



# 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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NOV 16 AM 11:19  
RECORDS AND REPORTING

**DATE:** NOVEMBER 16 2000

**TO:** DIRECTOR, DIVISION OF RECORDS AND REPORTING (BAYO)

**FROM:** DIVISION OF REGULATORY OVERSIGHT (T. WILLIAMS) *T. Williams*  
DIVISION OF LEGAL SERVICES (BANKS) *ReBrowe* *J. P. [unclear]* *[unclear]*

**RE:** DOCKET NO. 000462-TP - APPLICATION FOR TRANSFER OF CONTROL OF FLORIDA DIGITAL NETWORK, INC. (HOLDER OF ALEC CERTIFICATE NO. 5715 AND IXC CERTIFICATE NO. 7048) TO ELANTIC COMMUNICATIONS, INC., WHEREBY FLORIDA DIGITAL WILL BECOME A DIRECT, WHOLLY OWNED SUBSIDIARY OF ELANTIC.

**AGENDA:** 11/28/00 - REGULAR AGENDA - INTERESTED PERSONS MAY PARTICIPATE

**CRITICAL DATES:** NONE

**SPECIAL INSTRUCTIONS:** NONE

**FILE NAME AND LOCATION:** S:\PSC\RG0\WP\000462.RCM

### CASE BACKGROUND

The above docket was initiated pursuant to a request for approval of transfer of control filed jointly by Florida Digital Network, Inc. and Elantic Communications, Inc. on April 17, 2000.

The Commission approved the transfer of control in Order No. PSC-00-1246-PAA-TP, issued July 10, 2000 and consummated by Order No. PSC-00-1429-CO-TP issued August 3, 2000.

On August 31, 2000, staff was notified by Mr. Matthew Feil, General Counsel for Florida Digital Network, Inc., that the transfer of control did not take place. Therefore, in a recommendation considered at the October 17, 2000, Agenda Conference, staff requested that Order No. PSC-00-1246-PAA-TP, issued July 10, 2000 and consummated by Order No. PSC-00-1429-CO-TP, issued August 3, 2000, be vacated. The Commission approved staff's recommendation.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

DOCKET NO. 000462-TI  
DATE: November 16, 2000

However, due to a scrivener's error, the body of staff's recommendation, incorrectly cited the consummating order being vacated as PSC-00-1428-CO-TP instead of PSC-00-1429-CO-TP. Therefore, when Order No. PSC-00-2120-PAA-TP was issued on November 7, 2000, it also incorrectly cited the consummating order being vacated as PSC-00-1428-CO-TP instead of PSC-00-1429-CO-TP.

Therefore, staff is requesting the Commission to correct that part of Order No. PSC-00-2120-PAA-TP, issued November 7, 2000, to state that the Consummating Order being vacated is PSC-00-1429-CO-TP, not PSC-00-1428-CO-TP.

### DISCUSSION OF ISSUES

**ISSUE 1:** Should the Commission correct the reference in Order No. PSC-00-2120-PAA-TP to state Consummating Order No. PSC-00-1429-CO-TP is being vacated rather than Order No. PSC-00-1428-CO-TP?

**RECOMMENDATION:** Yes. Staff recommends that the Commission issue an order to correct the reference in Order No. PSC-00-2120-PAA-TP to state that Consummating Order No. PSC-00-1429-CO-TP is being vacated rather than Order No. PSC-00-1428-CO-TP. **(Williams)**

**STAFF ANALYSIS:** Due to a scrivener's error, the body of staff's recommendation approved at the October 17, 2000, Agenda Conference incorrectly cited the consummating order being vacated as PSC-00-1428-CO-TP instead of PSC-00-1429-CO-TP. Therefore, when Order No. PSC-00-2120-PAA-TP was issued on November 7, 2000, it also incorrectly cited the consummating order being vacated as PSC-00-1428-CO-TP instead of PSC-00-1429-CO-TP. Therefore, staff is requesting the Commission to correct that part of Order No. PSC-00-2120-PAA-TP, issued November 7, 2000, to state that the Consummating Order being vacated is PSC-00-1429-CO-TP, not PSC-00-1428-CO-TP.

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

**RECOMMENDATION:** Yes, this docket should be closed upon issuance of the Commission's order correcting that part of Order No. PSC-00-2120-PAA-TP, issued November 7, 2000, discussed in Issue 1. **(Banks)**

**STAFF ANALYSIS:** This docket should be closed upon the issuance of the order correcting that part of Order No. PSC-00-2120-PAA-TP, issued November 7, 2000, discussed in Issue 1.