

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint request for approval of transfer of control of Teleport Communications Group Inc., holding company parent of TCG South Florida (holder of Interexchange Telecommunications Certificate No. 4018 and Alternative Access Vendor and Alternative Local Exchange Telecommunications Certificate No. 3519) to AT&T Corp., parent company of AT&T Communications of the Southern States, Inc. and d/b/a Connect 'N Save (holder of Interexchange Telecommunications Certificate No. 69), and AT&T Communications of the Southern States, Inc. d/b/a AT&T (holder of Alternative Access Vendor and Alternative Local Exchange Telecommunications Certificate No. 4037).

DOCKET NO. 980158-TP
ORDER NO. PSC-98-0493-FOF-TP
ISSUED: April 8, 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 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.

DOCUMENT NUMBER DATE

04037 APR-88

OFFICE OF THE CLERK

ORDER NO. PSC-98-0493-FOF-TP
DOCKET NO. 980158-TP
PAGE 2

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.

Teleport Communications Group, Inc. (Teleport) is the holding company parent of TCG South Florida. TCG South Florida has held Interexchange Telecommunications (IXC) Certificate No. 4018 since July 27, 1995, and Alternative Access Vendor, with authority to provide Alternative Local Exchange Telecommunications Services (AAV/ALEC) Certificate No. 3519 since October 19, 1995. AT&T Corp. (AT&T) is the parent company of AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save and AT&T Communications of the Southern States, Inc. d/b/a AT&T. AT&T Communications of the Southern States, Inc. d/b/a Connect 'N Save has held IXC Certificate No. 69 since December 17, 1983. AT&T Communications of the Southern States, Inc. d/b/a AT&T has held AAV/ALEC Certificate No. 4037 since May 7, 1996.

By letter dated January 30, 1998, Teleport and AT&T filed with this Commission a joint petition for approval of transfer of control of Teleport to AT&T. The companies have stated that they will continue to operate under their existing certificates and tariffs filed with this Commission.

We determine that Teleport and AT&T have met the requirements of Section 364.33, Florida Statutes. Accordingly, we find that the transfer is in the public interest, and we approve it pursuant to Section 364.33, Florida Statutes.

Based on the foregoing, it is,


ORDERED by the Florida Public Service Commission that the transfer of control of Teleport Communications Group, Inc. to AT&T Corp. is hereby approved. It is further

ORDER NO. PSC-98-0493-FOF-TP
DOCKET NO. 980158-TP
PAGE 3

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.

By ORDER of the Florida Public Service Commission, this 8th day of April, 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.

ORDER NO. PSC-98-0493-FOF-TP
DOCKET NO. 980158-TP
PAGE 4

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 April 29, 1998.

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.