



Public Service Commission

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RECORDS AND REPORTING

DATE: DECEMBER 22, 1998

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

FROM: DIVISION OF COMMUNICATIONS (T.WILLIAMS) *TEW*
DIVISION OF LEGAL SERVICES (PENA) *imp NKB*

RE: DOCKET NO. 980560-TI; REQUEST BY RRV ENTERPRISES, INC. d/b/a CONSUMER ACCESS (holder of IXC Certificate No. 4754) FOR APPROVAL OF TRANSFER OF CONTROL WHEREBY RRV WILL BECOME A WHOLLY-OWNED SUBSIDIARY OF IMAGITEL, INC. IMAGITEL WILL BECOME A WHOLLY-OWNED SUBSIDIARY OF WAVETECH, INC. AND PRESENT SHAREHOLDERS OF RRV WILL RECEIVE, ON A PRO RATA BASIS, DESIGNATED NUMBER OF SHARES OF WAVETECH'S PUBLICLY TRADED COMMON STOCK LISTED ON THE NASDAQ SMALLCAP EXCHANGE.

AGENDA: 01/05/99 - REGULAR AGENDA - PROPOSED AGENCY ACTION - INTERESTED PERSONS MAY PARTICIPATE.

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: S:\PSC\CMU\WP\980560.RCM

CASE BACKGROUND

The above docket was initiated pursuant to a request for approval of transfer of control filed jointly by RRV Enterprises, Inc. and Imagitel on April 24, 1998.

The Commission approved the transfer of control in Order No. PSC-98-0876-FOF-T1, issued July 2, 1998 (Attachment A).

On November 17, 1998, staff was notified by Nowalsky, Bronston & Gothard, Regulatory Counsel for RRV Enterprises, Inc., that the merger did not take place (Attachment B). Therefore, staff is requesting that Order No. PSC-98-0876-FOF-T1, issued July 2, 1998, be vacated.

DOCUMENT NUMBER-DATE

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PSC RECORDS/REPORTING

DOCKET NO. 980560-TI
DATE: December 22, 1998

DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-98-0876-FOF-TI, issued July 2, 1998, in Docket No. 980560-TI be vacated?

RECOMMENDATION: Yes.

STAFF ANALYSIS: Since the transfer of control did not take place, staff is recommending that Order No. PSC-98-0876-FOF-TI, issued July 2, 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.