

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application of TeleConex, Inc. (holder of ALEC Certificate No. 5207) and Pre-Cell Solutions, Inc., parent company of Pre-Cell Solutions/Family Phone Service, Inc. (holder of ALEC Certificate No. 5265) for merger of Family Phone Service with and into TeleConex, for transfer of control of TeleConex to Pre-Cell, and for cancellation of Certificate No. 5265.

DOCKET NO. 001754-TX
ORDER NO. PSC-01-1809-FOF-TX
ISSUED: September 7, 2001

The following Commissioners participated in the disposition of this matter:

E. LEON JACOBS, JR., Chairman
J. TERRY DEASON
LILA A. JABER
BRAULIO L. BAEZ
MICHAEL A. PALECKI

ORDER VACATING ORDER NO. PSC-01-0205-PAA-TX AND
REINSTATING CERTIFICATE NO. 5265

BY THE COMMISSION:

BACKGROUND

On December 5, 2000, TeleConex, Inc. (holder of ALEC Certificate No. 5207) and Pre-Cell Solutions, Inc., parent company of Pre-Cell Solutions/Family Phone Service, Inc. (holder of ALEC Certificate No. 5265), filed a joint application for merger of Family Phone Service with and into TeleConex, transfer of control of TeleConex to Pre-Cell Solutions, Inc., and for cancellation of Certificate No. 5265. Accordingly, by Order No. PSC-01-0205-PAA-TX, issued January 23, 2001, we approved the merger of Family Phone Service with and into TeleConex, the transfer of control of TeleConex to Pre-Cell Solutions, Inc., and the cancellation of Certificate No. 5265. That Order was consummated by Order No. PSC-01-0400-CO-TX, issued February 16, 2001.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

ORDER NO. PSC-01-1809-FOF-TX
DOCKET NO. 001754-TX
PAGE 2

We are vested with jurisdiction over this matter pursuant to Sections 364.336, 364.285, and 364.3375, Florida Statutes.

On August 13, 2001, Pre-Cell filed a letter informing us that the terms and funding of the merger became scarce and the deal was ultimately abandoned. Due to the complexity and timing of the merger, the certificate was prematurely cancelled, albeit at the company's request. Therefore, Pre-Cell requests that both parties be returned to their original status. Pre-Cell also requests that its ALEC certificate be reinstated.

We find Pre-Cell's request appropriate and hereby vacate Order No. PSC-01-0205-PAA-TX and Alternative Access Vendor Certificate No. 5265 is reinstated.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-01-0205-PAA-TX is hereby vacated. It is further

ORDERED that Alternative Access Vendor Certificate No. 5265 is hereby reinstated.

By ORDER of the Florida Public Service Commission this 7th day of September, 2001.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records and Hearing
Services

(S E A L)

JKF

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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) 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 the Commission Clerk and Administrative Services 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.