

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Application for approval) DOCKET NO. 940577-TA
of assignment of Florida Public) ORDER NO. PSC-94-0808-FOF-TA
Service Commission Certificate) ISSUED: June 29, 1994
No. 3166, from FiberCAP, Inc.,)
the present holder, to ICG)
Access Services, Inc.)

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
SUSAN F. CLARK
JULIA L. JOHNSON
DIANE K. KIESLING

NOTICE OF PROPOSED AGENCY ACTION
ORDER GRANTING ASSIGNMENT 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 a formal proceeding in accordance with Rule 25-22.029, Florida Administrative Code.

An application for approval of the assignment of Alternative Access Vendor (AAV) Certificate of Public Convenience and Necessity No. 3166 was received from FiberCAP, Inc. (assignor) and ICG Access Services, Inc. (assignee) on May 24, 1994. The application contains the required background information. Having considered this application, it appears that it is in the public interest to grant the assignment of AAV Certificate No. 3166 from FiberCAP, Inc. to ICG Access Services, Inc.

Alternative Access Vendors are charged with the responsibility of complying with the provisions of Chapter 364, Florida Statutes, and Chapters 25-4 and 25-24, Florida Administrative Code.

It is, therefore,

ORDERED by the Florida Public Service Commission that the assignment of AAV Certificate No. 3166 from FiberCAP, Inc., the

DOCUMENT NUMBER-DATE

06429 JUN 29 1994

FPSC-RECORDS/REPORTING

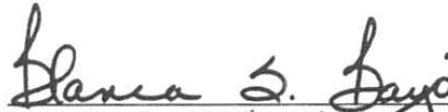
ORDER NO. PSC-94-0808-FOF-TA
DOCKET NO. 940577-TA
PAGE 2

previous holder, to ICG Access Services, Inc. is approved as set forth in the body of this order. It is further

ORDERED that the certificate to provide AAV services is subject to the conditions stated in the body of this Order. It is further

ORDERED that, unless a person whose interests are substantially affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, below, the assignment of the certificate shall become effective on the following date and this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of June, 1994.



BLANCA S. BAYO, Director
Division of Records and Reporting

(S E A L)

SHS

ORDER NO. PSC-94-0808-FOF-TA
DOCKET NO. 940577-TA
PAGE 3

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 her office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 20, 1994.

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.