

DECISION

Northeast Florida Telephone Company, Inc. (Northeast) is a small local exchange telephone company that provides local exchange service in Baker County, Florida, including the City of Macclenny. Northeast has not elected price regulation and is a rate base, rate of return regulated company.

Northeast and NEFCOM, Inc. and the stockholders of Northeast executed an "Agreement and Plan of Reorganization" with the intent and purpose to qualify as a tax-free reorganization. There will be no change in the name, the tariffs, or operating scope of service offered.

It appears that Rule 25-4.005, Florida Administrative Code, Transfer of Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas does not apply to this case since there is no proposed change in the geographic service area or the customers serviced, nor is there any transfer of the certificate.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of the controlling stock interest in Northeast Florida Telephone Company, Inc. to NEFCOM, Inc. is approved. It is further

ORDERED that Rule 25-4.005, Florida Administrative Code, Transfer of Certificate of Public Convenience and Necessity as to All or a Portion of Service Areas does not apply to this case and, therefore, no waiver shall be necessary since there is no proposed change in the geographic service area or the customers serviced, nor is there any transfer of the certificate. 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.

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DOCKET NO. 960886-TL
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By ORDER of the Florida Public Service Commission, this 20th
day of November, 1996.

BLANCA S. BAYO, Director
Division of Records and Reporting

by: Kay J. J. J.
Chief, Bureau of Records

(S E A L)

NSR/MCB

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, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on December 11, 1996.

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