

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Joint petition for approval of transfer of controlling stock interest in The Florala Telephone Company, Inc., Gulf Telephone Company, and St. Joseph Telegraph & Telephone Company from St. Joe Industries, Inc. to TPG Communications, Inc.) DOCKET NO. 951133-TL
) ORDER NO. PSC-95-1557-FOF-TL
) ISSUED: December 15, 1995
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The following Commissioners participated in the disposition of this matter:

SUSAN F. CLARK, Chairman
J. TERRY DEASON
JOE GARCIA
JULIA L. JOHNSON
DIANE K. KIESLING

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

On September 20, 1995, St. Joe Industries, Inc. and TPG Communications, Inc. filed a Joint Petition for approval of the sale of a controlling stock interest in St. Joe Telecommunications, Inc. Section 364.33, Florida Statutes, provides that Commission approval is required for the acquisition, transfer, or assignment of majority stock ownership of a telecommunications company operating a telecommunication facility in Florida.

St. Joe Communications is a wholly owned subsidiary of St. Joe Industries. St. Joe Communications owns all of the outstanding common stock of the Florala Telephone Company, Inc., Gulf Telephone Company, and St. Joseph Telephone & Telegraph Company (Operating Companies). The agreement calls for the sale of the outstanding common stock of St. Joe Communications to TPG Communications. If

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approved, TPG Communications will acquire the controlling interest in the stock of the operating companies held by St. Joe Communications. In conjunction with this petition, TPG Communications does not propose to change the tariffs or scope of service presently being offered by the Operating Companies. Further, each company will continue to operate as a separate corporate entity and retain its current name.

Through this ownership, TPG Communications, Inc. states that it will provide financial and managerial capabilities necessary for the continued successful operation of the companies.

TPG Communications also requests a partial waiver of Rule 25-4.005, Florida Administrative Code, that requires the furnishing of customer names and customer information to the Commission and completion of advertising prior to the filing of a petition. Rule 25-4.005, Transfer of a Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas, indicates the concerns and requirements of transferring the certificate of a certified telecommunications company from one company to another. Technically, Rule 25-4.005 does not apply to this situation; hence, a waiver is not required. TPG notes that although it does not believe that this rule applies in this docket, it has complied with the essential requirements of the rule by furnishing timely notice of the petition for approval of the proposed sale to the customers of the Operating Companies and to the Office of Public Counsel. Further TPG notes that no useful purpose would be served by the provision of the customer information and doing so would increase the transactional costs to TPG Communications.

Accordingly, the Joint Petition of St. Joe Industries, Inc. and TPG Communications, Inc. for approval of the sale of a controlling stock interest in St. Joe Communications, Inc. is hereby approved.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the joint petition for approval of transfer of controlling stock interest in the Florida Telephone Company, Inc, Gulf Telephone Company, and St. Joseph Telephone & Telegraph Company from St. Joe Industries, Inc. to TPG Communications, Inc. is hereby approved. It is further

ORDERED that unless a person whose substantial interests are affected files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order

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shall become effective and this docket shall be closed on the following date.

By ORDER of the Florida Public Service Commission, this 15th day of December, 1995.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

by: Kay Jeyan
Chief, Bureau of Records

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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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on January 5, 1996.

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.

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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.