

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for authority to provide local telecommunications service and request for approval of transfer of Certificate No. 8679 from DukeNet Communications, LLC to Time Warner Cable Business, LLC by Time Warner Cable Business LLC.

DOCKET NO. 130264-TX
ORDER NO. PSC-13-0660-PAA-TX
ISSUED: December 18, 2013

The following Commissioners participated in the disposition of this matter:

RONALD A. BRISÉ, Chairman
LISA POLAK EDGAR
ART GRAHAM
EDUARDO E. BALBIS
JULIE I. BROWN

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF CERTIFICATE OF AUTHORITY

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.

By letter dated November 1, 2013, DukeNet Communications, LLC (DukeNet Communications) and Time Warner Cable Business, LLC's (Time Warner) filed with this Commission an application for authority to provide telecommunications service and request for approval of transfer of Certificate of Authority No. 8679 from DukeNet Communications to Time Warner. DukeNet Communications, holder of Certificate of Authority No. 8679, has stated that the transaction will be virtually transparent to its customers in Florida and it will not affect the services being provided.

We are vested with jurisdiction over this matter pursuant to Sections 364.33 and 364.335, Florida Statutes.

Section 364.33, Florida Statutes, provides that a person may not provide telecommunications service to the public without a certificate of necessity or a certificate of authority. A certificate of necessity or authority may be transferred without prior approval of

this Commission when the transfer is to the holder's parent company, an affiliate or another person holding a certificate of necessity or authority. Time Warner does not satisfy these requirements, and therefore, prior approval of this Commission is required.

In accordance with our authority under Sections 364.33 and 364.335, Florida Statutes, we hereby approve DukeNet Communications and Time Warner's application for authority to provide telecommunications service and request for approval of transfer of Certificate of Authority No. 8679. This Order will serve as Time Warner Cable Business, LLC's Certificate of Authority No. 8679. Time Warner Cable Business, LLC should retain this Order as evidence of the amended certificate.

Based on the foregoing, it is,


ORDERED by the Florida Public Service Commission that DukeNet Communications, LLC and Time Warner Cable Business, LLC's application for authority to provide telecommunications service and request for approval of transfer of Certificate of Authority No. 8679 from DukeNet Communications, LLC to Time Warner Cable Business, LLC, is hereby approved. It is further

ORDERED that this Order will serve as Time Warner Cable Business, LLC's certificate and that this Order should be retained as evidence of amended Certificate of Authority No. 8679. 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 Commission Clerk, 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

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

By ORDER of the Florida Public Service Commission this 18th day of December, 2013.



CARLOTTA S. STAUFFER
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399
(850) 413-6770
www.floridapsc.com

Copies furnished: A copy of this document is provided to the parties of record at the time of issuance and, if applicable, interested persons.

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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 Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 8, 2014.

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.