

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 970081-TI
transfer of control of) ORDER NO. PSC-97-0289-FOF-TI
Interexchange Telecommunications) ISSUED: March 14, 1997
Certificate No. 3518 from U.S.)
Digital Network Limited)
Partnership to TresCom USA, Inc.)

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF CONTROL

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.

On January 10, 1997, TresCom USA, Inc. (TresCom), requested the approval of a transfer of control of the Customer base of United States Digital Network, L.P. (USDN) to TresCom. TresCom also requests the approval of the assignment of USDN's Certificate No. 3518 and the tariff. TresCom will not cancel the USDN Certificate and will continue to bill existing Florida customers under the USDN name. The transfer of assets will not affect the services provided to USDN's customers as they will continue to receive the same services that they currently receive at the same rate levels. All of USDN's customers will be sent appropriate and timely notice of the transaction.

We find the transfer of assets from USDN to TresCom to be in the public interest. Accordingly, the request for approval of the transfer of assets is granted.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by TresCom for approval of a transfer of assets from USDN to TresCom as outlined in the body of this Order is granted. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and this docket shall be closed on the following date.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 14th
day of March, 1997.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. Lynn
Chief, Bureau of Records

(S E A L)

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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 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.

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 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

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of Records and Reporting, 2540 Shumard Oak Boulevard,
Tallahassee, Florida 32399-0850, by the close of business on
April 4, 1997.

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 substantially 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.