

STATE OF FLORIDA

ORIGINAL

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DIVISION OF APPEALS
DAVID SMITH
DIRECTOR
(850) 413-6245

Public Service Commission

August 20, 1999

Mr. Carroll Webb
Joint Administrative Procedures
Committee
120 Holland Building
Tallahassee, Florida 32399

Re: Docket No. 990206-TI - 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

Dear Mr. Webb:

Enclosed is the notice of change, which was published in the Florida Administrative Weekly on July 30, 1999, and the statement of changes for the proposed amendment to Rule 25-4.005.

We plan to file the rule for adoption on August 27, 1999.

Sincerely,

Martha C. Brown

Martha C. Brown
Associate General Counsel

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Enclosure
cc: Division of Records & Reporting

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FPSC-RECORDS/REPORTING

STATEMENT OF CHANGES

(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 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.~~

In response to comments from the Joint Administrative Procedures Committee, the Commission has deleted additional language in the rule that only tracked existing statutory language.

1 25-4.005 Transfer of Certificate of Public Convenience and
2 Necessity As to All or Portion of Service Area.

3 (1) Request for approval by the Commission of transfer of any
4 certificate of public convenience and necessity (or portion
5 thereof) shall be made by joint petition of the certificate holder
6 and transferee after reasonable notice has been given to all
7 subscribers affected by the proposed transfer. Requests for
8 approval shall be accompanied by an affidavit that notice of
9 intention to file the petition has been given:

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

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

17 (c) By written notice subject to Commission approval, issued
18 to each subscriber in the area to be transferred concurrent with
19 the filing of the petition. ~~A complete lists, by telephone number~~
20 ~~(numerical sequence), name, address, and class of service of all~~
21 ~~subscribers sent a written notice shall be furnished the Commission~~
22 ~~immediately following distribution.~~

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

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~~struck through~~ type are deletions from existing law.

1 both.

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

11 (4) Any subscriber or group of subscribers of a telephone
12 company may petition the Commission for transfer from the service
13 area of such telephone company to that of another telephone company
14 serving contiguous territory. ~~After public hearing, if one is~~
15 ~~requested, the Commission may, on a finding of just cause, require~~
16 ~~such transfer and amend the existing certificates of the telephone~~
17 ~~companies involved or change the exchange service area maps to~~
18 ~~reflect any changes found justified.~~

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

24 Specific Authority 350.127(2) FS.

25 Law Implemented 364.335 FS.

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1 History--New 12-1-68, Amended 5-4-81, XX-XX-XX, Formerly 25-4.05.
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