

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of  
transfer of assets and  
Interexchange Telecommunications  
Certificate No. 3584 from  
Cellular World, Inc. to ECS  
Enhanced Cellular Systems  
Network USA, Inc.

DOCKET NO. 970997-TI  
ORDER NO. PSC-97-1595-FOF-TI  
ISSUED: December 22, 1997

The following Commissioners participated in the disposition of  
this matter:

JULIA L. JOHNSON, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
DIANE K. KIESLING  
JOE GARCIA

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING TRANSFER OF ASSETS AND TRANSFER  
OF INTEREXCHANGE TELECOMMUNICATIONS 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.

Pursuant to Section 364.33, Florida Statutes, 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 July 23, 1997, ECS Enhanced Cellular Systems  
Network USA, Inc. (ECS) and Cellular World, Inc. (Cellular World)  
jointly requested approval of transfer of assets and Interexchange  
Telecommunications (IXC) Certificate Number 3584 from Cellular  
World to ECS.

DOCUMENT NUMBER-DATE

13043 DEC 22 97

FPSC-RECORDS/REPORTING

ORDER NO. PSC-97-1595-FOF-TI  
DOCKET NO. 970997-TI  
PAGE 2

We determine that the transfer of assets from Cellular World to ECS is in the public interest, and accordingly, we hereby approve the transfer of assets.

Cellular World and ECS have complied with Rule 25-24.473, Florida Administrative Code, regarding the transfer of interexchange telecommunications certificates. Interexchange Telecommunications Certificate Number 3584 shall be amended to reflect that ECS is the holder of this certificate.

IXCs are subject to Chapter 25-24, Florida Administrative Code, Part X, Rules Governing Telephone Service Provided by Interexchange Telephone Companies. IXCs are also required to comply with all applicable provisions of Chapter 364, Florida Statutes, and Chapter 25-4, Florida Administrative Code. Further, in accordance with Order No. 16804, issued November 4, 1986, IXCs may not construct facilities to bypass a local exchange company without the prior approval of this Commission.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of assets from Cellular World, Inc. to ECS Enhanced Cellular Systems Network USA, Inc. is hereby approved. It is further

ORDERED that the transfer of Interexchange Telecommunications Certificate Number 3584 from Cellular World, Inc. to ECS Enhanced Cellular Systems Network USA, Inc. is hereby approved. It is further

ORDERED that Interexchange Telecommunications Certificate Number 3584 shall be amended to reflect that ECS Enhanced Cellular Systems Network USA, Inc. is the holder of this certificate. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 25-22.036, 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

ORDER NO. PSC-97-1595-FOF-TI  
DOCKET NO. 970997-TI  
PAGE 3

ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 22nd day of December, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

By: Kay Flynn  
Kay Flynn, Chief  
Bureau of Records

( S E A L )

KMP

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.

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 and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This

ORDER NO. PSC-97-1595-FOF-TI  
DOCKET NO. 970997-TI  
PAGE 4

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 January 12, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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.

If this order becomes final and effective on the date described above, any party substantially affected may request judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or by the First District Court of Appeal in the case of a water 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 of the effective date 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.