



# Public Service Commission

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**DATE:** SEPTEMBER 10, 1998

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF COMMUNICATIONS (ISLER) *ANT*  
DIVISION OF LEGAL SERVICES (K. PEÑA) *MM MB*

**RE:** DOCKET NO. 980991-TP - REQUEST FOR APPROVAL OF TRANSFER OF CONTROL OF ATI TELECOM, INC. (HOLDER OF IXC CERTIFICATE NO. 5169 AND ALEC CERTIFICATE NO. 5164) TO INTERROUTE TELECOMMUNICATIONS, INC.

**AGENDA:** 09/22/98 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\980991.RCM

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission approve ATI Telecom, Inc.'s request for approval of the transfer of control of its interexchange telecommunications certificate number 5169 and alternative local exchange certificate number 5164 to Interoute Telecommunications, Inc. effective the date of the transfer?

**RECOMMENDATION:** Yes, the Commission should approve ATI's request for approval of the transfer of control of its interexchange telecommunications certificate number 5169 and alternative local exchange certificate number 5164 to Interoute Telecommunications, Inc. effective July 15, 1998. (Isler)

**STAFF ANALYSIS:** On August 4, 1998, the Commission received ATI's request for approval of the transfer of control from ATI Telecom, Inc. to Interoute Telecommunications, Inc. ATI holds interexchange

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telecommunications certificate number 5169 and alternative local exchange certificate number 5164.

The company's letter stated that approval of the transfer will permit Interoute and ATI to realize significant economic and marketing efficiencies which will enhance their ability to continue providing high quality, low cost telecommunications services and to compete more effectively in the long distance marketplace. Under the terms of the transfer, ATI will continue to operate as a wholly owned subsidiary of Interoute in its current name and no certificate holder name will change in the foreseeable future. Also, the company stated that the transfer will not in any way disrupt service or cause inconvenience or confusion to ATI's customers.

In addition, the company stated that it did not realize it needed prior approval and requested that the Commission's Order be effective July 15, 1998, the date of the transfer.

Ordinarily, Commission Orders are prospective in nature. However, in this case, because the company did not realize it had to request prior approval and came forward to correct their ownership status as soon as it learned of the need for Commission approval, we believe its request to make the effective date the same as that of the transfer should be granted. Therefore, it is staff's recommendation that the Commission should approve ATI's request for approval of the transfer of control of its interexchange telecommunications certificate number 5169 and alternative local exchange certificate number 5164 to Interoute Telecommunications, Inc. effective July 15, 1998.

**ISSUE 2:** Should this docket be closed?

**RECOMMENDATION:** Yes. If the Commission approves staff's recommendation in Issue 1, this docket should be closed if no person whose substantial interests are affected timely files a protest within 21 days of the Commission's proposed agency action. (Peña)

**STAFF ANALYSIS:** If no substantially affected person files a request for a Section 120.57 hearing within 21 days of the issuance of the Order, this docket should be closed.