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## Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

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**DATE:** September 17, 2008

**TO:** Office of Commission Clerk (Cole)

**FROM:** Division of Regulatory Compliance (M. Watts) *MW*  
Office of the General Counsel (McKay) *AT Vsm* *MM*

**RE:** Docket No. 080137-TI – Joint request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., in transfer of long distance customers from STARTEC Global Operating Company (TK051) to Americatel Corporation d/b/a 1010 123 Americatel d/b/a 10-15-688 AMETEX d/b/a 1 800 3030 123 Americatel Collect (TJ049); and request for cancellation of IXC Registration No. TK051, effective on consummation of transaction, on or about March 31, 2008.

**AGENDA:** 09/29/08 – Regular Agenda – Interested Persons May Participate

**COMMISSIONERS ASSIGNED:** All Commissioners

**PREHEARING OFFICER:** Administrative

**CRITICAL DATES:** None

**SPECIAL INSTRUCTIONS:** None

**FILE NAME AND LOCATION:** S:\PSC\RCP\WP\080137vo.RCM.DOC

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### Case Background

On March 6, 2008, Americatel Corporation d/b/a 1010 123 Americatel d/b/a 10-15-688 AMETEX d/b/a 1 800 3030 123 Americatel Collect (Americatel) and STARTEC Global Operating Company (STARTEC) (collectively, the parties), submitted a joint request for a waiver of the carrier selection requirements of Rule 25-4.118, Florida Administrative Code, due to a pending corporate merger. The Florida Public Service Commission (the Commission) approved the parties' request at the April 8, 2008 Agenda Conference. STARTEC also requested

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that its intrastate interexchange company (IXC) registration be canceled upon notification of the completion of the merger.

On August 8, 2008, the parties notified the Commission that they were unable to consummate the merger. STARTEC, therefore, requested that its IXC registration and tariff remain in effect until further notification from the company.

The Commission is vested with jurisdiction in this matter pursuant to Sections 364.02 and 364.603, Florida Statutes. Accordingly, staff believes the following recommendations are appropriate.

**Discussion of Issues**

**Issue 1:** Should the Commission vacate Proposed Agency Action Order No. PSC-08-0275-PAA-TI and Consummating Order No. PSC-08-0349-CO-TI in regard to the joint request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., in transfer of long distance customers from STARTEC Global Operating Company to Americatel Corporation d/b/a 1010 123 Americatel d/b/a 10-15-688 AMETEX d/b/a 1 800 3030 123 Americatel Collect?

**Recommendation:** Yes, the Commission should vacate PAA Order No. PSC-08-0275-PAA-TI, issued on April 30, 2008, and Consummating Order No PSC-08-0349-CO-TI, issued on May 28, 2008. (M. Watts/McKay)

**Staff Analysis:** As noted in the case background, the parties were unable to consummate their planned merger. Their August 8, 2008 letter cited difficulties in the current credit market as the cause. As a result, the customers were not transferred. Therefore, staff believes that the Commission should vacate Proposed Agency Action Order No. PSC-08-0275-PAA-TI and Consummating Order No. PSC-08-0349-CO-TI in regard to the joint request for waiver of carrier selection requirements of Rule 25-4.118, F.A.C., in transfer of long distance customers from STARTEC Global Operating Company to Americatel Corporation d/b/a 1010 123 Americatel d/b/a 10-15-688 AMETEX d/b/a 1 800 3030 123 Americatel Collect.

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**Issue 2:** Should this docket be closed?

**Recommendation:** Yes, this docket should be closed upon the issuance of the Commission's Order vacating Proposed Agency Action Order No. PSC-08-0275-PAA-TI and Consummating Order No. PSC-08-0349-CO-TI. **(McKay)**

**Staff Analysis:** If the Commission approves staff's recommendation in Issue 1, this docket should be closed as there are no other issues that need to be addressed by the Commission.