

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application by BAK
Communications, LLC (holder of
IXC Certificate No. 8008) for
authority to acquire the assets,
including customer base, of
Voice Vision International, Inc.

DOCKET NO. 020160-TI
ORDER NO. PSC-02-0952-PAA-TI
ISSUED: July 15, 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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF ASSETS, INCLUDING
CUSTOMER BASE FROM VOICE VISION INTERNATIONAL, INC.
TO BAK COMMUNICATIONS, LLC

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

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FPSC-COMMISSION CLERK

By letter dated February 21, 2002, BAK Communications, LLC (BAK) and Voice Vision International Inc. (VVI) filed with this Commission an application for approval of transfer of assets, including customer base from VVI to BAK. BAK is the holder of Interexchange Certificate No. 8008. VVI filed for protection under Chapter 11 of the United States Bankruptcy Code. On November 6, 2001, the United States Bankruptcy Court, Central District of California, issued an Order Approving the Sale of Substantially All of VVI's Operating Assets, including its customer base, to BAK. BAK also filed with the FCC a Limited Waiver under CC Docket No. 00-257, Implementation of the Subscriber Carrier Selection Change Provisions of the Telecommunications Act of 1996, under the FCC's new streamlined regulations.

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 BAK and VVI, 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. We are vested with jurisdiction over this matter pursuant to Section 364.33, Florida Statutes.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that BAK Communications, LLC and Voice Vision International Inc.'s request for approval of transfer of telecommunications assets, including customer base from VVI to BAK from Voice Vision International Inc. to BAK Communications, LLC 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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 15th Day of July, 2002.

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)

LHD

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.

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 5, 2002.

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/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.