

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of
~~transfer of control of MetroLink~~
Internet Services of Port Saint
Lucie, Inc. (holder of ALEC
Certificate No. 5324) to DURO
Communications, Inc., due to
purchase of all outstanding
stock.

DOCKET NO. 991098-TX
ORDER NO. PSC-99-1819-PAA-TX
ISSUED: September 20, 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

11245 SEP 20 89

FPSC-RECORDS/REPORTING

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By letter dated August 4, 1999, Metrolink Internet Services of Port St. Lucie, Inc. (Metrolink Internet Services) and DURO Communications, Inc. (DURO Communications) filed with this Commission an application for approval of transfer of control, due to a purchase of all outstanding stock, from Metrolink Internet Services to DURO Communications. Metrolink Internet Services is the holder of Alternative Local Exchange Telecommunications Certificate No. 5324. Metrolink Internet Services has 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 Metrolink Internet Services and Duro Communications, 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 Metrolink Internet Services of Port St. Lucie, Inc. and DURO Communications, Inc.'s request for approval of transfer of control from Metrolink Internet Services of Port St. Lucie, Inc. to DURO 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 close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

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ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 20th day of September, 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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on October 11, 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.

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M E M O R A N D U M

September 20, 1999

RECEIVED-PPSC

SEP 20 AM 10:45

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

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

RE: DOCKET NO. 991098-TX - REQUEST FOR APPROVAL OF TRANSFER OF CONTROL OF METROLINK INTERNET SERVICES OF PORT SAINT LUCIE, INC. (HOLDER OF ALEC CERTIFICATE NO. 5324) TO DURO COMMUNICATIONS, INC., DUE TO PURCHASE OF ALL OUTSTANDING STOCK.

1819-PAA

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~~ 3)

KMP/anc
 Attachment
 cc: Division of Communications
 I: 991098.kmp

*pg 2
DURO
caps*

*boxed 2/1
mailed*

From: Kimberley Pena
To: Hong Wang, Kay Flynn
Subject: fwd: 991098

====NOTE=====9/10/99=11:25am==
Please send and fax a copy of order when
issued to attorney of the companies at:

Paul Verbese, Esq.
(617)523-1231 (fax)

Goodwin, Proctor, and Hoar
Exchange Place
Boston, Massachussets 02109

Fwd=by:=Hong=Wang=====9/13/99==9:27am==
Fwd to: Kimberley Pena
CC: Kay Flynn

.....
Kim, does this attorney represents both
companies? Do you have his phone #?

Fwd=by:=Kimberley=Pen=9/13/99==9:34am==
Fwd to: Hong Wang

.....
yes, he represents both companies now. He
originally represented DURO. Nope.
That's all the info I got.

Fwd=by:=Hong=Wang=====9/13/99==9:34am==
Fwd to: Kimberley Pena
CC: Kay Flynn

.....
Done.
