

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for approval of transfer of controlling stock interest in Indiantown Telephone System, Inc. (holder of LEC Certificate No. 30; and ALEC Certificate No. 4873 (pending end of PAA period) from Indiantown Company, Inc. to Postco, Inc. and cancelling PATS Certificate No. 5100 issued to Indiantown Telephone System, Inc.

DOCKET NO. 970554-TP
ORDER NO. PSC-97-0892-FOF-TP
ISSUED: July 29, 1997

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER
ACKNOWLEDGING TRANSFER OF CONTROLLING STOCK INTEREST
AND CANCELING PAY TELEPHONE 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 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.

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

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On May 8, 1997, Indiantown Company, Inc. and Postco, Inc. filed with this Commission a joint petition for approval of transfer of controlling stock interest in Indiantown Telephone System, Inc. (holder of Local Exchange Telecommunications Certificate Number 30 and Alternative Local Exchange Telecommunications Certificate Number 4873) from Indiantown Company, Inc. to Postco, Inc. and the cancellation of Pay Telephone Certificate Number 5100 issued to Indiantown Telephone System, Inc. (TELCO).

Postco has stated that it has sufficient capital to assure the continued availability of adequate and reliable service to the subscribers of TELCO. TELCO has stated that it will continue to furnish telephone service pursuant to authority granted by the Commission and under tariffs on file with and approved by the Commission. TELCO will retain its corporate name and will continue to be managed and operated by the same people who are presently accomplishing the job.

We determine that the transfer of controlling stock interest in TELCO from Indiantown Company, Inc. to Postco, Inc. is in the public interest and, accordingly, we hereby acknowledge the transfer

TELCO shall return its certificate to this Commission. In addition, under Section 364.336, Florida Statutes, certificate holders must pay a minimum annual regulatory assessment fee of \$50 if the certificate was active during any portion of the calendar year. A Regulatory Assessment Fee Return notice will be mailed to TELCO. Neither the cancellation of its certificates nor the failure to receive its Regulatory Assessment Fee Return notice shall relieve TELCO from its obligation to pay due and owing regulatory assessment fees.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of controlling stock interest in Indiantown Telephone System, Inc. from Indiantown Company, Inc. to Postco, Inc. is hereby approved. It is further

ORDERED by the Florida Public Service Commission that Indiantown Telephone System, Inc.'s pay telephone Certificate Number 5100 is hereby cancelled. It is further

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ORDERED that Indiantown Telephone System, Inc. shall return its certificate and remit all due and owing regulatory assessment fees. 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 25-22.036, 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.

By ORDER of the Florida Public Service Commission, this 29th day of July, 1997.



BLANCA S. BAYÓ, Director
Division of Records and Reporting

(S E A L)

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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 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 August 19, 1997.

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.

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

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notice of appeal must be in the form specified in Rule 9.900(a),
Florida Rules of Appellate Procedure.