

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2996
of New Access Communications,)
LLC. of Minneapolis, Minnesota,) GRANTED
seeking authority to acquire)
certain assets of Ciera Network)
Systems, Inc.) Entered: September 9, 2003

BY THE COMMISSION:

On August 8, 2003, an application was filed by New Access Communications, LLC. (New Access) of Minneapolis, Minnesota, seeking authority to acquire certain assets of Ciera Network Systems, Inc. (Ciera). Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 12, 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:

New Access is a Minnesota Limited-Liability Company with its headquarters in Evanston, Indiana. New Access was granted authority by the Commission to operate as an interexchange telecommunications resale carrier in the State of Nebraska.

Ciera is a Texas corporation with its principal offices in Houston, Texas. Ciera is authorized by this Commission to provide resold and facilities-based telecommunications services in the state of Nebraska.

Description of the Transaction:

New Access proposes to acquire certain assets of Ciera in connection with a reorganization of Ciera currently being overseen by its lender RFC Capital Corporation (RFC). RFC and New Access will execute the Assets Purchase Agreement under which New Access will acquire assets of Ciera as assignee/purchaser of the assets under the voluntary foreclosure procedure. New Access will acquire all assets associated with Ciera's telecommunications operations in Nebraska including, but not limited to its customer base.

New Access will provide service to Ciera's customers that will mirror the existing terms and conditions of Ciera's tariff and the transition will be seamless for existing customers.

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-2996 be, and it is hereby, granted.

IT IS FURTHER ORDERED that applicant file its current tariff prior to offering service pursuant to the authority granted in this order.

IT IS FINALLY ORDERED that this order be, and it is hereby made, the Commission's official certificate of authority to furnish the service authorized herein as a common carrier.

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

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director