

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

|   |   |                      |
|---|---|----------------------|
| In re: Petition for approval of         | ) | DOCKET NO. 900559-TL |
| transfer of stock of QUINCY TELEPHONE   | ) |                      |
| COMPANY from Telephone and Data         | ) | ORDER NO. 23364      |
| Systems, Inc. to TDC Telecommunications | ) |                      |
| Corporation.                            | ) | ISSUED: 8-16-90      |
|   | ) |                      |

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 ACTION

ORDER APPROVING CORPORATE REORGANIZATION AND APPROVING  
 WAIVER OF NOTICE REQUIREMENT

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.

Telephone and Data Systems, Inc. (TDS) is the parent company of Quincy Telephone Company (Quincy). TDS owns all the stock in Quincy. TDS has organized a new subsidiary to be called TDS Telecommunications Corporation (TDS Telecom). The stock of TDS Telecom is also wholly-owned by TDS. TDS intends to transfer all of its stock in various telephone companies, including its stock in Quincy, to TDS Telecom.

On June 18, 1990, Quincy filed a petition for approval of the transfer of its stock from TDS to TDS Telecom. The proposed transfer will not involve any third parties nor will it result in the sale, assignment or transfer of the Certificate of Public Necessity and Convenience held by Quincy. In essence, the entire transaction is simply a reorganization of the internal structure of TDS.

DOCUMENT NUMBER-DATE

07404 AUG 16 1990

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In the same petition, Quincy requested that we waive the customer notice requirements imposed by Rule 25-4.005, Florida Administrative Code. In pertinent part, that Rule provides:

- (1) Request for approval by the Commission of the 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 list, by telephone number (numerical sequence), name, address, and class of service, of all subscribers sent a written notice shall be furnished the Commission immediately following distribution.

This Rule applies specifically to the transfer of certificates and not stock transfers. In the past, however, we have applied this Rule to stock transfers and applied the prescribed notice requirements to the participants in such transactions. In the instant case the transfer is simply an internal reorganization and will have no effect upon ratepayers.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Quincy Telephone Company's petition for approval of the

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transfer of its stock from Telephone and Data Systems, Inc. to TDS Telecommunications Corporation is approved. It is further

ORDERED that the notice requirements of Rule 25-24.005, Florida Administrative Code are hereby waived. It is further

ORDERED that this Order shall become effective twenty-one days after issuance, assuming no protest is filed. It is further

ORDERED that the provision of this Order are issued as proposed agency action and shall become final unless a petition in the form provided by Rule 25-22.036, Florida Administrative Code, is received by the Director of the Division of Records and Reporting at his office at 101 East Gaines Street, Tallahassee, Florida 32399-0870, by the close of business on the date set forth below. It is further

ORDERED that, if no protest is received within the 21 day protest period set out in the Notice of Further Proceedings below, this docket shall be closed.

By ORDER of the Florida Public Service Commission,  
this 16th day of AUGUST, 1990.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JKA

by: Kay Ferguson  
Chief, Bureau of Records

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

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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 September 6, 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, and as reflected in a subsequent order.

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