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PLEASE REPLY TO:

TALLAHASSEE

TALLAHASSEE OFFICE:
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TALLAHASSEE, FLORIDA 32301
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July 19, 2001

VIA HAND DELIVERY

Blanca S. Bayo, Director
Division of Records and Reporting
Betty Easley Conference Center
4075 Esplanade Way
Tallahassee, Florida 32399-0870

Re: Docket No.: 010753-TP

Dear Ms. Bayo:

On behalf of NewSouth Communications Corp., enclosed for filing and distribution are the original and 15 copies of the following:

- ▶ NewSouth Communications Corp.'s Notice of Withdrawal of Letter of May 8, 2001 or in the Alternative, Petition for Formal Proceeding.

Please acknowledge receipt of the above on the extra copy of each and return the stamped copies to me. Thank you for your assistance.

Sincerely,

Vicki Gordon Kaufman

APP _____
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CMP Enclosure
COM 5
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MCWHIRTER, REEVES, MCGLOTHLIN, DAVIDSON, DECKER, KAUFMAN, ARNOLD & STEEN, P.A.

DOCUMENT NUMBER-DATE

08822 JUL 19 01

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Cancellation of
certificates to provide
interexchange telecommunications
services.

Docket No. 010753-TP

NewSouth Communications Corp.
UniversalCom, Inc.

Filed: July 19, 2001

**NewSouth Communications Corp.'s Notice of Withdrawal of Letter of May 8, 2001
or in the Alternative, Petition for Formal Proceeding**

NewSouth Holdings, Inc. and NewSouth Communications Corp. (NewSouth) hereby withdraw their letter of May 8, 2001 requesting cancellation of the certificates and tariffs of UniversalCom, Inc. (UCI), request that the proposed agency action (PAA) order entered on June 28, 2001 canceling such certificates be of no force and effect, and that the UCI certificates remain in effect until further notice. As grounds therefore, NewSouth states:

1. The name and address of the agency affected is:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

The file number is Docket No. 010753-TP.

2. The name, address, and telephone number of the Petitioner is:

NewSouth
Two North Main Street
Greenville, South Carolina 29609
1-864-672-5177

3. The name, address and telephone number of Petitioners' representatives for purposes of service during this proceeding are:

Lori Reese
NewSouth Communications Corp.
Two North Main Street
Greenville, South Carolina 29609
1-864-672-5177
lreese@newsouth.com

Vicki Gordon Kaufman
McWhirter Reeves
117 South Gadsden Street
Tallahassee, Florida 32301
1-850-222-2525
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4. **Explanation of substantial interests.** By letter dated May 8, 2001, NewSouth provided supplemental notification to the Commission that the planned merger between NewSouth and UCI had been completed and that cancellation of the certificates and tariffs of UCI should occur. On June 28, 2001, the Commission issued PAA Order No. PSC-01-1380-PAA-TP granting that request and canceling UCI certificate numbers 4096 and 3174. It has now come to NewSouth's attention that there was an error in its letter of May 8 and that the merger between the two companies is **not** yet complete, though consummation of the merger is expected shortly. Therefore, UCI's certificates should **not** be canceled at this time. To prematurely cancel UCI's certificates prior to the completion of the merger would affect the substantial interests of both companies.

5. Because the PAA order was issued as the result of a request by NewSouth, NewSouth's notice of withdrawal of its request renders the PAA order a nullity and of no force and effect, thus leaving the UCI certificates in full force and effect.¹ However, in an abundance of caution, NewSouth files this protest so as to ensure that the PAA order does not take effect.

6. The UCI merger is currently scheduled to take effect shortly. When it does, NewSouth will promptly inform the Commission and reinstate its request for the cancellation of the UCI certificates at that time. Alternatively, NewSouth suggests that the Commission simply keep

¹See, In re: Petition for expedited approval of settlement agreement with Lake Cogen, Ltd., by Florida Power Corporation, Order No. PSC-98-0450-FOF-EQ, Docket No. 961477-EQ (March 30, 1998) (finding that a protest of a PAA renders it a nullity).

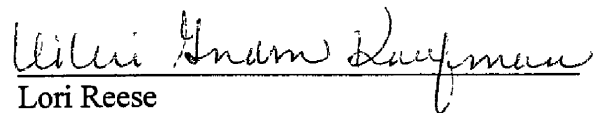
this file open pending notification that the merger has been completed.

7. **How notice received.** Notice of the PAA order was received via the Commission website.

8. **Disputed issues of material fact.** There are no disputed issues of material fact.

9. **Ultimate facts alleged.** Ultimate facts alleged are that cancellation of the UCI certificates is premature at this time.

WHEREFORE, NewSouth hereby withdraws its letter of May 8, 2001 requesting the cancellation of the UCI certificates, requests that PAA Order No. PSC-01-1380-PAA-TP be rendered a nullity and of no force and effect, and that the UCI certificates remain in effect. In the alternative, NewSouth suggests that this docket simply remain open pending notification of consummation of the merger. Finally, in an abundance of caution, NewSouth requests a formal proceeding on Order No. PSC-01-1380-PAA-TP, to the extent necessary.



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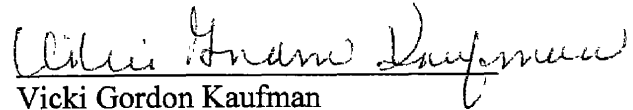
Attorneys for NewSouth Communications Corp.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing NewSouth Communications Corp.'s Notice of Withdrawal of Letter of May 8, 2001 or in the Alternative, Petition for Formal Proceeding has been furnished by (*) hand delivery or by U. S. Mail on this 19th day of July 2001, to the following:

(*) Kim Pena
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399

(*) Tommy Williams
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399


Vicki Gordon Kaufman