

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application    ) Application No. C-4397  
of Ionex Communications North,        )  
Inc. d/b/a Birch Communications,     )  
Atlanta, Georgia, seeking to         ) GRANTED  
transfer customers and assets of     )  
Northstar Telecom, Inc.,             )  
Purchase, New York.                  ) Entered: September 7, 2011

BY THE COMMISSION:

On July 20, 2011, an application was filed by Ionex Communications North, Inc. d/b/a Birch Communications ("Ionex"), Atlanta, Georgia, seeking approval of a transfer of customers and assets from Northstar Telecom, Inc. ("Northstar"), Purchase, New York, to Ionex (together with Northstar, "Applicants"). Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 25, 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:

Ionex is a South Dakota corporation with principal offices located in Atlanta, Georgia. Ionex was authorized to provide local and interexchange telecommunications services in the State of Nebraska by virtue of authority granted by the Commission under Dockets C-970, C-1380, C-2224 and C-2270.

Northstar is a Nebraska corporation with principal offices in Purchase, New York. Northstar was authorized to provide telecommunications services in the State of Nebraska by virtue of authority granted by the Commission under Docket C-3262.

Description of the Transaction:

According to the application, Ionex will acquire the customer accounts and assets of Northstar pursuant to a proposal and Asset Purchase Agreement ("Agreement") submitted by Ionex to the United States Bankruptcy Court for the Middle District of Florida to purchase certain assets and customers of Northstar. The Agreement was approved by the court on July 14, 2011. Ionex will not assume any of Northstar's pre-closing liabilities or acquire Northstar's Nebraska telecommunications authorization or certification.

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, Ionex will offer high quality services to Northstar's customers and handle all billing. Applicants state that Ionex will file a revised tariff incorporating Northstar's current services and rates, and Northstar will cancel its authorization and tariffs once a determination is made that Northstar 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-4397, be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 7<sup>th</sup> day of September, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Red Johnson*

*Anne Boyle*

*Gerald L. Uy*

//s// Tim Schram

*Tim Schram*  
Chairman

ATTEST:

*John Burdick*  
Deputy Director