

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-4292
of Ionex Communications North,)	
Inc., Atlanta, Georgia, seeking)	GRANTED
approval for financing.)	
)	Entered: September 14, 2010

BY THE COMMISSION:

On July 22, 2010, an application was filed by Ionex Communications North, Inc. (Applicant) of Atlanta, Georgia, seeking approval for financing. Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 27, 2010. 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

Applicant is a South Dakota corporation with its principal office in Atlanta, Georgia. Applicant has been certified by the Commission to operate in Nebraska as a local exchange and interexchange carrier. Applicant's parent company, Birch Communications, Inc. (Birch), is a Georgia corporation with its principal office located in Atlanta, Georgia. Birch and its subsidiaries provide local exchange and interexchange telecommunications services in 32 states.

Applicant seeks approval of a financial transaction in which it will pledge its assets in connection with a securities purchase agreement entered into by Birch. Applicant states that the proceeds will be used for debt repayment, future acquisitions and general working capital purposes. Additionally, Applicant states that the transaction will not result in any changes in rates, services or operations in Nebraska.

Applicant seeks 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 application filed herein is in compliance with the applicable Nebraska Statutes and that the financial transaction is reasonably required for the aforementioned purpose. The application is fair, reasonable and 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-4292 be, and is hereby granted.

MADE AND ENTERED at Lincoln, Nebraska, this 14th day of September, 2010.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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Chairman

Gerald L. Vap

ATTEST:

Executive Director

Red Jensen
Tim Schram
//s// Frank E. Landis
//s// Gerald L. Vap

Mike S. J.