STATE OF SOUTH CAROLINA

(Caption of Case)

IN THE MATTER OF THE JOINT APPLICATION OF CIMCO COMMUNICATIONS, INC. AND COMCAST PHONE OF SOUTH CAROLINA, INC. FOR APPROVAL OF THE TRANSFER OF ASSETS AND CUSTOMER BASE

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET NUMBER: 2009 - ____ - C

(Please type or print)
Submitted by: John J. Pringle, Jr.

Address: Ellis, Lawhorne & Sims, PA
PO Box 2285
Columbia SC 29202

SC Bar Number: 11208
Telephone: 803-343-1270
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Other:

Email: jpringle@ellislawhorne.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☒ Affidavit	☐ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certification
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☒ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Order	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

Print Form Reset Form

ELLIS : LAWHORNE

Carol Roof
Direct dial: 803/779-0066
croof@ellislawhorne.com

October 26, 2009

FILED ELECTRONICALLY
The Honorable Charles L.A. Terreni
Chief Clerk
SC Public Service Commission
P.O. Drawer 11649
Columbia, SC 29211

RE: Joint Application of CIMCO Communications, Inc. and Comcast Phone of South Carolina, Inc. for Approval of the Transfer of Assets and Customer Base
Docket No. 2009-417-C, ELS File No. 2096-11677

Dear Mr. Terreni:

Enclosed for filing are the Affidavits of Publication received from The State-Record Co, Inc. and The Greenville News in the above-referenced docket.

If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

ELLIS, LAWHORNE & SIMS, P.A.

Carol Roof

Carol Roof
Paralegal

cc: Brian Nixon, Esquire
Jean L. Kiddoo, Esquire
Brett P. Ferenchak, Esquire
Shealy Boland Reibold, Esquire

enclosures

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA DOCKETING DEPARTMENT

NOTICE OF FILING

DOCKET NO. 2009-417-C

CIMCO Communications, Inc. ("CIMCO") and Comcast Phone of South Carolina, Inc. ("Comcast Phone") (collectively "Applicants"), pursuant to S.C. Code Section 58-9-310 and the rules of the Public Service Commission of South Carolina ("Commission"), have filed an Application seeking approval from the Commission for the transfer of certain assets of CIMCO to Comcast Phone (the "Transaction"). Pursuant to an Asset Purchase Agreement entered into as of September 16, 2009 between Comcast Phone and certain of its affiliates, and CIMCO (the "Agreement"), Comcast Phone will acquire the assets and customer accounts (including related data, databases, contracts and customer records needed to support the provision of telecommunications services to those customers) of CIMCO in the State of South Carolina. Following completion of the migration of customers to Comcast Phone, all of the affected customers will continue to receive service from Comcast Phone under the same rates, terms and conditions as currently provided by CIMCO. In addition, Applicants have requested, to the extent necessary, that the Commission grant a waiver of any applicable anti-slamming regulations that may be inconsistent with the FCC's rules regarding the transfer of customer bases provided in 47 C.F.R. § 64.1120(e). Further, the Applicants have requested that the Commission, following the completion of the Transaction, cancel CIMCO's Certificate of Public Convenience and Necessity.

A copy of the Application is on file in the offices of the Commission, 101 Executive Center Drive, Columbia, South Carolina 29210 and on the Commission's website at www.psc.sc.gov under Docket Number 2009-417-C. A copy of the Application is also available from John J. Pringle, Esquire, Ellis, Lawhorne & Sims, P.A., Post Office Box 2285, Columbia, SC 29202.

A public hearing, if scheduled, will be held in Columbia, South Carolina, in the offices of the Commission at the above address, for the purpose of receiving testimony and other evidence from all interested parties regarding this Application. The time and date of this hearing will be furnished to all interested parties at a later date.

Any person who wishes to participate in this matter, as a party of record with the right of cross-examination, should file a Petition to Intervene in accordance with the 9, 2009 and indicate the amount of time required for his presentation. Please include an email address for receipt of future Commission correspondence in the Petition to Intervene. Please refer to Docket No. 2009-417-C.

Any person who wishes to testify and present evidence at the hearing should notify the Docketing Department, in writing, at the address below, the Office of Regulatory Staff at 1401 Main Street, Suite 900, Columbia, South Carolina 29201, and John J. Pringle, Esquire, at the above address, on or before November 9, 2009 and indicate the amount of time required for his presentation. Please refer to Docket No. 2009-417-C.

Any person who wishes to be notified of any change in the hearing, but does not wish to present testimony or be a party of record, may do so by notifying the Docketing Department, in writing, at the address below on or before November 9, 2009. Please refer to Docket No. 2009-417-C.

PLEASE TAKE NOTICE: Any person who wishes to have his or her comments considered as part of the official record of this proceeding MUST present such comments, in person, to the Commission during the hearing.

Persons seeking information about the Commission's Procedures should contact the Commission at (803) 896-5100.

Public Service Commission of South Carolina
Attn: Docketing Department
Post Office Drawer 11649
Columbia, South Carolina 29211
10/8/09

10272

RECEIVED

OCT 2 3 2009

Ellis, Lawhorne & Sims, PA

THE STATE MEDIA CO., INC.
Columbia, South Carolina
publisher of
The State

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Personally appeared before me, Brian Nalepa, Advertising Operations Manager of THE STATE, and makes oath that the advertisement,

Notice of Filing – Docket No. 2009-417-C – CIMCO Communications Inc.

was inserted in THE STATE, a daily newspaper of general circulation published in the City of Columbia, State and County aforesaid, in the issue(s) of

October 14, 2009

Subscribed and sworn to before me

on this day October 20, 2009

Evelyn F Hartman Notary Public

My commission expires
March 10, 2013

"Errors- the liability of the publisher on account of errors in or omissions from any advertisement will in no way exceed the amount of the charge for the space occupied by the item in error, and then only for the first incorrect insertion."

The Greenville News

greenvilleonline.com

RECEIVED
OCT 26 2009
Ellis, Lawhorne & Sims, PA

Classified Advertising

Date: 10/15/2009

Name: / ELLIS LAWHORNE & SIMS PA
PO BOX 2285 COLUMBIA SC 29202

Rate: Legal Rates

Ad No: 4547979 **Class:** 0008 Legal Notices (News)

Runs:

Tuesday, October 13, 2009 **Lines:** 198

AFFIDAVIT

I, Susan F. Mullinax, being the Legal Advertising Agent for ***The Greenville News***, do hereby testify that the attached legal ad was published on 198 lines as set forth above, in The Greenville News beginning on 10/13/2009 and ending on 10/13/2009

Susan F. Mullinax
Legal Advertising Agent

Carlotta G. Bell
Notary Public for the State of South Carolina
My Commission Expires August 16, 2010

Post Office Box 1688 * Greenville, SC 29602
Phone: 864.298.4100

GANNETT

305 South Main Street * Greenville, SC 29601
Toll Free: 1.800.800.5116

Ad Text:

4547979 PUBLIC SERVICE COMMISSION OFSOUTH CAROLINA DOCKETINGDEPARTMENT NOTICE OFFILING DOCKET NO. 2009-417-C CIMCO Communica-tions, Inc. ("CIMCO")and Comcast Phone ofSouth Carolina, Inc.("Comcast Phone") (co-llectively, "Appl-icants"), pursuant toS.C. Code Section 58-9-310 and the rules of thePublic Service Commis-sion of South Carolina("Commission"), havefiled an Applicationseeking approval fromthe Commission for thetransfer of certain as-sets of CIMCO to Com-cast Phone (the "Tran-saction"). Pursuant toan Asset PurchaseAgreement entered intoas of September 16,2009, between ComcastPhone and certain of itsaffiliates, and CIMCO(the "Agreement"),Comcast Phone will ac-quire the assets andcustomer accounts (i-ncluding related data,databases, contractsand customer recordsneeded to support theprovision of telecom-munications services tothose customers) ofCIMCO in the State ofSouth Carolina.Following completionof the migration of cus-tomers to ComcastPhone, all of the af-fected customers willcontinue to receiveservice from ComcastPhone under the samerates, terms and condi-tions as currently pro-vided by CIMCO. In ad-dition, Applicants haverequested, to the ex-tent necessary, that theCommission grant awaiver of any applic-able anti-slammingregulations that may beinconsistent with theFCC's rules regardingthe transfer of custom-er bases provided in 47C.F.R. 64.1120(e).Further, the Applicantshave requested thatthe Commission, fol-lowing the completionof the Transaction,cancel CIMCO's Certifi-cate of Public Conve-nience and Necessity. A copy of the Applica-tion is on file in the of-fices of the Commis-sion, 101 Executive Cen-ter Drive, Columbia,South Carolina 29210and on the Commis-sion's website atwww.psc.sc.gov underDocket Number 2009-417-C. A copy of theApplication is alsoavailable from John J.Pringle, Esquire, Ellis,Lawhorne & Sims, P.A.,Post Office Box 2285,Columbia, SC 29202. A public hearing, ifscheduled, will be heldin Columbia, South Car-olina, in the offices ofthe Commission at theabove address, for thepurpose of receivingtestimony and otherevidence from all inter-ested parties regardingthis Application. Thetime and date of thishearing will be fur-nished to all interestedparties at a later date. Any person who wishesto participate in thismatter, as a party of re-cord with the right ofcross-examination,should file a Petition toIntervene in accor-dance with the Com-mission's Rules of Prac-tice and Procedure onor before November 9,2009, and indicate theamount of time re-quired for his presenta-tion. Please include anemail address for rec-eipt of future Commis-sion correspondence inthe Petition to Inter-vene. Please refer toDocket No. 2009-417-C. Any person who wishesto

testify and presentevidence at the hearingshould notify the Dock-eting Department, inwriting, at the addressbelow, the Office ofRegulatory Staff at 1401Main Street, Suite 900,Columbia, South Caroli-na 29201, and John J.Pringle, Esquire, at theabove address, on orbefore November 9,2009, and indicate theamount of time re-quired for his presenta-tion. Please refer toDocket No. 2009-417-C. Any person who wishesto be notified of anychange in the hearing,but does not wish topresent testimony orbe a party of record,may do so by notifyingthe Docketing Depart-ment, in writing, at theaddress below on orbefore November 9,2009. Please refer toDocket No. 2009-417-C. PLEASE TAKE NOTICE:Any person who wishesto have his or her com-ments considered aspart of the official re-cord of this proceedingMUST present suchcomments, in person,to the Commission dur-ing the hearing. Persons seeking infor-mation about the Com-mission's Proceduresshould contact theCommission at (803)896-5100. Public Service Commis-sion of South Carolina Attn: DocketingDepartment Post Office Drawer11649 Columbia,South Carolina 29211 10/8/09

THANK YOU FOR YOUR ADVERTISEMENT!
If I can be of further assistance, please call : Susan
4229