

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for approval of )	DOCKET NO. 890308-TI
acquisition and control of LIGHTNET )	
by WTG-EAST, INC. and transfer of )	ORDER NO. 21456
IXC Certificate No. 552 )	
_____ )	ISSUED: 6-27-89

The following Commissioners participate in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTION  
AND  
ORDER APPROVING TRANSFER OF CERTIFICATE

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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On February 24, 1989, we received an application for a transfer of Certificate No. 552 from Lightnet to WTG-East, Inc. (WTG). Lightnet was a Delaware general partnership composed of two partners, SNET Fibercom, Inc. (SNET) and CSX Communications, Inc. (CSX). WTG is a Delaware corporation authorized to conduct business in Florida and a wholly owned subsidiary of Williams Telecommunications Group, Inc. SNET and CSX were merged into WTG as of April 3, 1989. As a product of the merger, WTG now operates the fiber optic system previously operated by Lightnet.

Section 364.33, Florida Statutes, prohibits a person from acquiring ownership or control of a telephone system without a finding by the Commission that the public convenience and necessity require such acquisition. Additionally, Section 364.345, Florida Statutes, provides that no sale, assignment or transfer of a certificate shall be made without determination by the Commission that the sale, assignment or transfer is in the public interest. Rule 25-24.473, Florida Administrative Code, sets forth the requirements which must be met prior to the transfer of a certificate for interexchange service or part of a certificate's authority. WTG has met the requirements of Commission Rule 25-24.473.

Based on the information submitted by WTG, it appears that its acquisition of Lightnet is in the public interest. We therefore approve the transfer of Certificate No. 552 from Lightnet to WTG. As a condition of our approval, we direct WTG to assume all of Lightnet's assets and liabilities.

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In its application, WTG stated that one of its affiliates, WTG-Central, Inc., has provided private-line service physically within the State of Florida to two interexchange carriers. After further inquiry, our Staff learned that WTG-Central, Inc., was also purchasing access services from GTE Florida Incorporated. For these reasons, we are concerned that WTG's affiliate, WTG-Central, Inc., may have violated our rules by providing intrastate service without a certificate. Thus, this docket will remain open until the completion of further investigation. Should the investigation reveal a need for further action, it will be taken in this docket. Our proposed grant of the transfer of Certificate No. 552 will become final unless an appropriate petition or protest is filed by one whose substantial interests are or will be affected by this proposed agency action, as provided by Rule 25-22.029, within the period established below.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the application for approval of transfer of Certificate No. 552 from Lightnet to WTG-East, Inc. is approved as set forth in the body of this Order. It is further

ORDERED that the proposed transfer of Certificate No. 552 will become final and effective on July 19, 1989, if there is no protest to this proposed agency action within the time frame set forth below. It is further

ORDERED that this docket shall remain open for further proceedings regarding whether intrastate service has been provided by an entity related to WTG-East, Inc., without the necessary authority.

By ORDER of the Florida Public Service Commission,  
this 27th day of JUNE, 1989.

  
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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 18, 1989. In the absence of such a petition, this order shall become effective July 19, 1989 as provided by Rule 25-22.029(6), Florida Administrative Code, and as reflected in a subsequent order.

Any objection or protest filed in this docket before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.

If this order becomes final and effective on July 19, 1989, any party adversely affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water or sewer 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 of the effective date 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.