

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer of stock of Citizens Telecommunications Company d/b/a Citizens Communications Company (holder of IXC Certificate No. 4465) and Electric Lightwave, Inc. (holder of IXC Certificate No. 4766) from Citizens Utilities Company to Citizens Newco Company.

DOCKET NO. 981808-TI
ORDER NO. PSC-99-0251-FOF-TI
ISSUED: February 9, 1999

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman
J. TERRY DEASON
SUSAN F. CLARK
JULIA L. JOHNSON
E. LEON JACOBS, JR.

NOTICE OF PROPOSED AGENCY ACTION
ORDER APPROVING TRANSFER OF STOCK

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.

Pursuant to Section 364.33, Florida Statutes, a person may not acquire ownership or control of any telecommunications facility, or any extension thereof for the purpose of providing telecommunications services to the public, including the acquisition, transfer, or assignment of majority organizational control or controlling stock ownership, without prior approval from this Commission.

By letter dated December 1, 1998, Electric Lightwave, Inc. (ELI), Citizens Telecommunications Company d/b/a Citizens Communications Company (CCC), Citizens Utilities Company (Citizens), and Citizens Newco Company (Newco) filed a joint

DOCUMENT NUMBER-DATE

01701 FEB-99

FPSC-RECORDS/REPORTING

ORDER NO. PSC-99-0251-FOF-TI
DOCKET NO. 981808-TI
PAGE 2

request for Commission approval of the transfer of a controlling interest of ELI and CCC's stock, owned by Citizens, to Newco, an affiliate of Citizens. ELI is the holder of IXC Certificate No. 4766, and CCC is the holder of IXC Certificate No. 4465. ELI and CCC have stated that the proposed stock transfer will be transparent to customers and will have no effect on service provided or rates charged to their customers. Further, ELI and CCC attest that they will continue to provide service under the same names and tariffs on file with this Commission.

We determine that ELI, CCC, Citizens, and Newco have met the requirements of Section 364.33, Florida Statutes. Accordingly, we find that the transfer is in the public interest, and we approve it pursuant to Section 364.33, Florida Statutes.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of a controlling interest of the stock of Electric Lightwave, Inc. and Citizens Telecommunications Company d/b/a Citizens Communications Company, from Citizens Utilities Company to Citizens Newco Company is hereby approved. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDERED that in the event this Order becomes final, this Docket shall be closed.

ORDER NO. PSC-99-0251-FOF-TI
DOCKET NO. 981808-TI
PAGE 3

By ORDER of the Florida Public Service Commission this 9th
day of February, 1999.

BLANCA S. BAYÓ, Director
Division of Records and Reporting

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

JAM

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), 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.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, 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 March 2, 1999.

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

ORDER NO. PSC-99-0251-FOF-TI
DOCKET NO. 981808-TI
PAGE 4

In the absence of such a petition, this order shall become effective on the day subsequent to the above date.

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.

M E M O R A N D U M

February 8, 1999

RECEIVED-FPSC

99 FEB -8 PM 1:40

RECORDS AND REPORTING

TO: DIVISION OF RECORDS AND REPORTING

FROM: DIVISION OF LEGAL SERVICES (MILLER) *JAM mcs*

RE: DOCKET NO. 981808-TI - REQUEST FOR APPROVAL OF TRANSFER OF STOCK OF CITIZENS TELECOMMUNICATIONS COMPANY D/B/A CITIZENS COMMUNICATIONS COMPANY (HOLDER OF IXC CERTIFICATE NO. 4465) AND ELECTRIC LIGHTWAVE, INC. (HOLDER OF IXC CERTIFICATE NO. 4766) FROM CITIZENS UTILITIES COMPANY TO NEWCO COMPANY.

99-0251-FDF-TI

Attached is a NOTICE OF PROPOSED AGENCY ACTION ORDER APPROVING TRANSFER OF STOCK, to be issued in the above-referenced docket. (Number of pages in order - 3)

JAM/anr
 Attachment
 cc: Division of Communications
 I: 981808.jam

RECEIVED-FPSC
Connelly
 99 FEB -9 PM 2:11
 RECORDS AND REPORTING

See 1+2

2 fax

Requisition for Photocopying and Mailing

Date 2-1-01

Number of Originals 2 Copies Per Original 17

Requested By Mark Lee W

Item Presented

Agenda For (Date) _____ Order No. 98-6261 In Docket No. 201006-1-1

Notice of _____ For (Date) _____ In Docket No. _____

Other _____

Special Handling Instructions

Distribution/Mailing

Number	Distributed/Mailed To	Number	Distribution/Mailed To
<u>17</u>	Commission Offices		
<u>2</u>	Docket Mailing List - Mailed		
<u>2</u>	Docket Mailing List - Faxed		

Note: Items must be mailed and/or returned within one working day after issue unless specified here.

Print Shop Verification

Job Number 117 Verified By Wendell

Date and Time Completed 2/1/01 Job Checked For Correctness and Quality (Initial) _____

Mail Room Verification

Date Mailed 2/1/01 Verified By Wendell