

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of
intra-corporate pro forma
reorganization whereby TresCom
USA, Inc. (holder of IXC
Certificate No. 3595) will merge
with and into Primus
Telecommunications, Inc. (holder
of IXC Certificate No. 4020),
and Certificate No. 3595 will be
canceled.

DOCKET NO. 990260-TI
ORDER NO. PSC-99-1458-PAA-TI
ISSUED: July 27, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER VACATING ORDER NO. PSC-99-0939-PAA-TI AND CANCELLING
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE DUE TO INTRA-
CORPORATE PRO FORMA REORGANIZATION

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
substantially affected files a petition for a formal proceeding,
pursuant to Rule 25-22.029, Florida Administrative Code.

Section 364.33, Florida Statutes, provides that a person may
not acquire ownership or control of any telecommunications
facility, or any extension thereof for the purpose of providing
telecommunications services to the public, including the
acquisition, transfer, or assignment of majority organizational
control or controlling stock ownership, without prior approval from
this Commission.

DOCUMENT NUMBER-DATE

08828 JUL 27 99

REC-RECORDS/REPORTING

ORDER NO. PSC-99-1458-PAA-TI
DOCKET NO. 990260-TI
PAGE 2

By letter dated March 4, 1999, TresCom USA, Inc. (TresCom) and Primus Telecommunications, Inc. (Primus) filed with this Commission an application for approval of intra-corporate pro forma reorganization whereby TresCom will merge with and into Primus. TresCom is the holder of Interexchange Telecommunications (IXC) Certificate No. 3595. Primus is the holder of IXC Certificate No. 4020. Due to the merger, the companies also requested the cancellation of TresCom's IXC Certificate No. 3595.

On May 11, 1999, Order No. PSC-99-0939-PAA-TI, we approved the reorganization and the cancellation of the certificate. However, due to a scrivener's error, we inadvertently canceled Certificate No. 4020. Therefore, we find it appropriate to vacate Order PSC-99-0939-PAA-TI and issue this new Order to cancel the correct IXC Certificate.

TresCom has requested the cancellation of IXC Certificate No. 3595. TresCom has complied with the provision of Rule 25-24.474(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its IXC certificate and by submitting its regulatory assessment fees for 1998. Further, Primus has stated that it will maintain a tariff that duplicates the service offerings, rates, terms and conditions as filed in the current tariff of TresCom on file with this Commission. Therefore, TresCom's customers will continue to receive the same services at the same tariffed rates that they are presently receiving. Accordingly, we find it appropriate to cancel IXC Certificate No. 3595, effective March 4, 1999.

TresCom shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice for 1999 will be mailed to TresCom. Neither the cancellation of its certificate nor the failure to receive a Regulatory Assessment Fee Return notice for 1999 shall relieve TresCom from its obligation to pay regulatory assessment fees for 1999.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that Order No. PSC-99-0939-PAA-TI, issued on May 11, 1999, is hereby vacated. It is further

ORDER NO. PSC-99-1458-PAA-TI
DOCKET NO. 990260-TI
PAGE 3

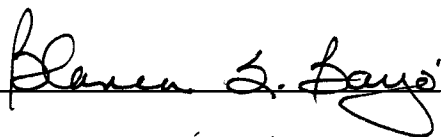
ORDERED that TresCom USA, Inc. and Primus Telecommunications, Inc.'s request for cancellation of TresCom USA, Inc.'s Certificate No. 3595, to provide Interexchange Telecommunications services, due to an intra-corporate pro forma reorganization, whereby TresCom USA, Inc. will merge with and into Primus Telecommunications, Inc., is hereby approved, effective March 4, 1999. It is further

ORDERED that TresCom USA, Inc. shall return its certificate to this Commission and remit regulatory assessment fees for 1999. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 27th day of July, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

ORDER NO. PSC-99-1458-PAA-TI
DOCKET NO. 990260-TI
PAGE 4

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 17, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

RECEIVED-FPSC

M E M O R A N D U M

99 JUL 26 PM 2:56

July 26, 1999

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp CD*

RE: DOCKET NO. 990260-TI - REQUEST FOR APPROVAL OF INTRA-CORPORATE PRO FORMA REORGANIZATION WHEREBY TRESKOM USA, INC. (HOLDER OF IXC CERTIFICATE NO. 3595) WILL MERGE WITH AND INTO PRIMUS TELECOMMUNICATIONS, INC. (HOLDER OF IXC CERTIFICATE NO. 4020), AND CERTIFICATE NO. 3595 WILL BE CANCELED.

1458-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER VACATING ORDER NO. PSC-99-0939-PAA-TI AND CANCELLING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE DUE TO INTRA-CORPORATE PRO FORMA REORGANIZATION to be issued in the above-referenced docket.
(Number of pages in order - 4)

KMP/anc
Attachment
cc: Division of Communications
I: 990260vc.kmp

3/0

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Number of Originals 4 Date 7, 28, 99 Copies Per Original 19
Requested By [Signature]

Item Presented _____
Agenda For (Date) _____ Order No. 99-1458 In Docket No. 990260
Notice of _____ For (Date) 1458 In Docket No. _____
Other _____

Special Handling Instructions _____

Distribution/Mailing		Distribution/Mailing	
Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>		
	<u>Docket Mailing List - Mailed</u>		
<u>(3)</u>	<u>Docket Mailing List - faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification
Job Number 284 Verified By Michael
Date and Time Completed 7/29 Job Checked For Correctness and Quality (Initial) [Signature]

Mail Room Verification
Date Mailed 7/29 Verified By [Signature]