

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Proposed amendments to
Rule 25-4.005, F.A.C., Transfer
of Certificate of Public
Necessity as to All or a Portion
of Service Areas.

DOCKET NO. 990206-TP
ORDER NO. PSC-99-1704-FOF-TP
ISSUED: September 1, 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.

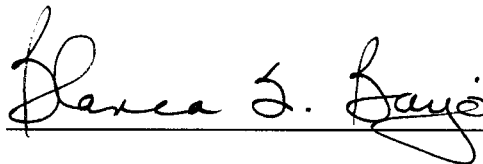
NOTICE OF ADOPTION OF RULE

NOTICE is hereby given that the Florida Public Service
Commission, pursuant to Section 120.54, Florida Statutes, has
adopted the amendments to Rule 25-4.005, Florida Administrative
Code, relating to transfer of certificate of public necessity as to
all or a portion of service areas with changes.

The rule amendments were filed with the Department of State on
August 27, 1999 and will be effective on September 16, 1999. A
copy of the rule as filed with the Department is attached to this
Notice.

This docket is closed upon issuance of this notice.

By ORDER of the Florida Public Service Commission, this 1st
day of September, 1999.



BLANCA S. BAYÓ, Director
Division of Records & Reporting

(S E A L)
MCB

DOCUMENT NUMBER-DATE

10449 SEP-18

REC-RECORDS/REPORTING

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25-4.005 Transfer of Certificate of Public Convenience and Necessity As to All or Portion of Service Area.

(1) Request for approval by the Commission of 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:

(a) By mail or personal delivery to the governing bodies of the counties and municipalities affected, to the public counsel, and to the Commission,

(b) By a legal advertisement in a newspaper of general circulation in the area affected and published on two (2) separate occasions at least two (2) weeks prior to the filing of the joint petition on the proposed transfer, and

(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 lists, by telephone number (numerical sequence), name, address, and class of service of all~~

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~~subscribers sent a written notice shall be furnished the Commission immediately following distribution.~~

(2) Upon approving a transfer of certificate, or portion thereof, the Commission will cancel same and reissue in the name of the transferee or amend the description of the service area or both.

(3) Such joint petitions shall include detailed descriptions of the affected boundaries; the number of subscribers, if any, in each petitioned area; changes in rates; service being provided by either petitioner in areas to be transferred; pending applications for service held by either petitioner; changes in calling scope; customers to be transferred; deposits and deposit interest; any financial exchange or consideration for the proposed change, and a list by name and telephone number of all customers who will be exempt from the proposed change.

(4) Any subscriber or group of subscribers of a telephone company may petition the Commission for transfer from the service area of such telephone company to that of another telephone company serving contiguous territory. ~~After public hearing, if one is requested, the Commission may, on a finding of just cause, require~~

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~~such transfer and amend the existing certificates of the telephone companies involved or change the exchange service area maps to reflect any changes found justified.~~

(5) If a customer survey is conducted by a telephone company among customers affected by the proposed transfer, return postage shall be paid by the company serving the affected customer and survey ballots shall be returnable to the Public Service Commission, Attention: Telecommunications Department, for tabulation.

Specific Authority: 350.127(2), F.S.

Law Implemented: 364.335, F.S.

History--New 12-1-68, Amended 5-4-81, Formerly 25-4.05, Amended 09/16/99.