

MEMORANDUM

NOVEMBER 10, 1998

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RECEIVED
FEDERAL BUREAU OF INVESTIGATION

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *vmp mcb*

RE: DOCKET NO. 981057-TI - REQUEST FOR APPROVAL OF TRANSFER OF ASSETS AND INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 2481 AND NAME CHANGE FROM WESTINGHOUSE ELECTRIC CORP. D/B/A WESTINGHOUSE COMMUNICATIONS TO RSL COM U.S.A., INC. D/B/A WESTINGHOUSE COMMUNICATIONS.

98-1501-FDX-T1

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING TRANSFER OF ASSETS AND NAME CHANGE, to be issued in the above-referenced docket. (Number of pages in order - 5)

KMP/anr
Attachment
cc: Division of Communications
I: 981057.kmp

See 3

Handwritten notes and signature

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer of assets and Interexchange Telecommunications Certificate No. 2481 and name change from Westinghouse Electric Corp. d/b/a Westinghouse Communications to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications.

DOCKET NO. 981057-TI
ORDER NO. PSC-98-1501-FOF-TI
ISSUED: November 13, 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 TRANSFER OF ASSETS AND NAME CHANGE

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.

Section 364.33, Florida Statutes, provides that 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.

By letter dated August 14, 1998, Westinghouse Electric Corp. d/b/a Westinghouse Communications (Westinghouse Electric) and RSL COM U.S.A., Inc. d/b/a Westinghouse Communications (RSL COM) filed with this Commission a joint petition for approval of transfer of

DOCUMENT NUMBER-DATE

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FPS-C-RECORDS/REPORTING

ORDER NO. PSC-98-1501-FOF-TI
DOCKET NO. 981057-TI
PAGE 2

assets and Interexchange Telecommunications (IXC) Certificate No. 2481 from Westinghouse Electric to RSL COM. The companies further requested a name change on IXC Certificate No. 2481 from Westinghouse Electric to RSL COM.

TRANSFER OF ASSETS

The companies have stated that the transaction will be virtually transparent to the customers in terms of the services they receive. RSL COM asserts that it will provide notice to the existing Westinghouse Electric customers.

We determine that Westinghouse Electric and RSL COM have met the requirements of Section 364.33, Florida Statutes. Accordingly, we find that the transfer of assets from Westinghouse Electric to RSL COM is in the public interest, and we approve it pursuant to Section 364.33, Florida Statutes.

TRANSFER OF IXC CERTIFICATE

Westinghouse Electric and RSL COM have complied with Rule 25-24.473, Florida Administrative Code, regarding the transfer of IXC certificates. We find the transfer to be in the public interest and, therefore, approve the transfer. IXC Certificate No. 2481 shall be amended to reflect that RSL COM U.S.A., Inc. d/b/a Westinghouse Communications is the holder of this certificate.

IXCs are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXCs are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapters 25-4, Florida Administrative Code. Further, pursuant to the provisions of Order No. 16804, issued November 4, 1986, IXCs may not construct facilities to bypass a local exchange company without the prior approval of this Commission.

NAME CHANGE

Upon review of the Department of State, Division of Corporations' records, it appears that Westinghouse Electric has properly registered the new corporate name. Accordingly, we find it appropriate to amend Certificate No. 2481 to reflect the new operating name.

ORDER NO. PSC-98-1501-FOF-TI
DOCKET NO. 981057-TI
PAGE 3

This Order will serve as the amended IXC Certificate of Public Convenience and Necessity No. 2481 for RSL COM U.S.A., Inc. d/b/a Westinghouse Communications. RSL COM U.S.A., Inc. d/b/a Westinghouse Communications should retain this Order as evidence of the name change.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that the transfer of assets from Westinghouse Electric Corp. d/b/a Westinghouse Communications to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications is hereby approved. It is further

ORDERED that the request for assignment of Interexchange Telecommunications Certificate No. 2481 from Westinghouse Electric Corp. d/b/a Westinghouse Communications to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications is hereby approved. It is further

ORDERED that Interexchange Telecommunications Certificate No. 2481 shall be amended to reflect that RSL COM U.S.A., Inc. d/b/a Westinghouse Communications is the holder of this certificate.

ORDERED that the request by Westinghouse Electric Corp. d/b/a Westinghouse Communications to change the name on Certificate No. 2481 from Westinghouse Electric Corp. d/b/a Westinghouse Communications to RSL COM U.S.A., Inc. d/b/a Westinghouse Communications is hereby approved. It is further


ORDERED that this Order will serve as RSL COM U.S.A., Inc. d/b/a Westinghouse Communications' amended certificate and that this Order should be retained as evidence of the name change. 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 28-106.201, 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.

ORDER NO. PSC-98-1501-FOF-TI
DOCKET NO. 981057-TI
PAGE 4

By ORDER of the Florida Public Service Commission, this 13th
day of November, 1998.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 December 4, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

ORDER NO. PSC-98-1501-FOF-TI
DOCKET NO. 981057-TI
PAGE 5

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.