

REQUEST TO ESTABLISH DOCKET
(PLEASE TYPE)

Date: May 16, 2001

Docket No. 010753 - TP

1. Division Name/Staff Name: Communications/T.Williams

2. OPR: T.Williams

3. OCR: _____

4. Suggested Docket Title: Request by New South Communications to cancel Interexchange Telecommunications Certificate No. 3174 and Alternative Local Exchange Company Certificate No. 4096, effective May 8, 2001.

5. Suggested Docket Mailing List (attach separate sheet if necessary)

- A. Provide NAMES ONLY for regulated companies or ACRONYMS ONLY regulated industries, as shown in Rule 25-22.104, F.A.C.
- B. Provide COMPLETE name and address for all others. (Match representatives to clients.)

1. Parties and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

2. Interested Persons and their representatives (if any)

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

6. Check one:

Documentation is attached.

Documentation will be provided with the recommendation.

I:\PSC\RAR\WP\ESTDKT.
PSC/RAR 10 (Revised 01/96)

DOCUMENT NUMBER-DATE
06217 MAY 17 2001
FPSC-RECORDS/REPORTING



RECEIVED

MAY 14 2001

Florida Public Service Commission
Division of Regulatory Oversight

May 8, 2001

Tommy Williams
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399

Dear Mr. Williams:

This letter will serve as a supplemental notification to the March 31, 2000 filing of NewSouth Holdings, Inc. ("NSH") and UCI, with respect to NSH's acquisition of UCI. That filing served to notify the Florida Public Service Commission (the "Commission") of a plan of merger and reorganization, whereby Merger Sub, a wholly-owned subsidiary of NSH, planned to merge with and into UCI, a Florida corporation certified as an ALEC and an IXC in Florida, with UCI continuing as the surviving entity. Since the time of that filing, the merger has been completed.

NSH and UCI have agreed to a final step in the NSH/UCI acquisition in which UCI will merge into NSH, with NSH, the parent company and NewSouth Communications Corp., continuing as the surviving entities. NewSouth Communications, a subsidiary of NSH, has acquired all of UCI's customers, employees, assets and bills. NewSouth Communications Corp. is providing service to the newly acquired customers under its present Florida operating authority, certification and tariffs.

NewSouth Communications mailed a billing insert to the UCI customers in the February 2001 bills notifying them of the merger. This notice included NewSouth Communications' toll free customer service number, which is 1-800-600-5050, and a statement that the customers have the option of selecting another telephone service provider. In addition, UCI customers who remain with NewSouth will remain on their current UCI rates for six months to minimize customer inconvenience. We will shortly file a tariff incorporating those rates and making them available only to former UCI customers.

Because the merger is now complete and service and billing will now be provided by NewSouth Communications, I request that UCI's certification and tariffs be cancelled.

Please let me know if you have any questions or if I can be of assistance in connection with this matter. I can be reached at 864-672-5177.

Yours very truly,

A handwritten signature in cursive script that reads "Lori Reese".

Lori Reese

Vice President of Governmental Affairs
NewSouth Communications Corp.

cc: Vicki Gordon Kaufman

NewSouth Center • Two N. Main Street
Greenville, South Carolina 29601
T:(864)-672-5000 • F:(864)-672-5055

NewChoice. NewTechnology. NewValue.

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Request for approval of agreement and plan of merger and reorganization whereby NewSouth Communications Corp. (holder of IXC Certificate No. 5770 and ALEC Certificate No. 5754), a subsidiary of NewSouth Holdings, Inc., will merge with and into UniversalCom, Inc. (holder of IXC Certificate No. 3174 and ALEC Certificate No. 4096), with UniversalCom continuing as surviving entity.

DOCKET NO. 000398-TP
ORDER NO. PSC-00-1270-PAA-TP
ISSUED: July 11, 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 AGREEMENT AND PLAN OF MERGER AND REORGANIZATION

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 April 3, 2000, UniversalCom, Inc. (UCI) and NewSouth Communications Corp. (NewSouth) filed with this Commission

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an application for approval of the agreement and plan of merger and reorganization from NewSouth to UCI. UCI is the holder of IXC Certificate No. 5770 and ALEC Certificate No. 4096. UCI has stated that the transaction will be virtually transparent to its customers in Florida and it will not affect the services being provided. UCI has stated that it will continue to operate under its 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 UCI and NewSouth 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 UniversalCom, Inc. and NewSouth Communications Corp.'s request for approval of the agreement and plan of merger and reorganization from NewSouth Communications Corp. to UniversalCom, 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

ORDERED that in the event this Order becomes final, this Docket shall be closed.

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By ORDER of the Florida Public Service Commission this 11th
day of July, 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)

WDK

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 Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, by the close of business on August 1, 2000.

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 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.