



# 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-

RECEIVED-FPSC  
OCT-5 AM 11:55  
RECORDS AND REPORTING

**DATE:** OCTOBER 5, 2000

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

**FROM:** DIVISION OF REGULATORY OVERSIGHT (TWILLIAMS) *TW*  
DIVISION OF LEGAL SERVICES (BANKS) *PK for*

*AMF*

**RE:** DOCKET NO. 000462-TP - APPLICATION FOR TRANSFER OF CONTROL OF FLORIDA DIGITAL NETWORK, INC. (HOLDER OF ALEC CERTIFICATE NO. 5715 AND IXC CERTIFICATE NO. 7048) TO ELANTIC COMMUNICATIONS, INC., WHEREBY FLORIDA DIGITAL WILL BECOME A DIRECT, WHOLLY OWNED SUBSIDIARY OF ELANTIC.

**AGENDA:** 10/17/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\RGO\WP\000462.RCM

### CASE BACKGROUND

The above docket was initiated pursuant to a request for approval of transfer of control filed jointly by Florida Digital Network, Inc. and Elantic Communications, Inc. on April 17, 2000.

The Commission approved the transfer of control in Order No. PSC-00-1246-PAA-TP, issued July 10, 2000 and consummated by Order No. PSC-00-1428-CO-TP, issued August 3, 2000 (Attachment A).

On August 31, 2000, staff was notified by Mr. Matthew Feil, General Counsel for Florida Digital Network, Inc., that the transfer of control did not take place (Attachment B). Therefore, staff is requesting that Order No. PSC-00-1246-PAA-TP, issued July 10, 2000 and consummated by Order No. PSC-00-1428-CO-TP, issued August 3, 2000, be vacated.

DOCUMENT NUMBER-DATE

12685 OCT-58

FPSC-RECORDS/REPORTING

DOCKET NO. 000462-TP  
DATE: October 05, 2000

DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-00-1246-PAA-TP, issued July 10, 2000 and consummated by Order No. PSC-00-1428-CO-TP, issued August 3, 2000, be vacated?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Since the transfer of control did not take place, staff is recommending that Order No. PSC-00-1246-PAA-TP, issued July 10, 2000 and consummated by Order No. PSC-00-1428-CO-TP, issued August 3, 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.