

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

DOCKET NO. 000462-TP  
ORDER NO. PSC-01-0077-FOF-TP  
ISSUED: January 9, 2001

The following Commissioners participated in the disposition of this matter:

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

ORDER VACATING ORDER NO. PSC-00-1246-PAA-TP  
AND CONSUMMATING ORDER NO. PSC-001428-CO-TP

BY THE COMMISSION:

By letter dated April 17, 2000, Florida Digital Network, Inc. (Florida Digital) and Elantic Communications, Inc. (Elantic) filed with this Commission an application for approval of transfer of control from Florida Digital to Elantic, whereby Florida Digital will become a direct, wholly owned subsidiary of Elantic. By Order No. PSC-00-1246-PAA-TP, issued on July 10, 2000, as consummated by Order No. PSC-00-1428-CO-TP, issued on August 3, 2000, we approved the transfer of control.

On August 31, 2000, the companies informed the Commission that the transfer of control did not take place. Since the transfer of control did not take place, we find it appropriate to vacate Order No. PSC-00-1246-PAA-TP and Consummating Order No. PSC-00-1428-CO-TP.

DOCUMENT NUMBER-DATE

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Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-00-1246-PAA-TP and Consummating Order No. PSC-00-1428-CO-TP are hereby vacated. It is further

ORDERED that this docket is closed.

By ORDER of the Florida Public Service Commission this 9th day of January, 2001.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

FRB

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 or judicial review of Commission orders that is available under Sections 120.57 or 120.68, 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 or judicial review will be granted or result in the relief sought.

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Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of Records and reporting and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.