

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of merger whereby Primary Network Holdings, Inc. (holding company of BroadSpan Communications, Inc. d/b/a Primary Network Communications, Inc., holder of IXC Certificate No. 7376 and ALEC Certificate No. 7445) will merge with Mpower Merger Sub., Inc. (holding company of MGC Communications, Inc. d/b/a Mpower Communications Corp., holder of IXC Certificate No. 5752 and ALEC Certificate No. 5279).

DOCKET NO. 000773-TP
ORDER NO. PSC-00-1589-CO-TP
ISSUED: September 1, 2000

CONSUMMATING ORDER

BY THE COMMISSION:

By Order No. PSC-00-1448-PAA-TP, issued August 10, 2000, this Commission proposed to take certain action, subject to a Petition for Formal Proceeding as provided in Rule 25-22.029, Florida Administrative Code. No response has been filed to the order. It is, therefore,

ORDERED by the Florida Public Service Commission that Order No. PSC-00-1448-PAA-TP has become effective and final. It is further

ORDERED that this docket shall be closed.

DOCUMENT NUMBER-DATE

10883 SEP-18

FPSC-RECORDS/REPORTING

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By ORDER of the Florida Public Service Commission, this 1st
day of September, 2000.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

FRB

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 judicial review of Commission orders that is available pursuant to Section 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 judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.

M E M O R A N D U M

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September 1, 2000 10 SEP -1 PM 1:47

RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (BANKS) *FRB* *AK*

RE: DOCKET NO. 000773-TP - REQUEST FOR APPROVAL OF MERGER WHEREBY PRIMARY NETWORK HOLDINGS, INC. (HOLDING COMPANY OF BROADSPAN COMMUNICATIONS, INC. D/B/A PRIMARY NETWORK COMMUNICATIONS, INC., HOLDER OF IXC CERTIFICATE NO. 7376 AND ALEC CERTIFICATE NO. 7445) WILL MERGE WITH MPOWER MERGER SUB., INC. (HOLDING COMPANY OF MGC COMMUNICATIONS, INC. D/B/A MPOWER COMMUNICATIONS CORP., HOLDER OF IXC CERTIFICATE NO. 5752 AND ALEC CERTIFICATE NO. 5279).

1589-CO

Attached is a CONSUMMATING ORDER, to be issued in the above-referenced docket. (Number of pages in order - 2)

FRB/anc

Attachment

cc: Division of Regulatory Oversight (Williams)

I: 000773co.frb

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