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FPSC - Records/Reporting

MEMORANDUM

February 16, 1998

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *VP m43*

RE: DOCKET NO. 980063-TP - REQUEST FOR APPROVAL OF ACQUISITION OF OWNERSHIP OF INTERLINK TELECOM OF FLORIDA, INC. (HOLDER OF IXC CERTIFICATE NO. 3532 IN THE NAME INTERLINK TELECOMMUNICATIONS OF FLORIDA, INC. D/B/A INTERLINK, AND ALEC CERTIFICATE NO. 5152 IN THE NAME INTERLINK TELECOMMUNICATIONS OF FLORIDA, INC.) BY ILD TELESERVICES, INC., PARENT COMPANY OF INTELICALL OPERATOR SERVICES, INC. (HOLDER OF IXC CERTIFICATE NO. 2177 AND PATS CERTIFICATE NO. 5374), CANCELLATION OF IXC CERTIFICATE NO. 3532, AND TRANSFER AND NAME CHANGE ON ALEC CERTIFICATE NO. 5152 TO INTELICALL OPERATOR SERVICES, INC.

PSC-98-0290-FOF-TP

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING ACQUISITION OF OWNERSHIP, CANCELING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE AND APPROVING TRANSFER AND NAME CHANGE ON ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE, to be issued in the above referenced docket. (Number of pages in order - 6)

KMP/anr
Attachment
cc: Division of Communications
I: 980063.kmp

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of acquisition of ownership of Interlink Telecom of Florida, Inc. (holder of IXC Certificate No. 3532 in the name Interlink Telecommunications of Florida, Inc. d/b/a Interlink, and ALEC Certificate No. 5152 in the name Interlink Telecommunications of Florida, Inc.) by ILD Teleservices, Inc., parent company of Intellicall Operator Services, Inc. (holder of IXC Certificate No. 2177 and PATS Certificate No. 5374), cancellation of IXC Certificate No. 3532, and transfer and name change on ALEC Certificate No. 5152 to Intellicall Operator Services, Inc.

DOCKET NO. 980063-TP
ORDER NO. PSC-98-0290-FOF-TP
ISSUED: February 16, 1998

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING ACQUISITION OF OWNERSHIP,
CANCELING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE
AND APPROVING TRANSFER AND NAME CHANGE ON ALTERNATIVE LOCAL
EXCHANGE TELECOMMUNICATIONS CERTIFICATE

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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

Pursuant to Section 364.33, Florida Statutes, 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.

Interlink Telecommunications of Florida, Inc. (Interlink) is the holder of Alternative Local Exchange Telecommunications (ALEC) Certificate No. 5152. Interlink is also the holder of Interexchange Telecommunications (IXC) Certificate No. 3532. IXC Certificate No. 3532 is registered with this Commission under the name Interlink Telecommunications of Florida, Inc. d/b/a Interlink. ILD Teleservices, Inc. (ILD Teleservices) is the parent company of Intellicall Operator Services, Inc. (Intellicall). Intellicall is the holder of IXC Certificate No. 2177 and Pay Telephone (PATS) Certificate No. 5374.

By letter dated January 7, 1998, ILD Teleservices, Intellicall, and Interlink jointly requested the approval of several transactions related to their reorganization. The companies have requested approval of:

1. acquisition of ownership of Interlink by ILD Teleservices;
2. the cancellation of Interlink's IXC Certificate No. 3532;
3. the transfer of Interlink's ALEC Certificate No. 5152 from Interlink to Intellicall; and
4. name change on Interlink's ALEC Certificate No. 5152 from Interlink to Intellicall.

Acquisition of Ownership of Interlink by ILD Teleservices

The companies have stated that Intellicall will assume all responsibilities for providing local exchange, long distance and operator services to Interlink's customers. Intellicall will amend its tariff on file with this Commission to incorporate Interlink's service offerings in Florida, thereby providing the same terms and conditions under which Interlink's customers purchased such services. Thus, the acquisition of ownership will be transparent

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to Interlink's Florida customers, who will receive services on an uninterrupted basis.

We determine that Interlink and ILD Teleservices have met the requirements of Section 364.33, Florida Statutes. Accordingly, we find that the acquisition of ownership is in the public interest, and we approve it pursuant to Section 364.33, Florida Statutes.

Cancellation of Interlink's IXC Certificate No. 3532

By Order No. PSC-94-0218-FOF-TI, issued February 24, 1994, Interlink was granted authority to provide interexchange telecommunications services in Florida. Due to the consolidation of service provision under Intellicall's Certificate No. 2177, we hereby cancel Interlink's IXC Certificate No. 3532. Interlink 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 will be mailed to Interlink; however, neither the cancellation of its certificate nor the failure to receive a Regulatory Assessment Fee Return notice shall relieve Interlink from its obligation to pay due and owing regulatory assessment fees.

Transfer and Name Change on Interlink's ALEC Certificate No. 5152

By Order No. PSC-97-0582-FOF-TX, issued May 21, 1997, Interlink was granted authority to provide alternative local exchange telecommunications services in Florida. Interlink and Intellicall have complied with Rule 25-24.815, Florida Administrative Code, regarding the transfer of Alternative Local Exchange Telecommunications certificates. Accordingly, we find the transfer to be in the public interest, and we approve it. We further find it appropriate to amend Certificate No. 5152 to reflect the new operating name, Intellicall Operator Services, Inc.

This Order will serve as the amended Alternative Local Exchange Telecommunications Certificate No. 5152 for Intellicall. Intellicall should retain this Order as evidence of the name change.

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Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that the request for approval of acquisition of ownership of Interlink Telecommunications of Florida, Inc. by ILD Teleservices, Inc. is hereby approved. It is further

ORDERED that Interlink Telecommunications of Florida, Inc. d/b/a Interlink's Interexchange Telecommunications Certificate No. 3532 is hereby canceled. It is further

ORDERED that Interlink Telecommunications of Florida, Inc. shall return its certificate to this Commission and remit all past due and owing regulatory assessment fees. It is further

ORDERED that the request by Interlink Telecommunications of Florida, Inc. and Intellicall Operator Services, Inc. for the transfer of Alternative Local Exchange Telecommunications Certificate No. 5152 from Interlink Telecommunications of Florida, Inc. to Intellicall Operator Services, Inc. is hereby approved. It is further

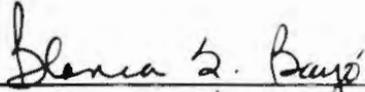
ORDERED that the request by Interlink Telecommunications of Florida, Inc. and Intellicall Operator Services, Inc. to change the name on Alternative Local Exchange Telecommunications Certificate No. 5152 from Interlink Telecommunications of Florida, Inc. to Intellicall Operator Services, Inc. is hereby approved. 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 25-22.036, 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.

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By ORDER of the Florida Public Service Commission, this 16th
day of February, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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 of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on March 9, 1998.

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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 9.905(a), Florida Rules of Appellate Procedure.