

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: APPLICATION OF SOUTHERNNET, INC. ) DOCKET NO. 890838-TI  
 FOR APPROVAL OF THE MERGER OF SOUTHLAND ) ORDER NO. 22103  
 SYSTEMS, INC. INTO SOUTHERNNET, INC., AND ) ISSUED: 10-30-89  
 TO CANCEL CERTIFICATE NO. 42 )  
 )

The following Commissioners participated in the disposition of this matter:

MICHAEL McK. WILSON, Chairman  
 THOMAS M. BEARD  
 BETTY EASLEY  
 GERALD L. GUNTER  
 JOHN T. HERNDON

NOTICE OF PROPOSED AGENCY ACTION

ORDER APPROVING THE MERGER OF SOUTHLAND SYSTEMS, INC.  
INTO SOUTHERNNET, INC. AND CANCELLING  
CERTIFICATE NO. 42

BY THE COMMISSION:

Notice<sup>c</sup> 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 formal proceeding pursuant to Rule 25-22.029, Florida Administrative Code.

On June 28, 1989, SouthernNet, Inc. applied to this Commission for approval of its merger with Southland Systems, Inc. Southland Systems, Inc. is an Alabama corporation which holds Florida Resale Certificate No. 42, and is actively engaged in the telecommunications business in Florida. As part of the corporate restructuring, SouthernNet, Inc. intends to merge with Southland Systems, Inc. under an arrangement by which the surviving corporation will be SouthernNet, Inc. a Georgia corporation. SouthernNet, Inc. claims that the actual operations of the certificate holder will not be affected by this transaction because operations and customer services will continue uninterrupted. SouthernNet, Inc. states that the customers will be notified of the change in name.

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In addition to the change in corporate organization and name, SouthernNet, Inc. intends to use the fictitious name of "Telecom USA" and it appears that the name was properly registered on September 4, 1989.

After having considered SouthernNet, Inc.'s application, we believe that they meet all applicable requirements to provide intrastate long distance telephone service in Florida. Therefore, the merger of Southland Systems, Inc. into SouthernNet, Inc. is approved.

In Docket No. 890839-TI, SouthernNet, Inc. has requested the transfer of Certificate No. 47 from SouthernNet Services, Inc. to SouthernNet, Inc. Since both Southland Systems, Inc. and SouthernNet Services, Inc. are being merged into SouthernNet, Inc., and since both companies will operate under one tariff and one certificate, cancellation of Southland Systems, Inc.'s Certificate No. 42 and related tariffs is proper.

Based on the foregoing, it is hereby.

ORDERED that the application to merge Southland Systems, Inc., into SouthernNet, Inc., is approved effective at the end of the protest period, if no protest is received. It is further

ORDERED that Certificate No. 42, held by Southland Systems, Inc., is cancelled. It is further

ORDERED that the Tariff filed by Southland Systems, Inc. is cancelled. It is further

ORDERED that this docket will be closed after the effective date of the proposed agency action order, and issuance of the consummating order.

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By ORDER of the Florida Public Service Commission,  
this 30th day of OCTOBER, 1989.

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STEVE TRIBBLE, Director  
Division of Records and Reporting

( S E A L )

JSR

by: Kay Flynn  
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 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 November 20, 1989.

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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.