

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint) Application No. C-5320
Application of Magna5 Holdings,)
LLC, Magna5, LLC, each of)
Frisco, Texas, and International)
Telcom Ltd, Mahwah, New Jersey,) ORDER GRANTING APPLICATION
seeking authority to obtain debt)
financing and seeking a name)
change from International Telcom)
Ltd to International Telcom,)
LLC.) Entered: October 5, 2021

BY THE COMMISSION:

On August 10, 2021, an application was jointly filed by Magna5 Holdings, LLC of Frisco, Texas ("Magna5 Holdings"), Magna5, LLC of Frisco, Texas ("Magna5"), and International Telcom Ltd of Mahwah, New Jersey ("International Telcom") (collectively "Applicants"), seeking approval for International Telcom and Magna5 to jointly incur long-term debt commitments, and for International Telcom to change its name to International Telcom LLC. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 13, 2021. 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

International Telcom is a privately held limited liability company duly organized and incorporated under the laws of the State of Delaware. International Telcom was issued a Certificate of Public Convenience and Necessity to provide interexchange carrier telecommunications services in Nebraska in 2001.¹ The principal office of International Telcom is located in Mahwah, New Jersey.

Magna5 is a privately held limited liability company duly organized and incorporated under the laws of the State of Delaware. Magna5 Holdings is Magna5's parent company, and does not provide communications services. Magna5 a registered provider of VoIP services in Nebraska.

¹ See Commission Docket No. C-2529, *In the Matter of the Application of International Telcom, Ltd. of Seattle, Washington, seeking authority to operate as a resale common carrier of telecommunications services within the state of Nebraska*, granted by the Commission on June 19, 2001.

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The Applicants seek Commission approval for International Telcom and Magna5 to jointly incur long-term debt commitments, and for International Telcom to change its name to International Telcom LLC. With regard to the debt financing portion of the application, the Applicants seek Commission approval for International Telcom to issue evidence of indebtedness up to the aggregate amount of up to 14 million, in order to acquire all ownership units of Magna5. Applicants state that this transaction and issuance of debt will serve the public interest by allowing International Telcom to invest in Magna5's operations and consolidate its systems. Applicants further state that the transaction will have no adverse impact on customers as Magna5 will continue to provide services at the same rates, terms, and conditions, as governed by existing contracts and tariffs, as applicable.

The Applicants seek approval from the Commission pursuant to Neb. Rev. Stat. § 75-148, which states, in pertinent part:

A common carrier may issue stock, bonds, notes, or other evidence of indebtedness, payable at periods of more than twelve months after the date thereof, when necessary for the acquisition of property, the construction, completion, extension or improvement of facilities, the improvement or maintenance of its service, or the discharge or lawful refunding of its obligations if the common carrier first secures from the Commission an order authorizing such issue and the amount thereof and stating that in the opinion of the Commission the use of the capital to be secured by the issue of such stock, bonds, notes, or other evidence of indebtedness is reasonably required for the purposes of the carrier.

Upon review of the evidence, the Commission finds that the debt financing portion of the application filed herein is in compliance with the applicable Nebraska statutes and that the debt financing agreement is reasonably required for the aforementioned purposes. The Commission emphasizes that this finding does not constitute a review of the Applicants' overall financial ability with regard to the issuance of this debt. However, to the extent contemplated by Neb. Rev. Stat. § 75-148, the Commission finds that the application is fair, reasonable, in the public interest, and should be granted.

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With regard to the proposed name change, International Telcom has received authority from the Secretary of State to use the new name, and stated that customers are aware of and accustomed to the proposed name change to International Telcom, LLC. Based on the evidence adduced, the Commission is of the opinion that this portion of the application is 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-5320 be, and is hereby granted.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 5th day of October, 2021.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Broadus
Mary Kiddy
Tim Schram

Don Woodruff
Chair

ATTEST:

Shanice Knutson
Deputy Director