

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Focal Communications Corporation of Florida (holder of ALEC Certificate No. 5618 and IXC Certificate No. 5619) for approval of an internal pro forma corporate reorganization, whereby Focal Communications' sister company, Focal Financial Services, Inc. will be interposed between Focal Communications and Focal Communications' direct parent company, Focal Communications Corporation.

DOCKET NO. 001441-TP
ORDER NO. PSC-00-2284-PAA-TP
ISSUED: November 30, 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 INTERNAL PRO FORMA CORPORATE ORGANIZATION

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.

Section 364.33, Florida Statutes, provides that a person may not acquire ownership or control of any telecommunications

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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 September 20, 2000, Focal Communications Corporation of Florida (Focal Communications of Florida), Focal Financial Services, Inc. (Focal Financial), and Focal Communications Corporation (Focal Communications Corporation) filed with this Commission an application for approval of Internal pro forma corporate organization whereby Focal Communications of Florida's sister company, Focal Financial, will be interposed between Focal Communications of Florida and its direct parent company, Focal Communications Corporation. Focal Communications of Florida is the holder of Alternative Local Exchange Telecommunications Certificate No. 5618 and Interexchange Telecommunications Certificate No. 5619. Focal Communications of Florida has stated that the transaction will be virtually transparent to its customers in Florida and it will not affect the services being provided. Focal Communications of Florida has further stated that it will continue to operate under its existing certificated name and tariff on file with this Commission.

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 Focal Communications of Florida, Focal Financial, and Focal Communications Corporation, and find it reasonable 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.

Based on the foregoing, it is,

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ORDERED by the Florida Public Service Commission that Focal Communications Corporation of Florida, Focal Financial Services, Inc., and Focal Communications Corporation's request for approval of internal pro forma corporate organization is hereby approved. 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

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission this 30th day of November, 2000.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

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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 December 21, 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.