

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application     ) Application No. C-4358  
of Dark Fiber Solutions, Inc.,        )  
York, seeking to transfer             )  
customers and assets to Treasure     ) GRANTED  
Lake, L.P., Coudersport,             )  
Pennsylvania.                         )  
  ) Entered: June 14, 2011

BY THE COMMISSION:

On April 20, 2011, an application was filed by Dark Fiber Solutions, Inc. ("Dark Fiber"), York, seeking approval of a transfer of customers and assets from Dark Fiber to Treasure Lake, L.P. ("Treasure Lake", together with Dark Fiber, "Applicants"), Coudersport, Pennsylvania. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 28, 2011. 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:

Dark Fiber is a Delaware corporation with principal offices located in York, Nebraska. Dark Fiber was authorized as an interexchange telecommunications services provider in the State of Nebraska by virtue of authority granted by the Commission on January 11, 2006, under Docket C-3508.

Treasure Lake is a Delaware limited partnership with its principal office in Coudersport, Pennsylvania. Treasure Lake has applied for authorization to provide interexchange telecommunications services in the State of Nebraska.

Description of the Transaction:

According to the application, Treasure Lake will acquire the customer accounts and assets of Dark Fiber pursuant to an Asset Purchase Agreement ("Agreement") entered into by Applicants on April 12, 2011.

The Applicants anticipate that the proposed transaction will be transparent to any customers in Nebraska. The Applicants state that, after completion of the agreement and customer transfer, Treasure Lake will offer high quality services to Dark Fiber's customers and handle all billing. Applicants state that Dark Fiber will cancel its authorization

and tariffs once a determination is made that Dark Fiber no longer requires authorization for operational or billing purposes.

The Applicants state that the proposed transaction is in the public interest because the transaction will ensure that Nebraska customers will continue to enjoy high quality telecommunications services and will not have a negative impact on 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-4358, be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 14<sup>th</sup> day of June, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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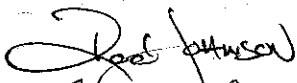

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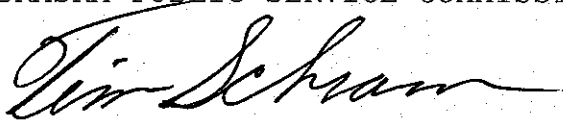
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COMMISSIONERS CONCURRING:

  
  
//s//Frank E. Landis  
//s//Tim Schram

  
Chairman

ATTEST:

  
Executive Director