

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer) DOCKET NO. 921238-TI
of control of Interexchange) ORDER NO. PSC-93-0117-FOF-TI
Telecommunications Service) ISSUED: 01/21/93
Certificate No. 2363 from)
TOUCH 1 LONG DISTANCE, INC. to)
TELEMARKETING CORP. OF LOUISIANA)
d/b/a LDDS COMMUNICATIONS.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
THOMAS M. BEARD
SUSAN F. CLARK
JULIA L. JOHNSON
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION ORDER
APPROVING TRANSFER OF CONTROL 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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On December 8, 1992, LDDS Communications, Inc. and Touch One Long Distance, Inc. filed an application for approval of the transfer of control of Certificate of Public Convenience and Necessity No. 2363 from Touch One Long Distance, Inc. (Touch One) to LDDS Communications, Inc. (LDDS). LDDS has entered into an agreement with the stockholders of Touch One to acquire 100% of the stock of Touch One. After the transaction is completed, the Florida certificated operations of Touch One will continue with no change in services, operations or rates.

Upon review of LDDS' application, we find this proposed transfer of control to be in the public interest pursuant to Rule 25-24.473(3), Florida Administrative Code and Section 364.345(2), Florida Statutes. Therefore, Touch One Long Distance, Inc. and LDDS Communications, Inc.'s application for transfer of control of Certificate No. 2363 should be approved.

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Therefore, based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of control of Certificate of Public Convenience and Necessity No. 2363 from Touch One Long Distance, Inc. to LDDS Communications, Inc. is hereby approved. It is further

ORDERED that the effective date of our action herein is the first working day following the date specified below, if no proper protest to this proposed agency action is filed within the time frames set forth below. It is further

ORDERED that if no protest is filed in accordance with the requirement set forth below, this docket shall be closed.

By ORDER of the Florida Public Service this 21st day of January, 1993.


STEVE TRIBBLE, Director
Division of Records and Reporting

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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 February 11, 1993.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 the date described above, 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 wastewater 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.