

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval of)	DOCKET NO. 911197-TI
transfer of a controlling interest in)	
its stock from FIBERCOM INVESTMENTS,)	ORDER NO. 25733
LTD. to USC FIBERCOM PARTNERS, by)	
US FIBERCOM NETWORK, INC.)	ISSUED: 2/17/92
)	

The following Commissioners participated in the disposition of this matter:

THOMAS M. BEARD, Chairman
 SUSAN F. CLARK
 J. TERRY DEASON
 BETTY EASLEY
 LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF
OWNERSHIP OF A CERTIFICATED COMPANY

BY THE COMMISSION:

NOTICE is hereby given by the Florida Public Service Commission that the action discussed herein is preliminary in nature and will become final unless a person whose interests are adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 12, 1991, US FiberCom Network, Inc. (US FiberCom) filed an application for approval of the transfer of a controlling interest in its stock from FiberCom Investments, Ltd. (FiberCom) to USC FiberCom Partners (USC). US FiberCom is a switchless reseller of AT&T and other carrier services. On November 25, 1991, the Commission granted Certificate No. 2925 to US FiberCom for the provision of interexchange telecommunications service.

FiberCom and USC have executed a Stock Purchase Agreement wherein it is proposed that USC will acquire 90% of the outstanding shares of US FiberCom. This transaction will not involve third parties to the corporate structure of FiberCom, nor will it result in the sale, assignment or transfer of the certificate held by US FiberCom. This is simply a reorganization of the present corporate structure. Since this reorganization will not affect the ratepayers, we find it appropriate to approve the reorganization.

Rule 25-4.005, Florida Administrative Code, applies to the transfer of certificates, not stock transfers, and primarily concerns notice to subscribers. In the past, we have applied this Rule to stock transfers and applied the prescribed notice requirements to the participants in such transactions. Rule 25-

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

ORDER NO. 25733
DOCKET NO. 911197-TI
PAGE 2

4.002(2), however, provides that this Commission has the authority to waive our rules in the appropriate circumstances. As the proposed transaction is in the nature of a reorganization which will result in no change in service to the ratepayers, the notice requirements of Rule 25-4.005 serve little purpose. Accordingly, we find that waiver of the Rule is appropriate.

Therefore, based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of ownership of US FiberCom Network, Inc. to USC FiberCom Partners is approved. It is further

ORDERED that the requirements of Rule 25-4.005, Florida Administrative Code, are waived as set forth in the body of this Order. It is further

ORDERED that this proposed agency action shall become final if no protest is received within the timeframe set forth below. It is further

ORDERED that if no protest is received within the timeframe set forth below, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this
17th day of FEBRUARY, 1992.


STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JRW

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice

ORDER NO. 25733
DOCKET NO. 911197-TI
PAGE 3

should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on

3/9/92.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on the date described above, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or wastewater utility by filing a notice of appeal with the Director, Division of Records and Reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days of the effective date of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.