

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-5051
of Access Point, Inc., McLean,)
Virginia, seeking approval of a)
transfer of control to CG Pivotal,) ORDER GRANTING APPLICATION
LLC, McLean, Virginia.)
)
) Entered: June 11, 2019

BY THE COMMISSION:

On May 2, 2019, an application was filed by Access Point, Inc. ("Access Point"), seeking the approval of the Nebraska Public Service Commission ("Commission") to transfer control of Access Point to GTT Americas, Inc. ("GTTA"). Notice of the application was published in The Daily Record, Omaha, Nebraska, on May 6, 2019. No protests were filed; therefore, this application is processed pursuant to the Commission's rule of modified procedure.

O P I N I O N A N D F I N D I N G S

Access Point is a North Carolina corporation, previously holding its principal place of business in Cary, North Carolina, and now holding it in McLean, Virginia. Access Point holds authority in Nebraska as an interexchange carrier.

GTTA is a Delaware limited liability company with its principal place of business in McLean, Virginia. GTTA is a direct, wholly-owned subsidiary of GTT Communications, Inc. ("GTT"), a publicly-traded Delaware corporation also headquartered in McLean, Virginia. GC Pivotal, LLC ("GC Pivotal") is a direct, wholly-owned subsidiary of GTT, a publicly-traded Delaware corporation also headquartered in McLean, Virginia. GC Pivotal holds authority in Nebraska to provide local exchange, interexchange, and other telecommunications services.

On October 1, 2018, Access Point became a direct, wholly owned subsidiary of GTTA. This transaction became effective on January 1, 2019, and GC Pivotal became the service provider of record for the customers previously held by Access Point. Access Point submits that Nebraska customers receive the same rates, terms under GC Pivotal that they did under Access Point. GC Pivotal commits to continuing to report all revenues, customer lines, and any associated assessments previously reported and remitted by Access Point. GC Pivotal further commits to fulfilling any and all

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outstanding obligations previously held by Access Point. Access Point submits that the proposed transaction will be seamless to Nebraska customers and that it will be in the public interest.

Applicants seek approval from the Commission pursuant to Neb. Rev. Stat. § 75-146, which states in pertinent part: "No common carrier . . . shall consolidate its stock, property, franchise, or earnings, in whole or in part, with any other competing common carrier without permission of the commission."

Upon review of the evidence, the Commission finds that the application filed herein is in compliance with the applicable Nebraska Statutes and that the transfer of control is reasonably required for the aforementioned purpose. The application is fair, reasonable and in the public interest and should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5051 be, and is hereby, granted.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 11th day of June, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal L. Anderson

Mary Ridd
Chair

Paul J. Anderson
Tim Schram
Don Waters

ATTEST:

Phil S. H.
Executive Director