

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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AUG 16 PM 4:03
RECORDS AND REPORTING

DATE:

AUGUST 17, 2000

TO:

DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

FROM:

DIVISION OF REGULATORY OVERSIGHT (T.WILLIAMS)
DIVISION OF LEGAL SERVICES (BANKS)

Handwritten initials and signatures: T.WILLIAMS, BANKS, and others.

RE:

DOCKET NO. 000579-TX; REQUEST FOR APPROVAL OF CAPITAL STOCK PURCHASE OF MAX-TEL COMMUNICATIONS, INC. d/b/a FLORIDA'S MAX TEL-TEL COMMUNICATIONS, INC. (HOLDER OF ALEC CERTIFICATE NO. 5292) BY EQUALNET COMMUNICATIONS CORP.

AGENDA:

08/29/00 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE.

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\RGO\WP\000579.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request for approval of purchase of capital stock of Max-Tel Communications, Inc. on May 4, 2000.

The Commission approved the purchase of the capitol stock in Order No. PSC-00-1248-PAA-TX, issued July 10, 2000 (Attachment A).

However, on July 13, 2000, staff was notified by fax from Mark Maxey, President, Max-Tel Communications, Inc. that the sale of capital stock did not transpire. Further, on August 1, 2000, staff was again notified by fax from Mr. Mark Maxey, requesting that the proposed agency action be vacated (Attachment B). Therefore, staff is requesting that Order No. PSC-00-1248-PAA-TI, issued July 10, 2000, be vacated.

DOCUMENT NUMBER-DATE

09981 AUG 16 8

FPSC-RECORDS/REPORTING

DOCKET NO. 000579-1X
DATE: August 29, 2000

DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-00-1248-PAA-TX, issued July 10, 2000, in Docket No. 000579-TX be vacated?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Since the transfer of control did not take place, staff is recommending that Order No. PSC-00-1248-PAA-TX, issued July 10, 2000, be vacated.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of the Commission's vacating order.

STAFF ANALYSIS: This docket should be closed when the Commission's order is issued vacating its approval of the merger.