

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE FAILURE OF ANDIAMO) ADMINISTRATIVE
TELECOM, LLC TO FILE REQUIRED REPORTS) CASE NO. 2011-00334

ORDER

On October 12, 2011, the Commission ordered Andiamo Telecom, LLC (“Andiamo”) to appear before us on October 27, 2011 and show cause why it should not be subject to a civil penalty for its alleged failure to comply with KRS 278.140. We further ordered that, in lieu of appearing before the Commission, Andiamo could waive its right to a hearing, pay a civil penalty of \$250.00, and file the required report.

On October 21, 2011, the Commission received a letter from Andiamo’s former legal counsel, Jeffrey Kaufman, informing the Commission that Andiamo ceased all business activities in the Commonwealth of Kentucky on January 31, 2010. The letter stated that Andiamo shut their doors and ceased all business activity in Kentucky and any other location in which it previously operated. Andiamo further stated that it no longer has any customers, is not providing any services, and, although no bankruptcy or corporate dissolution was filed, its corporate charter will eventually be revoked by the Arizona Corporation Commission. Consequently, Andiamo requested withdrawal from the Commonwealth as a telecommunications operator.

Based on the evidence of record and being otherwise sufficiently advised the Commission finds that Andiamo effectively ceased all business activities on January 31,

2010. Consequently it was not required to file gross earnings reports for 2010 pursuant to KRS 278.140. The Commission's October 12, 2011 Show Cause Order was issued based upon Andiamo's failure to file its 2009 and 2010 gross earnings reports. Since it is now apparent that Andiamo was not required to file a gross earnings report for calendar year 2010, Andiamo is not in violation of KRS 278.140, it should not be assessed any penalties, and this case should be dismissed with regard to the alleged failure to file a gross earnings report for calendar year 2010.

Andiamo, however, did not allege that it ceased doing business for the 2009 calendar year. Therefore, Andiamo was still required to file its gross earnings report for 2009. It did not do so. Because Andiamo no longer operates in Kentucky, and recovery of any legal judgment is unlikely, the Commission will not waste the administrative resources needed to prosecute and collect Andiamo's 2009 annual assessment or any fines attendant for failure to file its gross earnings report for 2009. Andiamo, should it desire to do business in Kentucky again, must first file its 2009 gross earnings report, pay its 2009 assessment, and pay any other penalties levied for failure to file its 2009 gross earnings report.

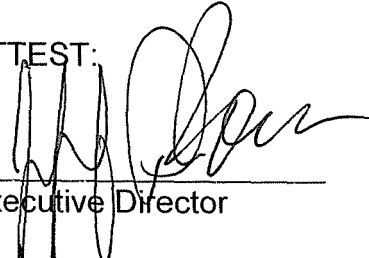
After reviewing the record in this case and being otherwise sufficiently advised, the Commission HEREBY ORDERS that:

1. This case is closed and shall be removed from the Commission's docket.

By the Commission

ENTERED *Pa*
JAN 19 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Administrative
Case No. 2011-00334

Joseph M Rao
President
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