

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Pacific Gateway Exchange, Inc. (holder of ALEC Certificate No. 4852) for approval of pro forma transfer of control and request for name change to International Exchange Communications, Inc. d/b/a IE Com.

DOCKET NO. 980712-TX  
ORDER NO. PSC-98-1144-FOF-TX  
ISSUED: August 24, 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 PRO FORMA TRANSFER OF CONTROL AND NAME CHANGE ON  
ALTERNATIVE LOCAL EXCHANGE 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.

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, pro forma transfer, or assignment of majority organizational control or controlling stock ownership, without prior approval from this Commission.

By letter dated June 2, 1998, Pacific Gateway Exchange, Inc. (Pacific Gateway) and filed with this Commission a joint petition

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FLORIDA PUBLIC SERVICE COMMISSION

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for approval of pro forma transfer of control and name change on Alternative Local Exchange Telecommunications (ALEC) Certificate No. 4852 from Pacific Gateway to International Exchange Communications, Inc. d/b/a IE Com (IE Com). The companies have stated that as a result of the transaction IE Com will become a wholly-owned subsidiary of Pacific Gateway. There will be no changes to management, operations, or quality of service.

We determine that Pacific Gateway and IE Com have met the requirements of Section 364.33, Florida Statutes. Accordingly, we find that the pro forma transfer of control from Pacific Gateway to IE Com. is in the public interest, and we approve it pursuant to Section 364.33, Florida Statutes.

Upon review of the Department of State, Division of Corporations' records, it appears that Pacific Gateway has properly registered the new corporate name. Accordingly, we find it appropriate to amend Certificate No. 4852 to reflect the new operating name.

This Order will serve as the amended ALEC Certificate of Public Convenience and Necessity No. 4852 for IE Com. IE Com should retain this Order as evidence of the name change.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that the pro forma transfer of control from Pacific Gateway Exchange, Inc. to International Exchange Communications, Inc. d/b/a IE Com. is hereby approved. It is further

ORDERED that the request by Pacific Gateway Exchange, Inc. to change the name on Certificate No. 4852 from Pacific Gateway Exchange, Inc. to International Exchange Communications, Inc. d/b/a IE Com is hereby approved. It is further

ORDERED that this Order will serve as International Exchange Communications, Inc. d/b/a IE Com's amended certificate and that this Order should be retained as evidence of the name change. 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

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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 24th day of August, 1998.

  
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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. 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

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Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on September 14, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.