

MEMORANDUM

December 8, 1998

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TO: DIVISION OF RECORDS AND REPORTING  
FROM: DIVISION OF LEGAL SERVICES (MILLER) *JAM MB*  
RE: DOCKET NO. 981510-TI - REQUEST FOR APPROVAL OF ACQUISITION OF CERTAIN ASSETS, INCLUDING CUSTOMER ACCOUNTS, OF ZENEX LONG DISTANCE, INC. (HOLDER OF IXC CERTIFICATE NO. 4691) BY LOGIX COMMUNICATIONS CORPORATION (HOLDER OF IXC CERTIFICATE NO. 5702).

*98-1658-FDF-TT*

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING TRANSFER OF ASSETS, to be issued in the above-referenced docket. (Number of pages in order - 3)

JAM/anr  
Attachment  
cc: Division of Communications  
I: 981510.jam

~~ATTACHMENT(S) NOT ON-LINE~~

*1/1*

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of acquisition of certain assets, including customer accounts, of Zenex Long Distance, Inc. (holder of IXC Certificate No. 4691) by Logix Communications Corporation (holder of IXC Certificate No. 5702).

DOCKET NO. 981510-TI  
ORDER NO. PSC-98-1650-FOF-TI  
ISSUED: December 8, 1998

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER  
APPROVING TRANSFER OF ASSETS

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.

On June 12, 1998, Logix Communications Corporations (Logix) and Zenex Communications, Inc. (Zenex) entered into an Asset Purchase Agreement for the acquisition by Logix of certain assets of Zenex, including Zenex's long distance customer accounts in the State of Florida. By letter dated October 20, 1998, Logix

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Communications Corporation (Logix) requested approval of the transfer of assets, indicating that no change of control of Zenex, nor transfer of certificates or tariffs, was involved.

We determine that Logix and Zenex have met the requirements of Section 364.33, Florida Statutes, and accordingly, we hereby approve the transfer of assets.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of assets from Zenex Communications, Inc. to Logix Communications Corporation 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 32399-0850, 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.

By ORDER of the Florida Public Service Commission this 8th day of December, 1998.

  
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BLANCA S. BAYO, Director  
Division of Records and Reporting

( S E A L )

JAM

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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 120.68, 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. 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 29, 1998.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.