

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer of control of East Florida Communications, Inc. (holder of IXC Certificate No. 51 and ALEC Certificate No. 4796) to PaeTec Communications, Inc. (holder of IXC Certificate No. 5757 and ALEC Certificate No. 5756).

DOCKET NO. 990705-TP
ORDER NO. PSC-99-1416-PAA-TP
ISSUED: July 23, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
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.

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.

By letter dated May 28, 1999, East Florida Communications, Inc. (East Florida Communications) and PaeTec Communications, Inc.

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

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(PaeTec) filed with this Commission an application for approval of transfer of control from East Florida Communications to PaeTec. East Florida Communications is the holder of Interexchange Telecommunications Certificate No. 51 and Alternative Local Exchange Telecommunications Certificate No. 4796. PaeTec is the holder of Interexchange Telecommunications Certificate No. 5757 and Alternative Local Exchange Telecommunications Certificate No. 5756. East Florida Communications and PaeTec have stated that the transaction will be virtually transparent to their customers in Florida and it will not affect the services being provided. The companies have further stated that they will continue to operate under their existing certificated names and tariffs on file with this Commission.

In accordance with our authority under Section 364.33, Florida Statutes, to approve the acquisition or transfer of majority organizational control or controlling stock ownership of a telecommunications company providing service in Florida, we have reviewed the Petition of East Florida Communications and PaeTec and find it appropriate to approve it. We have based our review and decision upon an analysis of the public's interest in efficient, reliable telecommunications service. Our decision does not address the potential impact of the transfer on the competitive market in Florida, or on the companies' or their competitors' interests. We emphasize, however, that our approval of the Petition pursuant to our authority under Section 364.33, Florida Statutes, does not preclude us from addressing any of our concerns that may arise regarding this transaction to the appropriate federal or state agencies.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that East Florida Communications, Inc. and PaeTec Communications, Inc.'s request for approval of transfer of control from East Florida Communications, Inc. to PaeTec Communications, Inc. is hereby approved. It is further

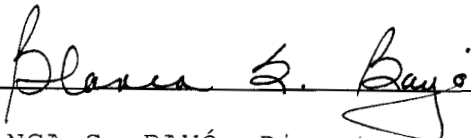
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the

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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 23rd day of July, 1999.



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 that is available under Section 120.57, 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 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 August 13, 1999.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

FLORIDA PUBLIC SERVICE COMMISSION - RECORDS AND REPORTING

Requisition for Photocopying and Mailing

Date 7/27/95
 Number of Originals 4 Copies Per Original 19
 Requested By Kush

Item Presented _____
 Agenda For (Date) _____ Order No. 99-1416 In Docket No. 990705
 Notice of _____ For (Date) _____ In Docket No. _____
 Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>19</u>	<u>Commission Offices</u>		
	<u>Docket Mailing List - Mailed</u>		
<u>(3)</u>	<u>Docket Mailing List - Faxed</u>		

Note: Items must be mailed and/or returned within one working day after issue unless specified here:

Print Shop Verification

Job Number 259 Verified By Michael
 Date and Time Completed 7/28 Job Checked For Correctness and Quality (Initial) U

Mail Room Verification

Date Mailed _____ Verified By _____

RECEIVED-FPSC

M E M O R A N D U M

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July 23, 1999

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA)

KMP WPC for Cathy Bedoll

RE: DOCKET NO. 990705-TP - REQUEST FOR APPROVAL OF TRANSFER OF CONTROL OF EAST FLORIDA COMMUNICATIONS, INC. (HOLDER OF IXC CERTIFICATE NO. 51 AND ALEC CERTIFICATE NO. 4796) TO PAETEC COMMUNICATIONS, INC. (HOLDER OF IXC CERTIFICATE NO. 5757 AND ALEC CERTIFICATE NO. 5756).

99-1446-PAA

Attached is a to be issued in the above-referenced docket.
(Number of pages in order - 4)

KMP/anc

Attachment

cc: Division of Communications (T. Williams)

I: 990705.kmp

See

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