

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2987
of Buyers United, Inc., d/b/a)
buyersonline, d/b/a United)
Carrier Networks of Bluffdale,) GRANTED
Utah and Touch America, Inc.)
(Debtor-in-Possession) of Butte,)
Montana, seeking approval of a)
proposed customer base transfer.) Entered: September 9, 2003

BY THE COMMISSION:

On July 23, 2003, an application was filed by Buyers United, Inc., d/b/a buyersonline, d/b/a United Carrier Networks (Buyers) of Bluffdale, Utah, and Touch America, Inc. (Touch) of Butte, Montana, seeking approval of a proposed customer base transfer. Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 29, 2003. 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

The Parties:

Buyers is a Delaware corporation with its headquarters in Bluffdale, Utah. Buyers is licensed to provide interexchange telecommunications services pursuant to Application No. C-2880 granted on March 11, 2003.

Touch America Inc. is a Montana corporation with its headquarters in Butte, Montana. Touch is licensed to provide facilities-based and resold telecommunications services pursuant to Application No. C-2261.

Description of the Transaction:

Through the proposed transaction, Buyers will acquire all of Touch's existing switched and dedicated long distance customers located in the state of Nebraska. Both parties have sent written notice to affected customers informing them of the proposed transfer. The parties have stated that the transfer will be seamless and Touch's customers will receive service under the same or lower interstate usage rates as before.

Based on the evidence, we find the application to be fair and reasonable and in the public interest. The application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2987 be, and it is hereby, granted.

IT IS FURTHER ORDERED that the applicant pay any relevant primary interexchange carrier (PIC) charges from customers wanting to switch carriers as a result of the proposed transaction.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of September 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director