

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition of Southland Telephone Company, Southland Communications Corporation and Rochester Telephone Corporation for approval of acquisition of stock of Southland Telephone Company by Rochester Telephone Corporation.)	DOCKET NO. 900381-TL
)	ORDER NO. 23112
)	ISSUED: 6-25-90
)	
)	
)	

The following Commissioners participated in the disposition of this matter:

MICHAEL MCK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER

NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING CHANGE OF CONTROL OF 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 adversely affected files a petition for a formal proceeding, pursuant to Rule 25-22.029, Florida Administrative Code.

On May 2, 1990, Southland Communications Corporation (Southland) and Rochester Telephone Corporation (Rochester) filed a joint petition with this Commission requesting approval of the acquisition of Southland's stock by Rochester. Southland is currently owned by Telecom U.S.A. (Telecom). In response to Staff inquiries, Rochester indicated a high degree of expertise in internal audits, toll settlement studies, depreciation studies, systems engineering, and other areas that may prove beneficial to Southland. Furthermore, Rochester indicated that it intends to continue to maintain Southlands books and records in Atmore, Alabama where the books and records are currently being maintained.

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Southland also requested a waiver of Rule 25-4.005(1)(c), Florida Administrative Code (the Rule), regarding notification requirements. The Rule provides:

- (1) Request for approval by the Commission of the transfer of any certificate of public convenience and necessity (or portion thereof) shall be made by joint petition of the certificate holder and transferee after reasonable notice has been given to all subscribers affected by the proposed transfer. Requests for approval shall be accompanied by an affidavit that notice of intention to file the petition has been given:

. . .

- (c) By written notice subject to Commission approval, issued to each subscriber in the area to be transferred concurrent with the filing of the petition. A complete list, by telephone number (numerical sequence), name, address, and class of service of all subscribers sent a written notice shall be furnished the Commission immediately following distribution.

Section 364.33, Florida Statutes, makes the transfer of certificates a necessary condition for the transfer or acquisition of controlling stock ownership. It further subjects such transactions to Commission rules regarding the transfer of certificates, such as the Rule.

Other than the Rule requirement that written notice be provided to each subscriber, Southland has met all other requirements of Rule 25-24.005. Since this is simply a stock acquisition with no changes to the operations or rates being proposed and since the other notification requirements have been satisfied, there is no reason to believe any individual subscriber will be affected. On the contrary, such a waiver will benefit subscribers by saving the expense of notification.

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Finally, at our Agenda Conference on June 5, 1990, Southland requested a shortened protest period because of the demands of financing the stock acquisition. There is no evidence that such a reduction would in any way be contrary to the public interest. Accordingly, we will grant the requested reduction in the protest period.

Based on the foregoing, it is hereby

ORDERED by the Florida Public Service Commission that the joint petition for approval of the acquisition of Southland Telephone Company by Rochester Telephone Corporation be approved effective upon completion of the protest period assuming no protest is received. It is further

ORDERED that the individual subscriber notification requirements of Rule 25-4.005(1)(c), Florida Administrative Code, be waived if no protest is received. It is further

ORDERED that the protest period provided by Rule 25-22.029, Florida Administrative Code, be established as 14 days. It is further

ORDERED that this docket be closed at the expiration of protest period if no protest is received.

By ORDER of the Florida Public Service Commission,
this 25th day of June, 1990.



STEVE TRIBBLE, Director
Division of Records and Reporting

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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 at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on July 9, 1990.

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, and as reflected in a subsequent 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.

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 sewer 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.