

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint application of PaeTec Communications, Inc. (holder of IXC Certificate No. 5757 and ALEC Certificate No. 5756), Campuslink Communications Systems, Inc. d/b/a Parklink Communications, Inc. (holder of IXC Certificate No. 5750), and CAMPUSLINK Communications Systems, Inc. d/b/a PARKLINK Communications, Inc. (holder of ALEC Certificate No. 5749) for approval of intra-corporate merger whereby Campuslink will merge into PaeTec with PaeTec the surviving entity; and request for cancellation of Certificates Nos. 5749 and 5750.

DOCKET NO. 000047-TP  
ORDER NO. PSC-00-0442-PAA-TP  
ISSUED: March 2, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING INTRA-CORPORATE MERGER AND  
CANCELLING INTEREXCHANGE TELECOMMUNICATIONS AND ALTERNATIVE  
LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATES

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.

DOCUMENT NUMBER-DATE

02808 MAR-28

FPSC-RECORDS/REPORTING

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 January 14, 2000, Campuslink Communications Systems, Inc. d/b/a Parklink Communications, Inc. (Parklink Communications) and PaeTec Communications, Inc. (PaeTec) filed with this Commission a joint application for approval of Intra-corporate merger, whereby Parklink Communications will merge into PaeTec, with PaeTec being the surviving entity. Parklink Communications is the holder of Interexchange Telecommunications (IXC) Certificate No. 5750 and Alternative Local Exchange Telecommunications (ALEC) Certificate No. 5749. PaeTec is the holder of IXC Certificate No. 5757 and ALEC Certificate No. 5756. PaeTec has stated that it will continue to provide all of the services that Parklink Communications currently provides with no change in rates or terms and conditions of service. Parklink Communications and PaeTec have further requested the cancellation of Parklink Communications' Certificate No. 5750 and Certificate No. 5749.

In accordance with our authority under Section 364.33, Florida Statutes, to approve the acquisition or transfer of majority organizational control or controlling stock ownership of a telecommunications company providing service in Florida, we have reviewed the Petition of Parklink Communications and PaeTec, and find it appropriate to approve it. We have based our review and decision upon an analysis of the public's interest in efficient, reliable telecommunications service. Our decision does not address the potential impact of the transfer on the competitive market in Florida, or on the companies' or their competitors' interests. We emphasize, however, that our approval of the Petition pursuant to our authority under Section 364.33, Florida Statutes, does not preclude us from addressing any of our concerns that may arise regarding this transaction to the appropriate federal or state agencies.

Parklink Communications has complied with the provision of Rule 25-24.474(2), Florida Administrative Code, and Rule 25-24.820(2), Florida Administrative Code, by providing adequate notice in writing of its request for cancellation of its IXC certificate and ALEC certificate, and by submitting its Regulatory

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Assessment Fees (RAFs) for 1999. Accordingly, we find it appropriate to cancel IXC Certificate No. 5750 and ALEC Certificate No. 5749, effective the date of issuance of the Consummating Order.

Parklink Communications shall return its certificates to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAF of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice for 2000 will be mailed to Parklink Communications. Neither the cancellation of its certificate nor the failure to receive a RAFs Return notice for 2000 shall relieve Parklink Communications from its obligation to pay RAFs for 2000.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that Campuslink Communications Systems, Inc. d/b/a Parklink Communications, Inc. and PaeTec Communications, Inc.'s request for approval of intra-corporate merger, whereby Campuslink Communications Systems, Inc. d/b/a Parklink Communications, Inc. will merge into PaeTec Communications, Inc., is hereby approved. It is further

ORDERED that Campuslink Communications Systems, Inc. d/b/a Parklink Communications, Inc.'s Certificate No. 5750 to provide Alternative Local Exchange Telecommunications services and Certificate No. 5749 to provide Interexchange Telecommunications services are hereby cancelled. It is further

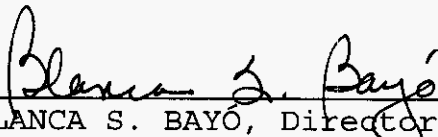
ORDERED that Campuslink Communications Systems, Inc. d/b/a Parklink Communications, Inc. shall return its certificates to this Commission and remit Regulatory Assessment Fees for the year 2000. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order 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 2nd day of March, 2000.

  
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BLANCA S. BAYO, 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 that is available under Section 120.57, 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 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 March 23, 2000.

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In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.