

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of merger of PSP Marketing Group, Inc. d/b/a The IT Group (holder of IXC Certificate No. 3170) with ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom (holder of IXC Certificate No. 2297) and cancellation of IXC Certificate No. 3170.

DOCKET NO. 980475-TI
ORDER NO. PSC-98-0786-FOF-TI
ISSUED: June 8, 1998

The following Commissioners participated in the disposition of this matter:

JULIA L. JOHNSON, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JOE GARCIA
E. LEON JACOBS, JR.

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 interest are substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

Pursuant to Section 364.33, Florida Statutes, a person may not acquire ownership or control of any telecommunications facility, or any extension thereof for the purpose of providing telecommunications services to the public, including the acquisition, transfer, or assignment of majority organizational control or controlling stock ownership, without prior approval from this Commission.

DOCUMENT NUMBER-DATE

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PSC-RECORDS/REPORTING

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PSP Marketing Group, Inc. d/b/a The IT Group (The IT Group) is the holder of Interexchange Telecommunications (IXC) Certificate No. 3170. ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom (ITC^DeltaCom) is the holder of IXC Certificate NO. 2297. By letter dated March 23, 1998, The IT Group and ITC^DeltaCom filed a joint request with this Commission for approval of merger of The IT Group with ITC^DeltaCom. Further, The IT Group has requested the cancellation of IXC Certificate No. 3170.

We determine that The IT Group and ITC^DeltaCom have met the requirements of Section 364.33, Florida Statutes. Accordingly, we find that the merger is in the public interest, and we approve it pursuant to Section 364.33, Florida Statutes.

The IT Group has complied with the provision of Rule 25-24.474(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its IXC certificate and by submitting its regulatory assessment fees for 1997. Accordingly, we find it appropriate to cancel IXC Certificate No. 3170, effective March 23, 1998.

The IT Group shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice for 1998 will be mailed to The IT Group. Neither the cancellation of its certificate nor the failure to receive a Regulatory Assessment Fee Return notice for 1998 shall relieve The IT Group from its obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the merger of PSP Marketing Group, Inc. d/b/a The IT Group and ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom is hereby approved. It is further

ORDERED that ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom's Certificate No. 3170 to provide interexchange telecommunications services is hereby cancelled. It is further

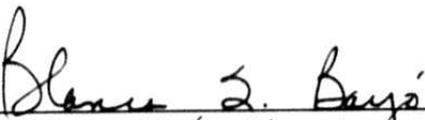
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ORDERED that ITC^DeltaCom Communications, Inc. d/b/a ITC^DeltaCom shall return its certificate to this Commission and remit all due and owing regulatory assessment fees for 1998. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" 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 8th day of June, 1998.



BLANCA S. BAYÓ, 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 120.569(1), 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.

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 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 June 29, 1998.

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.