

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Application for a rate) DOCKET NO. 920310-TL
increase by CENTRAL TELEPHONE) ORDER NO. PSC-92-1104-FOF-TL
COMPANY OF FLORIDA.) ISSUED: 10/01/92

The following Commissioners participated in the disposition of this matter:

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

ORDER DENYING MOTION TO DISMISS

BY THE COMMISSION:

On June 30, 1992, the Office of Public Counsel (OPC) filed a Motion to Dismiss (Motion) in this docket. On July 7, 1992, Central Telephone Company of Florida (Centel FL or the Company) filed a Memorandum of Law in Opposition to OPC's Motion to Dismiss.

In its Motion, OPC argued that the proposed merger of Centel Corporation and Sprint sufficiently altered the financial status of Centel FL as to render the Minimum Filing Requirements (MFRs) unreliable and virtually meaningless. OPC premised its arguments on the facts that the proposed merger was scheduled to be consummated in 1993, Centel FL's MFRs assume a projected test year of 1993 and yet Centel FL's MFRs failed to adequately address this issue. This inadequate attention to the proposed merger in light of the projected test year seriously undermines the credibility and reliability of Centel FL's filing.

While we are sympathetic to OPC's arguments, we must first note that the merger is still in a comparatively early state of the process. The Security and Exchange Commission must still approve the companies' proxy statements, various regulatory bodies must approve transfers of the utilities, and the merger itself must be approved by the shareholders of both corporations. While the merger has been approved by the Boards of Directors of both corporations, many steps remain until the transaction becomes final. To dismiss this docket at this point would be to do so based on little more than speculation and intuition. Accordingly, we find it appropriate to deny OPC's motion without prejudice.

Having reached this conclusion, we need not address Centel FL's arguments as set out in its Memorandum of Law.

Based on the foregoing, it is

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ORDERED by the Florida Public Service Commission that the Office of Public Counsel's Motion to Dismiss is hereby denied without prejudice. It is further

ORDERED that this docket remain open pending further proceedings.

By ORDER of the Florida Public Service Commission this 1st day of October, 1992.

STEVE TRIBBLE, Director
Division of Records and Reporting

(S E A L)

JKA

by: Kay Ferguson
Chief, Bureau of Records