

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval of acquisition and control of LIGHTNET by WTG - EAST, INC. and transfer of IXC Certificate No. 522)	DOCKET NO. 890308-TI
)	ORDER NO. 23665
)	ISSUED: 10-24-90

The following Commissioners participated in the disposition of this matter:

- THOMAS M. BEARD
- BETTY EASLEY
- GERALD L. GUNTER
- FRANK S. MESSERSMITH

ORDER ENDING INVESTIGATION AND CLOSING DOCKET

BY THE COMMISSION:

By Order No. 21456 this Commission approved the transfer of Certificate of Public Convenience and Necessity No. 552 from Lightnet to WTG-East, Inc. In the course of examining the information submitted regarding the transfer, it appeared that an affiliate of WTG-East, WTG-Central, may have been providing telecommunications services without proper certification. Further inquiry indicated that WTG-Central provided bulk transmission services to several interexchange carriers (IXCs) through circuits leased from GTE Florida, Inc. However, while our investigation was in progress, the Florida Legislature amended Section 364.02(7), Florida Statutes, to state that "The term 'telecommunications company' does not include an entity which provides a telecommunications facility exclusively to a certificated telecommunications company, or a specialized mobile radio service operator..." Both companies to whom WTG-Central provided service hold Florida IXC certificates.

It is clear that telecommunications services were being provided by WTG-Central. However, these activities have become nonjurisdictional pursuant to the amendment to Section 364.02(7). Accordingly, we find it appropriate to terminate our investigation and to close this docket.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that our investigation in this docket be terminated as set forth in the body of this Order. It is further

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ORDERED that docket be and the same is hereby closed.

By ORDER of the Florida Public Service Commission,
this 24th day of OCTOBER, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water or sewer 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 after the issuance 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.