

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer whereby McLeodUSA Incorporated, parent company of McLeodUSA Telecommunications Services, Inc. (holder of IXC Certificate No. 4807), will acquire ownership and control of S.J. Investments, Inc. d/b/a Access Long Distance of Florida, Inc. (holder of IXC Certificate No. 4802).

DOCKET NO. 990776-TI  
ORDER NO. PSC-99-1524-PAA-TI  
ISSUED: August 4, 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.

DOCUMENT NUMBER-DATE

09211 AUG-4 99

FPOC-RECORDS/REPORTING

ORDER NO. PSC-99-1524-PAA-TI  
DOCKET NO. 990776-TI  
PAGE 2

By letter dated June 15, 1999, McLeodUSA Incorporated (McLeodUSA), McLeodUSA Telecommunications Services, Inc. (McLeodUSA Telecommunications) and S.J. Investments, Inc. d/b/a Access Long Distance of Florida, Inc. (Access Long Distance of Florida) filed with this Commission an application for approval of transfer of control whereby McLeodUSA, parent company of McLeodUSA Telecommunications, will acquire ownership and control of Access Long Distance of Florida. McLeodUSA Telecommunications is the holder of Interexchange Telecommunications (IXC) Certificate No. 4807. Access Long Distance of Florida is the holder of IXC Certificate No. 4802. Access Long Distance of Florida has further stated that it will continue to operate under its existing certificated name and tariff 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 McLeodUSA, McLeodUSA Telecommunications, and Access Long Distance of Florida, 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 McLeodUSA Incorporated, McLeodUSA Telecommunications Services, Inc., and S.J. Investments, Inc. d/b/a Access Long Distance of Florida, Inc.'s request for approval of transfer of control whereby McLeodUSA Incorporated, parent company of McLeodUSA Telecommunications Services, Inc., will acquire ownership and control of S.J. Investments, Inc. d/b/a Access Long Distance of Florida, Inc. is hereby approved. It is further

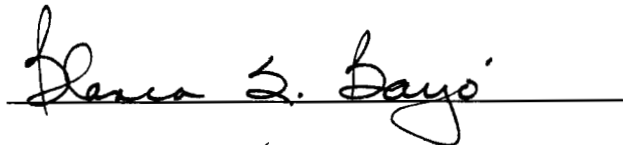
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is

ORDER NO. PSC-99-1524-PAA-TI  
DOCKET NO. 990776-TI  
PAGE 3

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 4th day of August, 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

ORDER NO. PSC-99-1524-PAA-TI  
DOCKET NO. 990776-TI  
PAGE 4

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 August 25, 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.

Requisition for Photocopying and Mailing

Date 8, 4, 99  
Number of Originals 4 Copies Per Original 19  
Requested By Ruth

Item Presented \_\_\_\_\_  
Agenda For (Date) \_\_\_\_\_ Order No. 99-1224 In Docket No. 990776  
Notice of \_\_\_\_\_ For (Date) \_\_\_\_\_ In Docket No. \_\_\_\_\_  
Other \_\_\_\_\_

Special Handling Instructions

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

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

Print Shop Verification  
Job Number 74 Verified By Michael  
Date and Time Completed 8/5 Job Checked For Correctness and Quality (Initial) J

Mail Room Verification  
Date Mailed / Verified By /

✓

M E M O R A N D U M

August 2, 1999

RECEIVED-FPSC

50 AUG -3 AM 11:18

RECORDS AND  
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *WMP CB*

RE: DOCKET NO. 990776-TI - REQUEST FOR APPROVAL OF TRANSFER WHEREBY MCLEODUSA INCORPORATED, PARENT COMPANY OF MCLEODUSA TELECOMMUNICATIONS SERVICES, INC. (HOLDER OF IXC CERTIFICATE NO. 4807), WILL ACQUIRE OWNERSHIP AND CONTROL OF S.J. INVESTMENTS, INC. D/B/A ACCESS LONG DISTANCE OF FLORIDA, INC. (HOLDER OF IXC CERTIFICATE NO. 4802).

*1524-PAA*

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING TRANSFER OF CONTROL, to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anc  
Attachment  
cc: Division of Communications  
I: 990776.kmp

Due to volume of orders received and per agreement with LEG/Peña, order will be issued by 8/5/99.