

MEMORANDUM

NOVEMBER 12, 1998

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *vmf mcs*

RE: DOCKET NO. 981259-TI - REQUEST FOR CANCELLATION OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4064 HELD BY UNITED WATS, INC. D/B/A UWI, DUE TO MERGER WITH ECLIPSE TELECOMMUNICATIONS, INC., HOLDER OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 3178.

98-1502-FOF-T1

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER CANCELLING INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE DUE TO MERGER, to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anr
Attachment
cc: Division of Communications
I: 981259.kmp

See 1 and 2

faxed 11/1

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for cancellation
of Interexchange
Telecommunications Certificate
No. 4064 held by United Wats,
Inc. d/b/a UWI, due to merger
with Eclipse Telecommunications,
Inc., holder of Interexchange
Telecommunications Certificate
No. 3178.

DOCKET NO. 981259-TI
ORDER NO. PSC-98-1502-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 CANCELING INTEREXCHANGE TELECOMMUNICATIONS
CERTIFICATE DUE TO 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 letter dated December 17, 1997, Network Long Distance, Inc.
d/b/a LDN, Inc. (LDN), holder of Interexchange Telecommunications
(IXC) Certificate No. 3178, and United Wats, Inc. d/b/a UWI (UWI),
holder of IXC Certificate No. 4064, filed a joint request for
Commission approval of merger of LDN with UWI. The companies'
request was approved by Order No. PSC-98-0229-FOF-TI, issued on
February 5, 1998.

DOCUMENT NUMBER-DATE

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By letter dated July 29, 1998, LDN requested that Certificate No. 3178 be amended to reflect the new corporate name, Eclipse Telecommunications, Inc. (Eclipse). This request was approved by Order No. PSC-98-1181-FOF-TI, issued on September 1, 1998.

On October 5, 1998, we received a letter from Eclipse and UWI informing us of the completion of the merger and requesting that UWI's IXC Certificate No. 4064 be canceled due to the consolidation provision under Eclipse's Certificate No. 3178. UWI 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 UWI's IXC Certificate No. 4064.

UWI 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 UWI. Neither the cancellation of its certificate nor the failure to receive a Regulatory Assessment Fee Return notice for 1998 shall relieve UWI 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 United Wats, Inc. d/b/a UWI's Certificate No. 4064 to provide Interexchange Telecommunications services is hereby canceled. It is further

ORDERED that United Wats, Inc. d/b/a UWI 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 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

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ORDERED that in the event this Order becomes final, this Docket shall be closed.

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.

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

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.