

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Request for approval of transfer of CLEC Certificate No. 5638 from NuVox Communications, Inc. to NewSouth Holdings, Inc. effective December 31, 2004, and for name change on Certificate No. 5638 from NewSouth Holdings, Inc. to NuVox Communications, Inc., effective March 1, 2005.

DOCKET NO. 041168-TX
ORDER NO. PSC-05-0318-PAA-TX
ISSUED: March 21, 2005

The following Commissioners participated in the disposition of this matter:

BRAULIO L. BAEZ, Chairman
J. TERRY DEASON
RUDOLPH "RUDY" BRADLEY
CHARLES M. DAVIDSON
LISA POLAK EDGAR

NOTICE OF PROPOSED AGENCY ACTION ORDER
APPROVING TRANSFER OF AND NAME CHANGE ON CLEC CERTIFICATE

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.

I. Case Background

On December 2, 2004, we received a petition from NuVox Communications, Inc. (NuVox) requesting transfer of competitive local exchange telecommunications company (CLEC) Certificate No. 5638 of NuVox Communications, Inc. to NewSouth Holdings, Inc., effective December 31, 2004 and approval for a name change on Certificate No. 5638 from NewSouth Holdings, Inc. to NuVox Communications, Inc., effective March 1, 2005.

We are vested with jurisdiction in this matter pursuant to Sections 364.02, 364.336, 364.337, and 364.345, Florida Statutes.

II. Transfer and Name Change On Certificate No. 5638

Pursuant to Rule 364.345 (2), Florida Statutes, a telecommunications company may not sell, assign, or transfer its certificate or any portion thereof without (a) a determination by the

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commission that the proposed sale, assignment, or transfer is in the public interest; and (b) the approval of this Commission.

After a review of the petition, we find that the proposed transaction would not adversely affect the services currently provided by NuVox since NewSouth would continue to provide services without interruption. Further, NewSouth will continue to provide service with the same rates, terms, and conditions of service as the services those customers currently receive.

Therefore, based on the foregoing, we find that, in this instance, it is in the public interest to approve the transfer of Certificate No. 5638 from NuVox Communications, Inc. to NewSouth Holdings, Inc., effective December 31, 2004 and the name change on Certificate No. 5638 from NewSouth Holdings, Inc. to NuVox Communications, Inc., effective March 1, 2005.

Based on the foregoing, it is therefore

ORDERED by the Florida Public Service Commission that the request for transfer of Certificate No. 5638 from NuVox Communications, Inc. to NewSouth Holdings, Inc., effective December 31, 2004, is hereby approved. It is further

ORDERED by the Florida Public Service Commission that the request for name change on Certificate No. 5638 from NewSouth Holdings, Inc. to NuVox Communications, Inc., effective March 1, 2005, is hereby approved. It is further

ORDERED that CLEC Certificate No. 5638 shall be amended to reflect NewSouth Holdings, Inc. as holder upon transfer effective December 31, 2004. It is further

ORDERED that CLEC Certificate No. 5638 shall be amended to reflect NuVox Communications, Inc. as holder upon name change effective March 1, 2005. It is further

ORDERED that this Order shall serve as NuVox Communication, Inc's certificate and should be retained by the company as proof of certification. It is further

ORDERED that the provisions of this Order, issued as proposed agency action, shall become final and effective upon the issuance of a Consummating Order unless an appropriate petition, in the form provided by Rule 28-106.201, Florida Administrative Code, is received by the Director, Division of Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings" attached hereto. It is further

ORDERED that in the event this Order become final, this docket shall be closed.

By ORDER of the Florida Public Service Commission this 21st day of March, 2005.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

By: Kay Flynn
Kay Flynn, Chief
Bureau of Records

(S E A L)

DRG

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing that is available under Section 120.57, 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 will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

The action proposed herein is preliminary in nature. Any person whose substantial interests are affected by the action proposed by this order may file a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code. This petition must be received by the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on April 11, 2005.

In the absence of such a petition, this order shall become final and effective upon the issuance of a Consummating Order.

Any objection or protest filed in this/these docket(s) before the issuance date of this order is considered abandoned unless it satisfies the foregoing conditions and is renewed within the specified protest period.