

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint request of
Interpath Communications, Inc.
(holder of ALEC Certificate No.
7038 and IXC Certificate No.
7058), Carolina Power & Light
Company, and CP&L Holdings, Inc.
for approval of ownership
transfer of Interpath from
Carolina Power to CP&L Holdings.

DOCKET NO. 991658-TP
ORDER NO. PSC-99-2425-PAA-TP
ISSUED: December 10, 1999

The following Commissioners participated in the disposition of
this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING OWNERSHIP TRANSFER

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.

Section 364.33, Florida Statutes, provides that 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 October 29, 1999, Interpath Communications, Inc. (Interpath), Carolina Power & Light Company (Carolina Power), and CP&L Holdings, Inc. (CP&L Holdings) filed with this Commission an application for approval of ownership transfer of Interpath from Carolina Power to CP&L Holdings. Interpath is the holder of

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PSC-RECORDS & REPORTING

ORDER NO. PSC-99-2425-PAA-TP
DOCKET NO. 991658-TP
PAGE 2

Alternative Local Exchange Telecommunications Certificate No. 7038 and Interexchange Telecommunications Certificate No. 7058. Interpath has stated that the transaction will be virtually transparent to its customers in Florida and it will not affect the services being provided. Interpath has further stated that it will continue to operate under its existing certificated name and tariff on file with this Commission.

In accordance with our authority under Section 364.33, Florida Statutes, to approve the acquisition or transfer of majority organizational control or controlling stock ownership of a telecommunications company providing service in Florida, we have reviewed the Petition of Interpath, Carolina Power and CP&L Holdings, and find it appropriate to approve it. We have based our review and decision upon an analysis of the public's interest in efficient, reliable telecommunications service. Our decision does not address the potential impact of the transfer on the competitive market in Florida, or on the companies' or their competitors' interests. We emphasize, however, that our approval of the Petition pursuant to our authority under Section 364.33, Florida Statutes, does not preclude us from addressing any of our concerns that may arise regarding this transaction to the appropriate federal or state agencies.

Based on the foregoing, it is,


ORDERED by the Florida Public Service Commission that Interpath Communications, Inc., Carolina Power & Light Company, and CP&L Holdings, Inc.'s request for approval of ownership transfer of Interpath Communications, Inc. from Carolina Power & Light Company to CP&L Holdings, Inc. is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, 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

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

ORDER NO. PSC-99-2425-PAA-TP
DOCKET NO. 991658-TP
PAGE 3

By ORDER of the Florida Public Service Commission, this 10th
day of December, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(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 that is available under Section 120.57, 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 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. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This 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 December 31, 1999.

ORDER NO. PSC-99-2425-PAA-TP
DOCKET NO. 991658-TP
PAGE 4

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

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.

M E M O R A N D U M

December 10, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *Vmp* *1/12*

RE: DOCKET NO. 991658-TP - JOINT REQUEST OF INTERPATH COMMUNICATIONS, INC. (HOLDER OF ALEC CERTIFICATE NO. 7038 AND IXC CERTIFICATE NO. 7058), CAROLINA POWER & LIGHT COMPANY, AND CP&L HOLDINGS, INC. FOR APPROVAL OF OWNERSHIP TRANSFER OF INTERPATH FROM CAROLINA POWER TO CP&L HOLDINGS.

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Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING OWNERSHIP TRANSFER, to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/anc
Attachment
cc: Division of Communications
I: 991658.kmp

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