

# NOW COMMUNICATIONS, INC.

R. SCOTT SEAB, ESQ.  
VICE PRESIDENT  
REGULATORY AFFAIRS

REGULATORY OFFICES  
711 SOUTH TEJON STREET, SUITE 201  
COLORADO SPRINGS, CO 80903

TELEPHONE (719) 633-3059  
FACSIMILE (719) 623-0287  
EMAIL: rss@nowcommunications.com

May 2, 2001

Florida Public Service Commission  
Blanco S. Bayo, Director  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

VIA Federal Express

010701-TX

010405-TP

**Re: Request for Name Change on ALEC Certificate**

Dear Ms. Bayo:

On April 21, 2000, this Commission issued Order No. PSC-00-0783-PAA-TX (Encl. 1) approving the purchase by NOW Communications, Inc. ("NOW", ALEC Certificate number 5652) of all of the assets of Tel-Link, LLC ("Tel-Link", former holder of ALEC Certificate number 4849).

On October 12, 2000, NOW was still serving some customers under the trade name "Tel-Link", and NOW filed appropriate tariff revisions reflecting the trade name (Encl. 2).

On November 30, 2000, this Commission issued Order No. PSC-00-2280-FOF-TX (Encl. 3) which amended the name on NOW's ALEC certificate to "NOW Communications, Inc. d/b/a Tel-Link." The Order stated that it was being done pursuant to my letter of October 12, 2000. But as one may see from that letter, nowhere did I request that NOW's ALEC certificate be amended.

The Commission subsequently cancelled, pursuant to my request, Tel-Link, LLC's ALEC and IXC certificates in Docket No. 001404-TX and Docket No. 001270-TI, respectively.

NOW has consolidated all marketing and operating functions and no longer uses any of the names of the companies from which it has purchased the customer base, such as Tel-Link, TelStar, Talk Solutions. NOW ceased using the trade name "Tel-Link" in Florida as of last month's billing cycle. NOW will soon file a revised tariff with the Commission and a withdrawal of the trade name with the Florida Secretary of State. Accordingly, NOW requests that the "d/b/a Tel-Link" be stricken from the certificate.

**This request also relates to the filing for approval of an amendment to the resale agreement negotiated by BellSouth and NOW filed April 5, 2001, in Docket No. 010405-TP.** Ms. Kim Logue, Supervisor - Carrier Services at the Commission, requested that the petition letter and amendment be amended to reflect the "d/b/a Tel-Link" as it appears on NOW's ALEC certificate. For the reasons above, that should no longer be required.

NOW requests that (1) the Commission delete the "d/b/a Tel-Link" reference on NOW's ALEC certificate and (2) the filing for approval of an amendment to the resale agreement be allowed to proceed as filed.

RECEIVED & FILED

RECORDS

DOCUMENT NUMBER-DATE

05764 MAY-7 2001

FPSC-RECORDS/REPORTING

Please date-stamp the extra copy of this letter (without enclosures) and return to me in the envelope provided. As always, do not hesitate to contact me if further information is desired.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Scott Seab". The signature is stylized with a large "R" and a long horizontal stroke.

R. Scott Seab, Esq.  
VP - Regulatory Affairs  
NOW Communications, Inc.  
Regulatory Offices  
711 South Tejon Street, Suite 201  
Colorado Springs, CO 80903

CC via email (w/o enclosures):

Larry W. Seab, CEO  
Kim Logue, FL PSC  
Nancy Sims, BellSouth

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of asset purchase agreement whereby NOW Communications, Inc. (holder of ALEC Certificate No. 5652) will purchase, and Tel-Link, L.L.C. (holder of ALEC Certificate No. 4849) will sell, all assets of Tel-Link.

DOCKET NO. 000180-TX  
ORDER NO. PSC-00-0783-PAA-TX  
ISSUED: April 21, 2000

The following Commissioners participated in the disposition of this matter:

JOE GARCIA, Chairman  
J. TERRY DEASON  
SUSAN F. CLARK  
E. LEON JACOBS, JR.  
LILA A. JABER

NOTICE OF PROPOSED AGENCY ACTION  
ORDER APPROVING PURCHASE OF ALL ASSETS

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.

Section 364.33, Florida Statutes, provides that 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.

By letter dated February 11, 2000, Tel-Link, L.L.C. (Tel-Link) and NOW Communications, Inc. (NOW Communications) filed with this Commission an application for approval of purchase of all assets of Tel-Link by NOW Communications. Tel-Link is the holder of Alternative Local Exchange Telecommunications Certificate No. 4849. NOW Communications is the holder of Alternative Local Exchange Telecommunications Certificate No. 5652. Tel-Link and NOW

Encl. I

Communications have stated that the transaction will be virtually transparent to their customers in Florida and it will not affect the services being provided. Tel-Link and NOW Communications have stated that they will continue to operate under their existing certificated names and tariffs on file with this Commission.

In accordance with our authority under Section 364.33, Florida Statutes, to approve the acquisition or transfer of majority organizational control or controlling stock ownership of a telecommunications company providing service in Florida, we have reviewed the Petition of Tel-Link and NOW Communications, and find it appropriate to approve it. We have based our review and decision upon an analysis of the public's interest in efficient, reliable telecommunications service. Our decision does not address the potential impact of the transfer on the competitive market in Florida, or on the companies' or their competitors' interests. We emphasize, however, that our approval of the Petition pursuant to our authority under Section 364.33, Florida Statutes, does not preclude us from addressing any of our concerns that may arise regarding this transaction to the appropriate federal or state agencies.

Based on the foregoing, it is,

ORDERED by the Florida Public Service Commission that Tel-Link, L.L.C. and NOW Communications, Inc.'s request for approval of purchase of all assets of Tel-Link, L.L.C. by NOW Communications, Inc. is hereby approved. 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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on the date set forth in the "Notice of Further Proceedings or Judicial Review" attached hereto. It is further

ORDER NO. PSC-00-0783-PAA-TX  
DOCKET NO. 000180-TX  
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ORDERED that in the event this Order becomes final, this Docket shall be closed.

By ORDER of the Florida Public Service Commission, this 21st day of April, 2000.

/s/ Blanca S. Bayó  
BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

KMP

NOW COMMUNICATIONS, INC.

Legal Office

R. SCOTT SEAB, Esq.  
Vice - President, Regulatory Affairs

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October 12, 2000

Mr. Dan Hope, Director  
Division of Regulatory Oversight  
Attn: Tariff Section, Mr. Tom Williams  
2540 Shumard Oak Blvd  
Tallahassee, FL 32399-0850

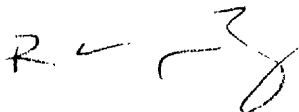
Re: NOW Communications, Inc. ("NOW") - Replacement Tariff for Local Exchange Services

Dear Mr. Williams:

Pursuant to our conversation last week, enclosed is a replacement tariff which displays NOW's trade name "Tel-Link", and as well incorporates the revisions sent by advice letter dated September 16, 2000. A copy of the acknowledgement of the trade name registration from the Secretary of State's Office is enclosed.

An original and one copy of the replacement tariff and this transmittal letter are enclosed. An extra copy of this letter is for you to file-stamp and return in the envelope provided. Please call me if any additional information needed.

Sincerely,



2000 OCT 16 PM 3:20  
DIVISION OF  
REGULATORY OVERSIGHT

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711 S. Tejon Street, Suite 201  
Colorado Springs, CO 80903  
rss@nowcommunications.com  
Telephone 719.633.3059  
Fax 719.623.0287

Encl. 2

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for name change  
on ALEC Certificate No. 5652  
from NOW Communications, Inc. to  
NOW Communications, Inc. d/b/a  
Tel-Link.

DOCKET NO. 001562-TX  
ORDER NO. PSC-00-2280-FOF-TX  
ISSUED: November 30, 2000

ORDER ACKNOWLEDGING NAME CHANGE

BY THE COMMISSION:

By letter dated October 12, 2000, NOW Communications, Inc., holder of Alternative Local Exchange Company (ALEC) Certificate of Public Convenience and Necessity No. 5652, requested that Certificate No. 5652 be amended to reflect the inclusion of a fictitious name, NOW Communications, Inc. d/b/a TEL-LINK. Upon review of the Department of State, Division of Corporations' records, it appears that NOW Communications, Inc. has properly registered the d/b/a fictitious name. Accordingly, we find it appropriate to amend Certificate No. 5652 to reflect the new operating name.

This Order will serve as NOW Communications, Inc. d/b/a TEL-LINK's amended Alternative Local Exchange Company (ALEC) Certificate of Public Convenience and Necessity No. 5652. NOW Communications, Inc. d/b/a TEL-LINK should retain this Order as evidence of the name change.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the request by NOW Communications, Inc. to change the name on Certificate No. 5652 from NOW Communications, Inc. to NOW Communications, Inc. d/b/a TEL-LINK is hereby acknowledged. It is further

ORDERED that this Order will serve as NOW Communications, Inc. d/b/a TEL-LINK's amended Alternative Local Exchange Company Certificate and that this Order should be retained as evidence of the name change. It is further

ORDERED that this change will be effective ten days from the issuance of this Order. It is further

ORDERED that this docket shall be closed.

ORDER NO. PSC-00-2280-FOF-TX  
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PAGE 2

By ORDER of the Florida Public Service Commission, this 30th day of November, 2000.

/s/ Blanca S. Bayó

BLANCA S. BAYÓ, Director  
Division of Records and Reporting

This is a facsimile copy. A signed copy of the order may be obtained by calling 1-850-413-6770.

( S E A L )

JAE

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 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.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/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 after the issuance 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.