

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for acknowledgment and approval of consolidation of BLT Technologies, Inc. (holder of IXC Certificate No. 3577), MCI WorldCom Communications, Inc. (holder of IXC Certificate No. 1528), and Touch 1 Long Distance, Inc. (holder of IXC Certificate No. 2363), all operating subsidiaries of WorldCom, Inc., with MCI WorldCom Communications, Inc. being the surviving entity; for cancellation of Certificates Nos. 3577 and 2363; and for waiver of Rule 25-4.118, F.A.C., which precludes a change in a customer's presubscribed toll service provider without the customer's prior authorization.

DOCKET NO. 001541-TI
ORDER NO. PSC-00-2262-PAA-TI
ISSUED: November 28, 2000

The following Commissioners participated in the disposition of this matter:

J. TERRY DEASON, Chairman
E. LEON JACOBS, JR.
LILA A. JABER
BRAULIO L. BAEZ

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING CONSOLIDATION, CANCELLATION OF
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATES, AND
WAIVER OF RULE 25-4.118 FLORIDA ADMINISTRATIVE CODE

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

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substantially affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

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 October 6, 2000, BLT Technologies, Inc. (BLT Technologies), MCI WorldCom Communications, Inc. (MCI WorldCom Communications), Touch 1 Long Distance, Inc. (Touch 1 Long Distance) and WorldCom, Inc. (WorldCom) filed with this Commission an application for approval of consolidation of BLT Technologies, MCI WorldCom Communications, Touch 1 Long Distance, all operating subsidiaries of WorldCom, with MCI WorldCom Communications being the surviving entity. BLT Technologies is the holder of Interexchange Telecommunications (IXC) Certificate No. 3577. MCI WorldCom Communications is the holder of IXC Certificate No. 1528. Touch 1 Long Distance is the holder of IXC Certificate No. 2363. The companies have further requested the cancellation of IXC Certificate No. 3577 and IXC Certificate No. 2363, and for waiver of Rule 25-4.118, Florida Administrative Code, which precludes a change in a customer's presubscribed toll service provider without the customer's prior authorization.

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 BLT Technologies, MCI WorldCom Communications, Touch 1 Long Distance, and WorldCom for consolidation 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 consolidation 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.

BLT Technologies and Touch 1 Long Distance have complied with the provision of Rule 25-24.474(2), Florida Administrative Code, by providing adequate notice in writing of their request for cancellation of their IXC certificates and by submitting their Regulatory Assessment Fees (RAFs) for the year 1999. Accordingly, we find it appropriate to cancel IXC Certificate No. 3577 and IXC Certificate No. 2363. BLT Technologies and Touch 1 Long Distance shall return to this Commission the Orders granting authority to provide IXC services.

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual RAFs of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice for the year 2000 will be mailed to both BLT Technologies and Touch 1 Long Distance. Neither the cancellation of their certificates nor the failure to receive a RAFs Return notice for the year 2000 shall relieve BLT Technologies and Touch 1 Long Distance from their obligation to pay RAFs for the year 2000.

Pursuant to Rule 25-24.455(4), Florida Administrative Code, this Commission may grant a waiver of Rule 25-4.118, Florida Administrative Code, to the extent that we determine that it is consistent with the public interest to do so. The companies have provided for a seamless transition while ensuring that the affected customers understand available choices with the least amount of disruption to the customers. The customers will receive ample notification of the transfer and have the opportunity to participate. If prior authorization is required in this event, customers may fail to respond to a request for authorization, neglect to select another carrier, and lose their long distance service. Granting this waiver will avoid unnecessary slamming complaints during this transition. Accordingly, we find that it is in the public interest to waive

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the interexchange carrier selection requirements in Rule 25-4.118, Florida Administrative Code.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that BLT Technologies, Inc., MCI WorldCom Communications, Inc., Touch 1 Long Distance, Inc., and WorldCom, Inc.'s request for approval of consolidation of BLT Technologies, Inc., MCI WorldCom Communications, Inc., and Touch 1 Long Distance, Inc., with MCI WorldCom Communications, Inc. being the surviving entity, is hereby approved. It is further

ORDERED that BLT Technologies, Inc.'s Certificate No. 3577 and Touch 1 Long Distance, Inc.'s Certificate No. 2363 to provide Interexchange Telecommunications services are hereby canceled. It is further

ORDERED that BLT Technologies, Inc. and Touch 1 Long Distance, Inc. shall return to this Commission the Order(s) granting authority to provide Interexchange Telecommunications services and remit Regulatory Assessment Fees for the year 2000. It is further

ORDERED that MCI WorldCom Communications, Inc. shall be relieved in this instance of the interexchange carrier selection requirements of Rule 25-4.118, Florida Administrative Code. 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 28th day of November, 2000.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

KMP/WDK

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,

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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 December 19, 2000.

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.