

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of consummation of transaction arising out of Chapter 11 status whereby all Florida operations and assets of Teligent Services, Inc., holder of ALEC Certificate No. 4804, IXC Certificate No. 4850, and AAV Certificate No. 4707, will be assigned from Teligent, Inc. to TAC License Corp., a wholly owned subsidiary of Teligent Acquisition Corp.; and request for assignment and name change on ALEC Certificate No. 4804, IXC Certificate No. 4850, and AAV Certificate 4707 from Teligent to TAC.

DOCKET NO. 011286-TP
ORDER NO. PSC-01-2154-PAA-TP
ISSUED: November 5, 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 ASSIGNMENT OF FLORIDA OPERATIONS AND ASSETS,
ASSIGNMENT OF AND NAME CHANGE ON
ALTERNATIVE LOCAL EXCHANGE TELECOMMUNICATIONS CERTIFICATE,
INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE AND ALTERNATIVE
ACCESS VENDOR CERTIFICATE

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

13937 NOV-5

FPSC-COMMISSION CLERK

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 September 5, 2001, Teligent Services, Inc. (Old TSI) and TAC License Corp. (New TSI) filed with this Commission an application for approval of assignment of Florida operations and assets from Old TSI to New TSI. Old TSI and New TSI also filed with this Commission a joint request for assignment of and name change on Alternative Local Exchange Telecommunications (ALEC) Certificate No. 4804, Interexchange Telecommunications (IXC) Certificate No. 4850, and Alternative Access Vendor (AAV) Certificate No. 4707 from Old TSI to New TSI. Old TSI has explained that the transaction arises out of the Chapter 11 filing of Teligent, Inc. and its subsidiaries, including Old TSI. Although Old TSI has discontinued the provision of local exchange and data services in Florida, this transaction will enable Teligent, Inc. to maintain its operating authority in Florida through New TSI and its holding company Teligent Acquisition Corp. Old TSI has stated that the transaction will be virtually transparent to its customers in Florida and that New TSI will operate under the terms of Old TSI's tariff's on file with the Commission. New TSI also intends to adopt the name of Teligent Services, Inc. following the close of the transaction.

Old TSI and New TSI have complied with Rule 25-24.815, Florida Administrative Code, regarding the assignment of ALEC certificates. We find the assignment to be in the public interest and, therefore, approve the assignment. ALEC Certificate No. 4804, IXC Certificate No. 4850, and AAV Certificate No. 4707 shall be amended to reflect that New TSI is the holder of this certificate.

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 Chapter 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."

IXC providers are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXC providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

AAV Providers are subject to Chapter 25-24, Florida Administrative Code, Part XIV, Rules Governing Alternative Access Vendor services, as well as the terms and conditions of Order No. 24877, issued August 2, 1991. AAV providers are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code.

If this Order becomes final and effective, it shall serve as New TSI's certificates. New TSI should, therefore, retain this Order as proof of certification and as evidence of the name change. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.345, Florida Statutes.

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. RAFs Return notices will be mailed to both New TSI and Old TSI. Neither the cancellation of the certificate nor the failure to receive a RAFs Return notice shall relieve New TSI and Old TSI from their obligation to pay RAFs.

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

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telecommunications company providing service in Florida, we have reviewed the petition of Old TSI and New TSI and decided to approve it. We have based our review and decision upon an analysis of the public's interest in efficient, reliable telecommunications service. We are vested with jurisdiction over this matter pursuant to Sections 364.335 and 364.33, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request for assignment of and name change on Alternative Local Exchange Telecommunications Certificate No. 4804, Interexchange Telecommunications Certificate No. 4850, and Alternative Access Vendor Certificate No. 4707 from Teligent Services, Inc. to TAC License Corp. is hereby approved. It is further

ORDERED that Alternative Local Exchange Telecommunications Certificate No. 4804, Interexchange Telecommunications Certificate No. 4850, and Alternative Access Vendor Certificate No. 4707 shall be amended to reflect that TAC License Corp. is the holder of this certificate. It is further

ORDERED that TAC License Corp.'s Alternative Local Exchange Telecommunications Certificate No. 4804, Interexchange Telecommunications Certificate No. 4850, and Alternative Access Vendor Certificate No. 4707 are subject to the terms and conditions set forth in the body of this Order. It is further

ORDERED that this Order shall serve as TAC License Corp.'s certificates and should be retained by TAC License Corp. as proof of certification and as evidence of the name change. It is further

ORDERED that Teligent Services, Inc. shall remit Regulatory Assessment Fees for the year 2001. It is further

ORDERED that Teligent Services, Inc. and TAC License Corp.'s request for approval of assignment of Florida operations and assets from Teligent Services, Inc. to TAC License Corp. is hereby approved. It is further

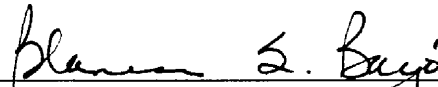
ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" 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 5th Day of November, 2001.



BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(S E A L)

JAE

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.

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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 the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on November 26, 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.