



Public Service Commission

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RECORDS AND REPORTING

DATE: DECEMBER 7, 2000

TO: DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYÓ)

FROM: DIVISION OF REGULATORY OVERSIGHT (T WILLIAMS) *TW*
DIVISION OF LEGAL SERVICES (ELLIOTT) *JAE C.F.F. B. J. bl Aust*

RE: DOCKET NO. 000081-TI - REQUEST BY INTERNATIONAL EXCHANGE COMMUNICATIONS, INC. D/B/A IE COM (HOLDER OF IXC CERTIFICATE NO. 5798) AND NOSVA LIMITED PARTNERSHIP (HOLDER OF IXC CERTIFICATE NO. 3560) FOR APPROVAL OF AN ASSET PURCHASE AGREEMENT WHEREBY IE COM WILL PURCHASE AND NOSVA WILL SELL THE INTERNATIONAL OPERATING DIVISION OF NOSVA, INCLUDING ALL CUSTOMERS THEREOF.

AGENDA: *12/19/00* - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\RGO\WP\000081.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request for approval of transfer of control filed jointly by International Exchange Communications, Inc. d/b/a IE COM and NOSVA Limited Partnership on January 21, 2000.

The Commission approved the transfer of control in Order No. PSC-00-0437-PAA-TI, issued March 2, 2000 and consummated by Order No. PSC-00-0599-CO-TI, issued March 28, 2000.

On August 28, 2000, staff was notified by EllenAnn G. Sands, Nowalsky, Bronston & Gothard, Legal Counsel for International Exchange Communications, Inc. d/b/a IE COM and NOSVA Limited Partnership, that the transfer of control did not take place. Therefore, in a recommendation considered at the October 17, 2000

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Agenda Conference, staff recommended that Order No. PSC-00-0437-PAA-TI, issued March 2, 2000 and consummated by Order No. PSC-00-0599-CO-TI, issued March 28, 2000, be vacated. The recommendation was approved. However, due to a scrivener's error, the recommendation incorrectly cited the orders being vacated as TP's instead of TI's. Further, when Order No. PSC-00-2064-FOF-TI was issued it too incorrectly cited the orders being vacated as having the TP suffix instead of TI.

DISCUSSION OF ISSUES

ISSUE 1: Should the Commission correct Order No. PSC-00-2064-FOF-TI that references Orders Nos. PSC-00-0437-PAA-TP and PSC-00-0599-CO-TP and replace the reference with Orders Nos. PSC-00-0437-PAA-TI and PSC-00-0599-CO-TI?

RECOMMENDATION: Yes, the Commission should correct Order No. PSC-00-2064-FOF-TI to reference Orders Nos. PSC-00-0437-PAA-TI and PSC-00-0599-CO-TI rather than orders Nos. PSC-00-0437-PAA-TP and PSC-00-0599-Co-TP? **(Williams)**

STAFF ANALYSIS: At the October 17, 2000 Agenda Conference, the Commission approved staff's recommendation to vacate the PAA Orders issued in this docket since the anticipated transfer did not take place. However, due to a scrivener's error, staff's recommendation incorrectly cited the orders being vacated as having the suffix TP instead of TI. When Order No. PSC-00-2064-FOF-TI was issued it too incorrectly cited the orders being vacated as "TP's" instead of "TI's". Therefore, the Commission should correct Order NO. PSC-00-2064-FOF-TI to reference Orders Nos. PSC-00-0437-PAA-TI and PSC-00-0599-CO-TI rather than Orders Nos. PSC-00-0437-PAA-TP and PSC-00-0599-CO-TP.

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ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of the Commission's Order correcting the Order references as discussed in Issue 1. **(Elliott)**

STAFF ANALYSIS: This docket should be closed upon issuance of the Commission's Order correcting the order references as discussed in Issue 1.