



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

REC'D - RECORDS AND REPORTING
MAY - 3 AM 11:43
REC'D - RECORDS

DATE: MAY 3, 2001

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF REGULATORY OVERSIGHT (WILLIAMS) *JFA*
DIVISION OF LEGAL SERVICES (PEÑA/KEATING) *WMP BK BPTM*

RE: DOCKET NO. 010203-TP - REQUEST FOR APPROVAL OF INHOUSE CORPORATION REORGANIZATION WHEREBY ALEC CERTIFICATE NO. 7611 AND AAV CERTIFICATE NO. 7612 WILL BE TRANSFERRED AND NAME CHANGED FROM ENRON BROADBAND SERVICES, INC. TO ENRON TELECOMMUNICATIONS, INC.

AGENDA: 05/15/01 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE - CLARIFICATION

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\RGO\WP\010203.RCM

CASE BACKGROUND

By letter dated February 8, 2001, Enron Corporation, Enron Broadband Services, Inc. (Enron Broadband) and Enron Telecommunications, Inc. (Enron Telecommunications) filed with this Commission an application for approval of in-house corporate reorganization whereby Alternative Local Exchange Telecommunications Certificate No. 7611 and Alternative Access Vendor Certificate No. 7612 would be transferred and the name thereon changed from Enron Broadband to Enron Telecommunications, both subsidiaries of Enron Corporation.

By Order No. PSC-01-0680-PAA-TP, issued on March 20, 2001, the Commission approved the transaction. No protest to the proposed agency action was filed, and, therefore, Consummating Order No.

DOCUMENT NUMBER-DATE

05619 MAY-30

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On April 16, 2001, the companies requested a clarification to the Orders to correctly identify that Enron Telecommunications is a subsidiary of Enron Broadband, and Enron Broadband is a subsidiary of Enron Corporation.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission clarify Order No. PSC-01-0680-PAA-TP, as consummated by Order No. PSC-01-0937-CO-TP, to indicate the accurate corporate structure?

RECOMMENDATION: Yes. The Commission should clarify Order No. PSC-01-0680-PAA-TP, as consummated by Order No. PSC-01-0937-CO-TP, to indicate the accurate corporate structure.

STAFF ANALYSIS: On February 21, 2001, prior to the Commission's approval of the transaction, the companies filed an amended application to clarify that Enron Telecommunications, Inc. is a subsidiary of Enron Broadband Services. However, the intent of the companies was not clearly interpreted by staff, such that staff's recommendation reflected that Enron Telecommunications and Enron Broadband Services were both subsidiaries of Enron Corporation.

Staff emphasizes that this recommended clarification does not change the underlying approval of the in-house corporate reorganization, pursuant to Section 364.33, Florida Statutes, as set forth in Order No. PSC-01-0680-PAA-TP. This clarification will merely describe the full extent of the transaction more clearly.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes. If the Commission approves staff's recommendation in Issue 1, no further action will remain for the Commission to take. Therefore, this Docket should be closed.
(K. Peña, Keating)

STAFF ANALYSIS: If the Commission approves staff's recommendation in Issue 1, no further action will remain for the Commission to take. Therefore, this Docket should be closed.
(K. Peña, Keating)