



Public Service Commission

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-M-E-M-O-R-A-N-D-U-M-

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COMMISSION CLERK

DATE: SEPTEMBER 20, 2001

TO: DIRECTOR, DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES (BAYÓ)

FROM: DIVISION OF REGULATORY OVERSIGHT (T, WILLIAMS) *TPW*
DIVISION OF LEGAL SERVICES (PENA/KEATING) *KMP* *JP* *AKA*

RE: DOCKET NO. 010753-TP - REQUEST FOR CANCELLATION OF
UNIVERSALCOM, INC.'S IXC CERTIFICATE NO. 3174 AND ALEC
CERTIFICATE NO. 4096 BY NEWSOUTH COMMUNICATIONS CORP.,
EFFECTIVE 5/8/01.

AGENDA: 10/02/01 - REGULAR AGENDA - INTERESTED PERSONS MAY
PARTICIPATE

CRITICAL DATES: NONE

SPECIAL INSTRUCTIONS: NONE

FILE NAME AND LOCATION: 010753.RCM

CASE BACKGROUND

On May 17, 2001, the above subject docket was opened at the request of NewSouth Communications Corp. (NewSouth). In the letter, NewSouth informed the Commission that the merger approved in Docket 000398-TP, Order No. PSC-00-1270-PAA-TP, effective August 2, 2000, between NewSouth and UniversalCom, Inc. was complete and that UniversalCom's certificates could be cancelled.

By Order PSC-01-1380-PAA-TP, issued June 28, 2001, the Commission approved the cancellation of UniversalCom's certificates. However, on July 19, 2001, we received a letter from Ms. Vicki Gordon Kaufman, Attorney for NewSouth (attachment A) explaining that the merger was not complete and requested that the certificates not be cancelled. Cancellation of UniversalCom's certificates prior to completion of the merger would affect the substantial interests of both companies.

DOCUMENT NUMBER-DATE

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DISCUSSION OF ISSUES

ISSUE 1: Should Order No. PSC-01-1380-FOF-TP, issued June 28, 2001, in Docket No. 010753-TP be vacated?

RECOMMENDATION: Yes. Order No. PSC-01-1380-FOF-TP should be vacated to allow the parties to complete the transaction without interruption of service to present customers.

STAFF ANALYSIS: Since the merger is not complete, staff is recommending that Order No. PSC-01-1380-FOF-TP, issued June 28, 2001, be vacated.

ISSUE 2: Should this docket be closed?

RECOMMENDATION: Yes, this docket should be closed upon issuance of the Commission's vacating order.

STAFF ANALYSIS: This docket should be closed when the Commission's order vacating its approval of the cancellation is issued.