

ORIGINAL

State of Florida



# Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE, FLORIDA 32399-0850

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

**DATE:** December 6, 2004

**TO:** Blanca S. Bayó, Commission Clerk and Administrative Services Director

**FROM:** Paula J. Isler, Research Assistant, Division of Competitive Markets & Enforcement

**RE:** Docket No. 041168-TP  
Docket No. 041360-TX  
Docket No. 041361-TI

04 DEC 6 PM 2:39  
RECEIVED FPSC  
COMMISSION CLERK

### Docket No. 041168-TP

Attached is a letter dated December 2, 2004, along with corrected pages (No. 2 and 13) of the CLEC application, from Ms. Katherine E. Barker of The KDW Group, attorney for NewSouth and NuVox. The title of Docket No. 041168-TP should be changed to the following:

Request for <sup>approval of</sup> ~~merger~~ and transfer of CLEC Certificate No. 5638 from NuVox Communications, Inc. to NewSouth Holdings, Inc., effective December 31, 2004.

Please note that although new applications are normally effective on the date the consummating order is issued, staff is making an exception in this case. In addition, the original suffix for this docket was "TP", but it should be changed to "TX".

### Docket No. 041360-TX

I've attached a copy of the same December 2<sup>nd</sup> letter to be added to this docket as justification for changing the docket title to the following:

Request for cancellation of CLEC Certificate No. 5754 issued to NewSouth Communications Corp., effective 12/31/04.

DOCUMENT NUMBER-DATE

12892 DEC -6 04

FPSC-COMMISSION CLERK

*Handwritten initials and date:* 12/10/04

Memorandum - Blanca S. Bayó  
December 6, 2004  
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**Docket No. 041361-TI**

I've attached a copy of the same December 2<sup>nd</sup> letter to be added to this docket as justification for changing the docket title to the following:

Acknowledgment of IXC Registration, effective 12/31/04, by  
NewSouth Holdings, Inc.

In addition, I'm attaching the corrected first page of the registration form showing the correct company name.

For the latter two dockets, the company originally filed a tariff and price list with the incorrect company name. With the December 2<sup>nd</sup> letter, the company filed with me the replaced tariff and price list with the correct company name. I am not attaching the replaced tariff and price list after discussing this with Ms. Kay Flynn. If you have any questions, please let me know.

Attachments



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1200 19th Street, NW  
Washington, DC 20036  
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fax (202) 955-9792  
thekdwgroup.com

DIRECT LINE (202) 955-9669

EMAIL kbarker@TheKDWGroup.com

December 2, 2004

**VIA E-MAIL PAULA ISLER [PISLER@PSC.STATE.FL.US]**

Ms. Paula Isler  
Telecommunications Division  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Re: Notification of NewSouth Holdings, Inc., NewSouth Communications Corp. and NuVox Communications, Inc. of an Internal Corporate Reorganization and Request for Approval, as Necessary, of Related Transactions. Docket No. 041168-TF X *and*

Dear Ms. Isler:

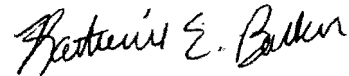
Thank you for your call with Toni McCoy this morning. Attached please find the revised pages as discussed and the new tariff pages. Please also, as discussed in your facsimile, acknowledge the IXC Registration of NewSouth Holdings, Inc., cancel CLEC Certificate Number 5754, in the name of NewSouth Communications Corp.; acknowledge the cancellation of IXC Registration Number TJ186 by NewSouth Communications Corp., and acknowledge the cancellation of IXC Registration Number TJ092 by NuVox Communications, Inc. All of these items should be effective as of Dccember 31, 2004. My understanding is that if the effective date of these transactions is December 31, 2004, the companies are liable for their 2004 assessments.

I will be forwarding on the RAF account summaries to Mary Campbell at NuVox/NewSouth Holdings to process payment.

Ms. Paula Isler  
December 2, 2004  
Page Two

Please acknowledge this letter with a return e-mail, and please let me know if you have any questions or concerns. Thank you for your assistance thus far and your continuing efforts in completing this transaction. It is greatly appreciated.

Respectfully submitted,



Katherine E. Barker

Attachments

## APPLICATION

1. This is an application for  (check one):

- Original certificate (new company).
- Approval of transfer of existing certificate: Example, a non-certificated company purchases an existing company and desires to retain the original certificate of authority.
- Approval of assignment of existing certificate: Example, a certificated company purchases an existing company and desires to retain the certificate of authority of that company.
- Approval of transfer of control: Example, a company purchases 51% of a certificated company. The Commission must approve the new controlling entity.

2. Name of company:

NewSouth Holdings Inc.

3. Name under which the applicant will do business (fictitious name, etc.):

Applicant intends, in the future, to change its name to NuVox Communications, Inc. d/b/a NuVox Communications

4. Official mailing address (including street name & number, post office box, city, state, zip code):

Two North Main Street  
Greenville, SC 29601

**CERTIFICATE SALE, TRANSFER, OR ASSIGNMENT STATEMENT**

I, Hamilton E. Russell, III,

VP of Legal Affairs of

NewSouth Holdings, Inc. and  
NuVox Communications, Inc.

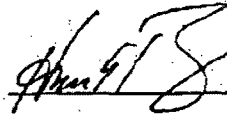
and current holder of Florida Public Service Commission Certificate Number #  
5638, have reviewed this application and join in the petitioner's request for a:

- ( ) sale  
(X) transfer  
( ) assignment

of the above-mentioned certificate.

**UTILITY OFFICIAL:**

Hamilton E. Russell, III



**Print Name**

**Signature**

VP of Legal Affairs

11/24/07

**Title**

**Date**

(864) 331-7323

(864) 672-5313

**Telephone No.**

**Fax No.**

**Address:**

**Two N. Main Street  
Greenville, SC 29601**