

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for approval of transfer)	DOCKET NO. 900815-TL
of stock of SOUTHLAND TELEPHONE COMPANY)	
from Rochester Telephone Corporation to)	ORDER NO. 23782
Rochester Tel Subsidiary Telco, Inc.)	
_____)	ISSUED: 11-19-90

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman
 THOMAS M. BEARD
 BETTY EASLEY
 GERALD L. GUNTER
 FRANK S. MESSERSMITH

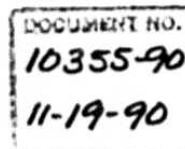
NOTICE OF PROPOSED AGENCY ACTIONORDER APPROVING TRANSFER OF OWNERSHIP OF A CERTIFICATED COMPANY

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.

Rochester Telephone Corporation (Rochester) is the parent company of Southland Telephone Company (Southland) which is a certificated local exchange company. Rochester owns all the stock of Southland. Rochester has organized a new subsidiary called Rochester Tel Subsidiary Telco, Inc. (Telco). The stock of Telco is wholly owned by Rochester. It is proposed that Rochester will transfer all of its stock in Southland to Telco. This transaction will not involve third parties to the corporate structure of Rochester, nor will it result in the sale, assignment or transfer of the certificate held by Southland. This is simply a reorganization of the present corporate structure. Since this reorganization should not affect the ratepayers, we find it appropriate to approve the reorganization.

The applicants have requested that this Commission waive Rule 25-4.005, Florida Administrative Code, which applies to the transfer of certificates and primarily concerns notice to subscribers. The instant change of ownership falls within the ambit of that Rule.



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Rule 25-4.002 (2) provides this Commission with the authority to waive our rules in the appropriate circumstances. As the proposed transaction is in the nature of a reorganization which will result in little, or no, change in service to the ratepayers, the notice requirements of Rule 25-4.005 serve little purpose. Accordingly, we find that waiver of the Rule is appropriate.

Therefore, based upon the foregoing, it is

ORDERED by the Florida Public Service Commission that the transfer of ownership of Southland Telephone Company from Rochester Telephone Corporation to Rochester Tel Subsidiary Telco, Inc. is approved. It is further

ORDERED that the requirements of Rule 25-4.005, F.A.C., are waived as set forth in the body of this Order. It is further

ORDERED that this Proposed Agency Action shall become final if no protest is received within the time-frame set forth below. It is further

ORDERED that if no protest is received within the time-frame set forth below this docket shall be closed.

By ORDER of the Florida Public Service Commission, this
19th day of NOVEMBER, 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 December 12, 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.

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

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