

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for transfer) DOCKET NO. 920115-TI
of control of Interexchange Tele-) ORDER NO. PSC-92-0431-FOF-TI
communications Certificate No.) ISSUED: 05/28/92
1501 from TMC OF SOUTHWEST)
FLORIDA TO BIZ-TEL CORPORATION.)
_____)

The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK
J. TERRY DEASON
BETTY EASLEY
LUIS J. LAUREDO

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF CONTROL

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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On February 7, 1992 Biz-Tel Corporation (Biz-Tel) filed an application for our approval of the acquisition though the purchase of all outstanding shares of stock of TMC of Southwest Florida, Inc. (TMC).

Upon review of Biz-Tel's application, it is apparent that the company is technically and financially capable of continuing to deliver service to TMC customers. Biz-Tel will continue to operate TMC as a wholly owned subsidiary and supply operator service to TMC clients using TMC's current tariff.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the petition by Biz-Tel Corporation for approval of the acquisition of the certificate of public convenience and necessity of TMC of Southwest Florida, Inc. is hereby approved. It is further

ORDERED that any protest of this Order must be filed pursuant to the requirements set forth below. It is further

ORDERED that if no protest is timely filed, this docket shall be closed.

DOCUMENT NUMBER-DATE

05491 MAY 28 1992

FPC-RECORDS/RECORDS

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By ORDER of the Florida Public Service Commission, this 28th
day of May, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Flynn
Chief, Bureau of Records

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.59(4), 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.

The action proposed herein is preliminary in nature and will not become effective or final, except as provided by Rule 25-22.029, Florida Administrative Code. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, as provided by Rule 25-22.029(4), Florida Administrative Code, in the form provided by Rule 25-22.036(7)(a) and (f), Florida Administrative Code. This petition must be received by the Director, Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on June 18, 1992.

DOCUMENT NUMBER-DATE

05481 MAY 28 1992

FPC-RECORDS/REPORTING

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In the absence of such a petition, this order shall become effective on the day subsequent to the above date as provided by Rule 25-22.029(6), Florida Administrative Code.

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 adversely 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.