

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of NOW COMMUNICA- )  
TIONS, INC., and TEL-LINK LLC Asset )  
Purchase Agreement )

DOCKET NO. 00-2283-01  
REPORT AND ORDER

Issued: July 20, 2000

SYNOPSIS

No detriment to the public interest appearing, the Commission approved the proposed acquisition.

By the Commission:

PROCEDURAL HISTORY

On February 14, 2000, the joint applicants above-named filed an Application for approval of NOW Communications, Inc., acquisition of all of Tel-Link, LLC's assets. The matter was referred to the Division of Public Utilities, Utah Department of Commerce (DPU), which filed its memorandum recommending approval July 6, 2000. Since the matter has neither engendered any opposition, nor does it appear likely to do so, and since an evidentiary hearing appears to be neither necessary nor helpful in the disposition of this matter, the Commission has determined to dispose of the same without further proceedings. The Administrative Law Judge, having been fully advised in the matter, now enters the following Report, containing proposed findings of fact, conclusions of law, and the Order based thereon.

FINDINGS OF FACT

1. NOW Communications ("NOW") proposes to purchase all of the assets of Tel-Link, LLC ("TL") including all customer accounts, certifications and licenses. NOW received its certificate on November 24, 1999 and TL on September 23, 1997.
2. NOW, a privately-held Mississippi corporation, is a non-dominant carrier that resells local service and intrastate, interstate and international long-distance service purchased from various facilities-based carriers. TL, a Georgia limited liability company, is also a non-dominant carrier that resells local service and intrastate interstate and international long-distance service purchased from various facilities-based carriers.
3. Following consummation of the acquisition, NOW will continue to serve all of the present customer accounts of TL, pursuant to TL's certification previously issued. Prior to consummation, NOW intends to notify all current customers of TL of the acquisition, which will, in effect, be transparent to the customers of TL and NOW, by either a separate mailing or bill insert. TL's price lists will remain in place and in effect and the acquisition should not cause any inconvenience or confusion to the customers of either TL or NOW.

DISCUSSION

The applicants argue that the proposed acquisition will allow a strengthened entity better to compete in the local telecommunications market. Be that as it may, at this juncture the proposal does not appear to derogate from the public interest.

CONCLUSIONS OF LAW

The proposed acquisition should be approved.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

The acquisition of the assets of Tel-Link, LLC by NOW Communications, Inc., including the former's Certificate of Convenience and Necessity, be, and it is, approved effective the date of this Order.

Any person aggrieved by this Order may petition the Commission for review within 20 days of the date of this Order. Failure so to do will forfeit the right to appeal to the Utah Supreme Court.

DATED at Salt Lake City, Utah, this 20<sup>th</sup> day of July, 2000.

/s/ A. Robert Thurman, Administrative Law Judge

Approved and Confirmed this 20<sup>th</sup> day of July, 2000, as the Report and Order of the Public Service Commission of Utah.

/s/ Stephen F. Mecham, Chairman

/s/ Constance B. White, Commissioner

/s/ Clark D. Jones, Commissioner

Attest:

/s/ Julie Orchard

Commission Secretary