

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition for expedited ) DOCKET NO. 961340-TI  
approval of indirect change in ) ORDER NO. PSC-97-0016-FOF-TI  
control of NYNEX Long Distance ) ISSUED: January 6, 1997  
Company, holder of Interexchange )  
Telecommunications Certificate )  
No. 4714, through proposed )  
merger of Bell Atlantic )  
Corporation and NYNEX )  
Corporation, parent corporation )  
of NYNEX. )  
\_\_\_\_\_)

The following Commissioners participated in the disposition of this matter:

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

NOTICE OF PROPOSED AGENCY ACTION ORDER  
APPROVING INDIRECT CHANGE IN CONTROL

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.

On November 8, 1996, NYNEX Long Distance Company (NLDC) petitioned the Commission for approval of an indirect change in control. This change in control would occur as the result of the proposed merger of Bell Atlantic Corporation (Bell Atlantic) and NYNEX Corporation (NYNEX), the parent corporation of NLDC.

On September 4, 1996, NLDC was granted Certificate of Public Convenience and Necessity No. 4714, by Order No. PSC-96-1122-FOF-TI. Because NLDC is a wholly-owned subsidiary of NYNEX, the merger of Bell Atlantic and NYNEX would result in a change in control of

DOCUMENT NUMBER-DATE

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NLDC. Section 364.33, Florida Statutes, provides that Commission approval is required prior to an entity acquiring ownership or control of a telecommunications company operating a telecommunications facility in Florida.

The proposed merger, expected to be completed by early 1997, would result in NYNEX becoming a wholly-owned subsidiary of Bell Atlantic, and NLDC also becoming a subsidiary of Bell Atlantic. NLDC's Petition states that, after the merger, NLDC would continue to provide interexchange service in Florida in its own name pursuant to its interexchange certificate and its current tariff on file with the Commission. The change in control would therefore be transparent to customers.

NLDC's Petition states that the proposed merger would provide NLDC greater technical, managerial, marketing, and financial resources. These resources would allow NLDC to better compete and provide its customers with faster innovation and a modernized network. In summary, NLDC states that the proposed merger would improve NLDC's ability to provide quality service at reasonable prices in a competitive environment and would therefore be in the public interest.

Pursuant to Section 364.33, Florida Statutes, we determine that the indirect change in control of NYNEX Long Distance Company is in the public interest and, accordingly, we grant our approval.

Based on the foregoing, it is, therefore,

ORDERED by the Florida Public Service Commission that the indirect change in control of NYNEX Long Distance Company is hereby approved. It is further

ORDERED that, unless a person whose substantial interests are affected by the action proposed herein files a petition in the form and by the date specified in the Notice of Further Proceedings or Judicial Review, this Order shall become final and effective and this docket shall be closed.

ORDER NO. PSC-97-0016-FOF-TI  
DOCKET NO. 961340-TI  
PAGE 3

By ORDER of the Florida Public Service Commission, this 6th  
day of January, 1997.

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

by: Kay Flynn  
Chief, Bureau of Records

( S E A L )

KMP

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 January 27, 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 notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.