

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for transfer of control of Econophone Services Inc. (holder of Interexchange Telecommunications Certificate No. 4726) to Viatel, Inc., whereby Viatel will acquire all outstanding capital stock of Destia Communications, Inc., parent of Econophone, through merger of Viatel Acquisition Corp., a Delaware corporation and wholly owned subsidiary of Viatel, with and into Destia; and request for name change on Certificate No. 4726 from Econophone to Destia Communications Services, Inc.

DOCKET NO. 991618-TI
ORDER NO. PSC-99-2318-PAA-TI
ISSUED: December 2, 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 TRANSFER OF CONTROL AND ACKNOWLEDGING NAME CHANGE
ON INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE

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

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FPSC REGISTRATION REPORTING

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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 15, 1999, Econophone Services Inc. (Econophone), Viatel, Inc. (Viatel), and Destia Communications, Inc. (Destia) filed with this Commission an application for approval of transfer of control from Econophone to Viatel, whereby Viatel will acquire all outstanding capital stock of Destia, parent of Econophone, through merger of Viatel Acquisition Corp., a wholly owned subsidiary of Viatel, with and into Destia. The companies further requested a name change on Interexchange Telecommunications (IXC) Certificate No. 4726 from Econophone to Destia. Econophone, Destia, and Viatel have stated that the transactions will be virtually transparent to Econophone's customers in Florida and it will not affect the services being provided.

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 Econophone and Viatel, 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.

Upon review of the Department of State, Division of Corporations' records, it appears that the new corporate name has been properly registered. Accordingly, we find it appropriate to amend Certificate No. 4726 to reflect the new corporate name. This Order will serve as the amended IXC Certificate of Public Convenience and Necessity No. 4726 for Destia. Destia should retain this Order as evidence of the name change.

Based on the foregoing, it is,

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ORDERED by the Florida Public Service Commission that Econophone Services Inc. and Viatel, Inc.'s request for approval of transfer of control from Econophone Services Inc. to Viatel, Inc. is hereby approved. It is further

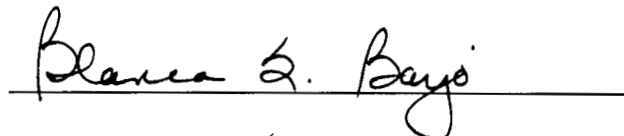
ORDERED that the request by Econophone Services Inc. and Destia Communications Services, Inc. to change the name on Certificate No. 4726 from Econophone Services Inc. to Destia Communications Services, Inc. is hereby approved. It is further

ORDERED that this Order will serve as Destia Communications Services, Inc.'s amended certificate and that this Order should be retained as evidence of the name change. 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.

By ORDER of the Florida Public Service Commission, this 2nd day of December, 1999.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

KMP

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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 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 23, 1999.

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

November 30, 1999

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RECORDS AND
REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (PEÑA) *kmp bk*

RE: DOCKET NO. 991618-TI - REQUEST FOR TRANSFER OF CONTROL OF ECONOPHONE SERVICES INC. (HOLDER OF INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE NO. 4726) TO VIATEL, INC., WHEREBY VIATEL WILL ACQUIRE ALL OUTSTANDING CAPITAL STOCK OF DESTIA COMMUNICATIONS, INC., PARENT OF ECONOPHONE, THROUGH MERGER OF VIATEL ACQUISITION CORP., A DELAWARE CORPORATION AND WHOLLY OWNED SUBSIDIARY OF VIATEL, WITH AND INTO DESTIA; AND REQUEST FOR NAME CHANGE ON CERTIFICATE NO. 4726 FROM ECONOPHONE TO DESTIA COMMUNICATIONS SERVICES, INC.

2318-PAA

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING TRANSFER OF CONTROL AND ACKNOWLEDGING NAME CHANGE ON INTEREXCHANGE TELECOMMUNICATIONS CERTIFICATE to be issued in the above-referenced docket. (Number of pages in order - 4)

KMP/kmp

Attachment

cc: Division of Telecommunications (Williams)

I: 991618.kmp

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