

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request by Advantage Group Communications, L.L.C. for approval of corporate reorganization whereby Daytona Telephone Company (holder of ALEC Certificate No. 5736) will merge with Advantage Group of Florida Communications, L.L.C., (both subsidiaries of Advantage Group Communications), with Advantage Group of Florida Communications, L.L.C. as surviving entity, and approval of transfer and name change on ALEC Certificate No. 5736 from Daytona Telephone Company to Advantage Group of Florida Communications, L.L.C.

DOCKET NO. 010266-TX
ORDER NO. PSC-01-1223-PAA-TX
ISSUED: May 31, 2001

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING MERGER AND TRANSFER OF AND NAME CHANGE ON
ALTERNATIVE LOCAL EXCHANGE CERTIFICATE NO. 5736

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.

DOCUMENT NUMBER-DATE

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FPC-RECORDS/REPORTING

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 February 23, 2001, Daytona Telephone Company (Daytona) and Advantage Group of Florida Communications, L.L.C. (Advantage Florida) filed with this Commission an application for approval of merger of Daytona and Advantage Florida ("Companies"), whereby Daytona will merge into Advantage Florida with Advantage Florida as the surviving entity. The companies further requested the transfer of and name change on Daytona's Alternative Local Exchange Telecommunications (ALEC) Certificate No. 5736. The companies have stated that the transaction will be virtually transparent to the customers in Florida and it will not affect the services being provided.

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 Daytona and Advantage Florida, 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. Further, ALEC Certificate No. 5736 shall be amended to reflect that Advantage Florida is the holder of this certificate.

Daytona and Advantage Florida have complied with Rule 25-24.815, Florida Administrative Code, regarding the transfer of ALEC certificates. We find the transfer to be in the public interest and, therefore, approve the transfer. ALEC Certificate No. 5736 shall be amended to reflect that Advantage Florida is the holder of this certificate.

If this Order becomes final and effective, it shall serve as Advantage Florida's certificate. Advantage Florida should, therefore, retain this Order as proof of certification and as evidence of the name change.

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ALEC providers are subject to Chapter 25-24, Florida Administrative Code, Part XV, Rules Governing Telecommunications Service Provided by Alternative Local Exchange Companies. ALEC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapters 25-4, Florida Administrative Code.

Pursuant to Section 364.337(2), Florida Statutes, basic telecommunications service provided by an ALEC "... must include access to operator services, "911" services, and relay services for the hearing impaired." Further, Section 364.337(2), requires that an ALEC's "911" service "... shall be provided at a level equivalent to that provided by the local exchange telecommunications company serving the same area."

In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual Regulatory Assessment Fee (RAFs) of \$50 if the certificate was active during any portion of the calendar year. A RAFs Return notice will be mailed to both Daytona and Advantage Florida. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve Daytona and Advantage Florida from their obligation to pay RAFs. The Commission is vested with jurisdiction in this matter pursuant to Sections 364.335, 364.345, and 364.33, Florida Statutes.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that Daytona Telephone Company and Advantage Group of Florida Communications, L.L.C.'s request for approval of the merger of Daytona Telephone Company with Advantage Group of Florida Communications, L.L.C., is hereby approved. It is further

ORDERED that Alternative Local Exchange Telecommunications Certificate No. 5736 shall be amended to reflect that Advantage Group of Florida Communications, L.L.C. , is the holder of this certificate. It is further

ORDERED that Advantage Group of Florida Communications, L.L.C.'s Alternative Local Exchange Telecommunications Certificate

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No. 5736 is subject to the terms and conditions set forth in the body of this Order. It is further

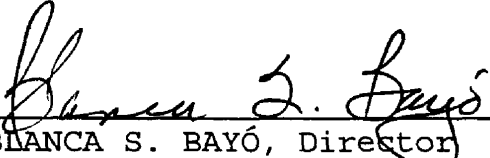
ORDERED that this Order shall serve as Advantage Group of Florida Communications, L.L.C.'s certificate and should be retained by Advantage Group of Florida Communications, L.L.C. as proof of certification and as evidence of the name change. It is further

ORDERED that Daytona Telephone Company shall remit Regulatory Assessment Fees for the year 2001. 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 31st Day of May, 2001.



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 June 21, 2001.

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.