

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-2997
of Univance Telecommunications,)
Inc. of Englewood, Colorado,) GRANTED
seeking authority to transfer)
assets, including its entire)
customer base, to Motion Telecom)
Inc. of Englewood, Colorado.) Entered: September 16, 2003

BY THE COMMISSION:

On August 11, 2003, an application was filed by Univance Telecommunications, Inc. (Univance) of Englewood, Colorado, seeking authority to transfer assets, including its entire customer base, to Motion Telecom Inc. (Motion) of Englewood, Colorado. Notice of the application was published in The Daily Record, Omaha, Nebraska, on August 13, 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:

Motion is a Colorado Corporation with its headquarters in Englewood, Colorado. Motion was granted authority by the Commission to operate as a reseller of long distance telecommunications service in the State of Nebraska on July 3, 2003, pursuant to Application No. C-2979.

Univance is a Colorado corporation with its principal offices in Englewood, Colorado. Univance was granted authority by this Commission to transact the business of a reseller of telecommunications services in the state of Nebraska.

Description of the Transaction:

On January 23, 2003, Univance filed a Chapter 11 bankruptcy petition in the U.S. Bankruptcy Court for the District of Colorado. On April 4, 2003, the Court approved the sale of all of Univance's assets, including its Nebraska assets to Motion. On April 4, 2003, with approval of the court, Motion and Univance entered into a Management Services Agreement, pursuant to which Motion is administering Univance's customer base under Univance's oversight.

Univance has provided the affected customers with a customer notification of the proposed transaction. The affected customers will see no change in the rates, terms or conditions of service from those currently in effect. Motion has agreed to pay any PIC charges of any existing customers wishing to change carriers as a result of this transaction.

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-2997 be, and it is hereby, granted.

IT IS FURTHER ORDERED that the applicant shall file, in accordance with the applicable statutes on or before April 30th of each year, an annual report with this Commission consisting of: (a) a copy of any report filed with the Federal Communications Commission, (b) a copy of any annual report to stockholders and (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission. If these are not available, applicant shall submit a balance sheet and income statement for the previous year of operation, as well as the investment made in telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues and expenses, and taxes.

IT IS FURTHER ORDERED that, to the extent applicable, the applicant shall comply with all laws pertaining to, and all rules and regulations promulgated under, the Telecommunications Relay System Act (Neb. Rev. Stat. §§ 86-1302 to 86-1307) and the Nebraska Telecommunications Universal Service Fund Act (Neb. Rev. Stat. §§ 86-1402 to 86-1410).

IT IS FURTHER ORDERED that applicant file its current tariff prior to offering service pursuant to the certificate 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 16th day of
September, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director