

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Request for approval of) DOCKET NO. 951256-TI
intracorporate merger and pro-) ORDER NO. PSC-95-1609-FOF-TI
forma transfer of control of) ISSUED: December 29, 1995
Midwest Fibernet Inc. to)
Consolidated Network Inc.)
_____)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING MERGER

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 Order No. PSC-93-0786-FOF-TI, issued May 24, 1993, Midwest Fibernet Inc. (MFI), was authorized to provide intrastate interexchange telecommunications service as a nondominant resale carrier. MFI is a wholly-owned subsidiary of Consolidated Network Inc. (CNI). CNI is a wholly-owned subsidiary of Consolidated Communications Inc. (CCI). CCI is a holding company for several corporations engaged in the provision of telecommunications services and related products and services.

On October 20, 1995, MFI and CNI filed a request for approval of a merger, whereby, MFI would be merged into its parent company, CNI. MFI and CNI stated that Commission approval of the intracorporate merger would simplify the internal corporate structure of the Parties. MFI and CNI argue that ultimate control of MFI would not change as a result of this transaction, and neither will the operation of the company or the terms and conditions of service provided to subscribers.

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Upon consideration of the above, it appears that it is in the public interest to approve the proposed merger.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the merger of Midwest Fibernet Inc. into Consolidated Network, Inc., is approved. It is further

ORDERED that, unless a person whose interests are substantially affected files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this docket shall be closed.

By ORDER of the Florida Public Service Commission, this 29th day of December, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay J. Lynn
Chief, Bureau of Records

(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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 19, 1996.

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 substantially 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.