

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for waiver of Rule 25-4.118, F.A.C., Interexchange Carrier Selection, for transfer of customer base from Adelphia Business Solutions of Jacksonville, Inc. and Adelphia Business Solutions Investment, LLC to Essex Communications, Inc. d/b/a eLEC Communications.

DOCKET NO. 011675-TI
ORDER NO. PSC-02-0546-FOF-TI
ISSUED: April 22, 2002

The following Commissioners participated in the disposition of this matter:

LILA A. JABER, Chairman
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY

ORDER VACATING ORDER NO. PSC-02-0183-PAA-TI

BY THE COMMISSION:

This docket was initiated pursuant to a request for waiver of Rule 25-4.118, Florida Administrative Code, Interexchange Carrier Selection for transfer of customer base filed jointly by Adelphia Business Solutions of Jacksonville, Inc., Adelphia Business Solutions Investment, LLC ("Adelphia") and Essex Communications, Inc. d/b/a eLEC Communications ("eLEC") on December 27, 2001.

By Order No. PSC-02-0183-PAA-TI, issued February 11, 2002, we approved the joint waiver of Rule 25-4.118, Florida Administrative Code.

By letter dated February 12, 2002, our staff was notified by Maria A. Abbagnaro, Regulatory Counsel for eLEC Communications, that the transfer scheduled for February 21, 2002, did not and will not take place. We note that none of the potentially affected

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customers received notice of the planned transfer. Accordingly, Order No. PSC-02-0183-PAA-TI issued February 11, 2002, is hereby vacated. This docket shall be closed upon issuance of this Order.

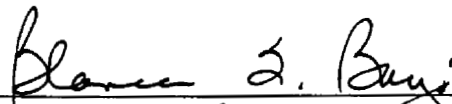
The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335, 364.337, and 364.345, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-02-0183-PAA-TI, is hereby vacated. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 22nd day of April, 2002.



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

(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 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.

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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.