Telecommunications Service Providers, Case No. 12-03-GE-RPT, Case No. 12-05-TP-RPT, *Entry on Rehearing* ¶ 8 (Jan. 9, 2013), *available at* <http://dis.puc.state.oh.us/TiffToPDF/A1001001A13A09B41331A82987.pdf>.

Respectfully submitted,



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MEMORANDUM IN SUPPORT

On January 9, 2013, the Public Utilities Commission of Ohio (“Commission” or “PUCO”) issued an *Entry on Rehearing* in which it revoked the certificate and operating authority of BCE Nexxia Corporation (“BCE Nexxia”) for failure to pay the 2012 assessment for the maintenance of the PUCO.¹ BCE Nexxia has issued payment to the Commission for the \$100.00 assessment. For the reasons set forth below, BCE Nexxia respectfully submits that the Commission’s *Entry on Rehearing* was unreasonable and unlawful as it relates to BCE Nexxia and requests that the Commission reinstate Certificate No. 90-6162 and BCE Nexxia’s authority to operate in Ohio.

Section 4905.10 of the Ohio Revised Code requires public utilities operating in Ohio to pay an assessment for the purpose of “maintaining and administering the public utilities commission.”² On August 3, 2011, the Commission issued an *Entry* explaining that Section 4905.10(A) of the Ohio Revised Code requires that public utilities that file annual reports to the Commission pay a \$100 minimum assessment for the maintenance of the PUCO regardless of

¹ In the Matter of the Filing of Annual Reports for Calendar Year 2011 by Certified Competitive Retail Electric Service Providers, Natural Gas Suppliers, and Governmental Aggregators, Competitive and Wireless Telecommunications Service Providers, Case No. 12-03-GE-RPT, Case No. 12-05-TP-RPT, *Entry on Rehearing* ¶ 8, Attachment (Jan. 9, 2013), available at <http://dis.puc.state.oh.us/TiffToPdf/A1001001A13A09B41331A82987.pdf> (“*Entry on Rehearing*”).

² Ohio Revised Code § 4905.10.

whether they have any intrastate gross revenues, and that “[w]hile in past years, the Commission has not enforced this provision for entities who reported no Ohio intrastate revenues ... in future years, the Commission intends to assess the \$100 minimum for all reporting entities.”³ On November 5, 2012, the Commission issued BCE Nexxia a past due notice for failure to pay its 2012 assessment for the maintenance of the PUCO. The Commission’s December 19, 2012 *Finding and Order* identified BCE Nexxia as having failed to pay its 2012 assessment, and the *Entry on Rehearing* revoked BCE Nexxia’s certificate and authority to operate in Ohio.⁴

BCE Nexxia fully intended to pay its 2012 assessment for the maintenance of the PUCO and sincerely regrets the circumstances that led to the *Entry on Rehearing*. Prior to this matter, BCE Nexxia had submitted all annual reports and paid all fees owed to the Commission in a timely manner. Its failure to pay the 2012 assessment on time was due to an inadvertent clerical error and staff absences over the holiday season. That error has since been resolved, and BCE Nexxia issued payment to the Commission for the \$100 assessment on January 11, 2013. BCE Nexxia has also taken steps to ensure that this error does not occur in the future.

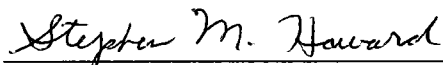
BCE Nexxia respectfully requests that the Commission recognize these facts and grant this application to restore Certificate No. 90-6162 and BCE Nexxia’s authority to offer telecommunications services in Ohio. As the Commission noted, reporting entities such as BCE Nexxia that have no intrastate gross revenues have not previously been required to pay an

³ In the Matter of the Filing of Annual Reports for Calendar Year 2010 by Electric Distribution Utilities, *et al.*, Case No. 11-05-TP-RPT, *Entry* ¶ 3 (Aug. 3, 2011), *available at* <http://dis.puc.state.oh.us/TiffToPDF/A1001001A11H03B44059F45009.pdf> (“*Entry*”).

⁴ In the Matter of the Filing of Annual Reports for Calendar Year 2011 by Electric Distribution Utility Companies, *et al.*, Case No. 12-05-TP-RPT, *Finding and Order* ¶ 13, Attachment B (Dec. 19, 2012), *available at* <http://dis.puc.state.oh.us/TiffToPDF/A1001001A12L19B44502A96154.pdf>; *Entry on Rehearing* ¶ 8, Attachment.

assessment.⁵ Moreover, the Commission has recently granted applications for rehearing filed by three electricity suppliers that failed to file 2011 annual reports, noting that those entities had no Ohio intrastate revenues.⁶

Respectfully submitted,



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⁵ *Entry* ¶ 3.

⁶ *See* In the Matter of the Filing of Annual Reports for Calendar Year 2011 by Certified Competitive Retail Electric Service Providers, Natural Gas Suppliers, and Governmental Aggregators, Competitive and Wireless Telecommunications Service Providers, Case No. 12-03-GE-RPT, Case No. 12-05-TP-RPT, *Entry on Rehearing* ¶ 7 (Jan. 9, 2013), *available at* <http://dis.puc.state.oh.us/TiffToPDF/A1001001A13A09B41331A82987.pdf> (granting the applications for rehearing of Sustainable Star, LCC; Dynamic Energy LLC; and J. Andrew Associates, Inc. (d/b/a Seven-Utility Management Consultants, LLC)).

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Summary: App for Rehearing Application for Rehearing electronically filed by Mr. Stephen M Howard on behalf of BCE Nexxia Corporation