

FLORIDA PUBLIC SERVICE COMMISSION
Capital Circle Office Center • 2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

MEMORANDUM

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APRIL 30, 1998

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TO: DIRECTOR, DIVISION OF RECORDS AND REPORTS ^{11:20} Reporting

FROM: DIVISION OF COMMUNICATIONS (WILLIAM) ^{WMP}
DIVISION OF LEGAL SERVICES (PEG) ^{MCS}

RE: DOCKET NO. 971506-TI - REQUEST FOR APPROVAL OF TRANSFER
OF CONTROL OF US WATS, INC. d/b/a US WATS ENTERPRISES,
INC. (holder of IEC Certificate No. 2993) TO ACC CORP.,
PARENT COMPANY OF ACC NATIONAL LONG DISTANCE CORP. d/b/a
ACC LONG DISTANCE (holder of IEC Certificate No. 4007).

AGENDA: 05/12/98 REGULAR AGENDA - PROPOSED AGENCY ACTION -
INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: I:PSC/CMU/WP/971506.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request for approval of transfer of control filed jointly by ACC Corp. and US Wats, Inc. on November 17, 1997.

The Commission approved the transfer of control in Order No. PSC-98-0280-FOF-TI, issued February 13, 1998 (Attachment A).

On March 23, 1998, staff was notified by Swidler & Berlin, Regulatory Counsel for ACC Corp. and US Wats, Inc., that the merger did not take place (Attachment B). Therefore, staff is requesting that Order No. PSC-98-0280-FOF-TI, issued February 13, 1998, be vacated.

DOCUMENT NUMBER-DATE

~~971506-TI~~ APR 30 8

FPSC-RECORDS/REPORTING

DOCKET NO. 971026-TP
DATE: December 23, 1997

DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-98-0280-POF-TI, issued February 13, 1998, in Docket No. 971506-TI be vacated?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Since the transfer of control did not take place, staff is recommending that Order No. PSC-98-0280-POF-TI, issued February 13, 1998, be vacated.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of the Commission's vacating order.

STAFF ANALYSIS: This docket should be closed when the Commission's order is issued vacating its approval of the merger.

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control of US WATS to ACC. This transaction will be virtually transparent to the customers of ACC National and US WATS. Further, ACC National and US WATS will continue to provide services under their existing certificates and tariff filed with this Commission.

We determine that ACC and US WATS have met the requirements of Section 364.33, Florida Statutes. Accordingly, we find that the transfer is in the public interest, and we approve it pursuant to Section 364.33, Florida Statutes.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that the transfer of control of US WATS, Inc. d/b/a US WATS Enterprises, Inc. to ACC Corp. is hereby approved. 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 32399-0050, 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 12th day of February, 1998.



SARAH S. MAYO, Director
Division of Records and Reporting

(S E A L)

KMP

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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 or judicial review of Commission orders that is available under Sections 120.57 or 120.60, 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 petition must be received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0050, by the close of business on March 5, 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 removed 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.