

Decision 00-01-037 January 11, 2000

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Axces, Inc.
d/b/a Long Distance Axces and Gemini II, Inc.
for Authority to Transfer the Stock of Axces, Inc.
d/b/a Long Distance Axces, an NDIEC operating
in California, to Gemini II, Inc .

Application 99-06-030
(Filed June 18, 1999)

O P I N I O N

Summary

This decision vacates Decision (D.) 99-09-025 that granted the joint application of Axces, Inc., d/b/a Long Distance Axces (Axces), a nondominant interexchange carrier (NDIEC), and Gemini II, Inc. (Gemini), for approval for Gemini to acquire 100% of the issued and outstanding shares of stock of Axces. This is done at the applicants' request because the proposed acquisition will not take place.

Request to Vacate

By letter dated November 19, 1999, Axces and Gemini notified the Commission that the proposed agreement between Axces and Gemini, whereby Gemini would acquire Axces, had been abandoned. Therefore, they request that D.99-09-025, that authorized the acquisition, be vacated.

Discussion

In D.99-09-025 we approved the proposed acquisition. Since the acquisition will not take place, the requested authority is no longer needed. D. 99-09-025 should be vacated. We will grant the request.

Background

Ordering Paragraph 1 of D. 87-10-035 provides that the Executive Director may grant noncontroversial applications by nondominant telecommunications carriers and radiotelephone utilities to transfer assets or control under Pub. Util. Code §§ 851-854.¹

Findings of Fact

1. D.99-09-025 approved an agreement for Gemini to acquire 100% of the issued and outstanding stock of Axces.
2. The agreement has been abandoned.
3. Axces and Gemini jointly request that D.99-09-025 be vacated.
4. The Executive Director may grant noncontroversial applications by nondominant telecommunications carriers for authority to transfer assets or control under Pub. Util. Code §§ 851-854.

Conclusion of Law

1. D.99-09-025 should be vacated.
2. This application is noncontroversial and should be granted by the Executive Director.

¹ 25 CPUC2d 459 at 462 (1987)

O R D E R

IT IS ORDERED that:

1. Decision 99-09-025 is vacated.
2. This application is closed.

This order is effective today.

Dated January 11, 2000, at San Francisco, California.

/s/ WESLEY M. FRANKLIN

WESLEY M. FRANKLIN
Executive Director