



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

**-M-E-M-O-R-A-N-D-U-M-**

RECORDS AND REPORTING  
AUG 19 AM 11:52  
RECEIVED-PSC

**DATE:** AUGUST 19, 1999

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

**FROM:** DIVISION OF COMMUNICATIONS (WILLIAMS) *W*  
DIVISION OF LEGAL SERVICES (PENA) *UMP CB*

**RE:** DOCKET NO. 990144-TP - REQUEST FOR APPROVAL OF PRO FORMA REORGANIZATION AND ASSIGNMENT OF LICENSE WHEREBY TELCO HOLDINGS, INC. d/b/a DIAL & SAVE (HOLDER OF ALEC CERTIFICATE NO.4699 AND IXC CERTIFICATE NO. 3496) AND LONG DISTANCE WHOLESALE CLUB (HOLDER OF IXC CERTIFICATE 3696) WILL TRANSFER OPERATING AUTHORITY TO EXCEL OPERATIONS, INC.

**AGENDA:** 08/31/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\CMU\WP\990144.RCM

**CASE BACKGROUND**

On February 8, 1999, Telco Holdings, Inc. d/b/a Dial & Save filed an application for approval of a pro forma reorganization, assignment and name change of certificates to provide alternative local exchange service and interexchange telecommunications service in Florida. To date, the requested name change (Excel Operations, Inc.) has not been filed with the Secretary of State, Division of Corporations. Further, the company has not submitted the required tariff revision information to have a complete application on file with this Commission.

Therefore, staff is recommending that Telco Holdings, Inc. d/b/a Dial & Save's application for a pro forma reorganization, assignment and name change be denied.

DOCUMENT NUMBER-DATE

09900 AUG 19 99

PSC-RECORDS/REPORTING

STAFF DISCUSSION

ISSUE 1: Should TELCO HOLDINGS, INC. d/b/a DIAL & SAVE's request for approval of a pro forma reorganization and assignment of licenses whereby TELCO HOLDINGS, INC. d/b/a DIAL & SAVE (HOLDER OF ALEC CERTIFICATE NO.4699 AND IXC CERTIFICATE NO. 3496) and LONG DISTANCE WHOLESALE CLUB (HOLDER OF IXC CERTIFICATE 3696) will change their names and transfer operating authority to EXCEL OPERATIONS, INC. to provide alternative local exchange and interexchange telecommunication service within the State of Florida be approved?

RECOMMENDATION: No. (Williams)

STAFF ANALYSIS: Pursuant to Rule 25-24.480, Tariffs, Florida Administrative Code, TELCO HOLDINGS, INC. d/b/a DIAL & SAVE's application does not satisfy our requirements.

As explained in the Case Background of this recommendation, TELCO HOLDINGS, INC. d/b/a DIAL & SAVE has failed to register the proposed name or to forward to this Commission a revised tariff. Further, staff has requested in several phone conversations on March 9, April 15 and August 10, 1999, that this information must be provided. To date, nothing has been received.

Therefore, staff is recommending that this application be denied and that the docket be closed.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of a Consummating Order unless a person whose substantial interests are affected by the Commission's Proposed Agency Action files a written protest within 21 days of the issuance date of the Proposed Agency Action. (Pena)

STAFF ANALYSIS: Whether staff's recommendation on Issue 1 is approved or denied, the result will be a proposed agency action order. If no timely protest to the proposed agency action is filed within 21 days of the date of issuance of the Order, this docket should be closed upon the issuance of the Consummating Order.