

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint) Application No. C-3887
Application of Americatel)
Corporation, Miami, Florida, and)
Startec Global Operating) ORDER
Company, Rockville, Maryland,)
seeking approval of a Pro Forma)
Restructuring.) Entered: May 6, 2008

BY THE COMMISSION:

On November 15, 2007, a joint application was filed by Americatel Corporation (Americatel), Miami, Florida, and Startec Global Operating Company (Startec), Rockville, Maryland (joint applicants), seeking approval of a Pro Forma Restructuring transaction. Notice of the application was published in The Daily Record, Omaha, Nebraska, on November 19, 2007. No protests or interventions were filed in relation to this application.

On January 8, 2008, the Commission entered an order granting the application. Since that time, Americatel and Startec, through counsel, notified the Commission that the parties have not been able to consummate the merger as expected. The parties request that Startec's existing operating authority and tariff remain in effect until further notification. The letter further stated that the parties remain committed to merging as soon as they are able to complete a consolidated financing arrangement.¹

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

Pursuant to the pro forma reorganization plan Startec was supposed to be merged with and into Americatel, with Americatel surviving. Startec and SGCC requested permission to cancel its authority after the merger was consummated. The Commission's order previously recognized the proposed merger consummation date as March 31, 2008, and ordered that Startec's authority to operate in the state be canceled as of that date. Given that the merger has not yet taken place, the joint applicants request that Startec's authority be placed in effect until further notification is received from the joint applicants.

¹ This financing arrangement was approved by Commission order entered in Docket C-3862 on November 6, 2007.

Upon consideration of the request of the joint applicants, the Commission is of the opinion and finds that it would serve the public interest to re-instate the previous operating authority held by Startec. Startec should however re-file its tariff under the same terms and conditions previously offered by Startec prior to the Commission's November 6, 2007, Order within thirty (30) days of this Order.

The joint applicants are required to file updates on the timeline of the consummation of the proposed merger as material information becomes available. Then, based on the circumstances surrounding the financing arrangement and the proposed reorganization, the Commission will decide whether the joint applicants must file a new application for approval.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the previous action in Application No. C-3887, be, and it is hereby, rescinded.

IT IS FURTHER ORDERED that Startec's authority to operate in the State of Nebraska be, and it is hereby, reinstated as of the effective date of this Order.

IT IS FURTHER ORDERED that Startec's tariff must be filed within thirty (30) days from the entry date of this Order as provided herein.

MADE AND ENTERED at Lincoln, Nebraska, this 6th day of May, 2008.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Frank E. Landis

Anne C. Boyle

Tim Schram

//s// Anne C. Boyle
//s// Frank E. Landis

Anne C. Boyle
Chair

ATTEST:

Theresa R. H. P.
Executive Director