

State of Florida



Public Service Commission

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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) *Tom Williams*
DIVISION OF LEGAL SERVICES (PENA, KEATING) *VPK BIC*

RE: DOCKET NO. 000328-TP - REQUEST FOR APPROVAL OF TRANSFER OF ULTIMATE CONTROL OF CONCERT COMMUNICATIONS SALES LLC ("CCS") (HOLDER OF ALEC CERTIFICATE NO. 7253 AND PENDING IXC CERTIFICATE NO. 7372) FROM BRITISH TELECOMMUNICATIONS PLC ("BT") TO A GLOBAL JOINT VENTURE CALLED "CONCERT" IN WHICH BT AND AT&T CORP. EACH MAINTAIN A 50% CONTROLLING INTEREST; AND FOR APPROVAL OF FORTHCOMING CORPORATE REORGANIZATION WHEREBY AUTHORITY CURRENTLY HELD BY CCS WILL BE TRANSFERRED TO CONCERT USA, AN AFFILIATE OF CCS, AND CCS WILL BE MERGED INTO CONCERT USA.

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

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\RGO\WP\000328.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request for approval of transfer of control filed jointly by Concert Communications Sales LLC and Concert USA on March 17, 2000.

The Commission approved the transfer of control in Order No. PSC-00-1028-PAA-TP, issued May 24, 2000 and consummated by Order No. PSC-00-1113-CO-TP, issued June 16, 2000 (Attachment A).

On July 14, 2000, staff was notified by Winafred Brantl, Kelly Drye & Warren LLP, Legal Counsel for Concert Communications Sales LLC and Concert USA, that the transfer of control did not take

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place (Attachment B). Therefore, staff is requesting that Order No. PSC-00-1028-PAA-TP, issued May 24, 2000 and consummated by Order No. PSC-00-1113-CO-TP, issued June 16, 2000, be vacated.

DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-00-1028-PAA-TP, issued May 24, 2000 and consummated by Order No. PSC-00-1113-CO-TP, issued June 16, 2000, be vacated?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Since the transfer of control did not take place, staff is recommending that Order No. PSC-00-1028-PAA-TP, issued May 24, 2000 and consummated by Order No. PSC-00-1113-CO-TP, issued June 16, 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 transfer of control.