

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

|                                  |   |                            |
|----------------------------------|---|----------------------------|
| In the Matter of the Joint       | ) | Application No. C-4534     |
| Application of First             | ) |                            |
| Communications, LLC, Akron,      | ) |                            |
| Ohio, and Summit Data Services,  | ) |                            |
| Inc., Akron, Ohio, seeking       | ) | GRANTED                    |
| approval of a transfer of        | ) |                            |
| control of First Communications, | ) |                            |
| LLC to Summit Data Services,     | ) |                            |
| Inc.                             | ) | Entered: December 18, 2012 |

BY THE COMMISSION:

On October 30, 2012, a joint application was filed by First Communications, LLC (First Communications), Akron, Ohio, and Summit Data Services, Inc. (Summit), Akron, Ohio, (collectively, the "Applicants") seeking approval of a Transfer of Control of First Communications to Summit. Notice of the application was published in The Daily Record, Omaha, Nebraska, on November 8, 2012. 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:

First Communications is an Ohio limited liability company with its principal offices located in Akron, Ohio. First Communications is a wholly-owned subsidiary of First Communications, Inc. First Communications was authorized as a competitive local exchange and interexchange telecommunications services provider in the State of Nebraska by virtue of authority granted by the Commission on September 26, 2006, under Docket C-3686, and on January 23, 2007, under Docket C-3732. First Communications provides telecommunications services to business and residential customers in Nebraska.

Summit is a newly formed Ohio corporation with headquarters located in Akron, Ohio. Summit is not authorized to provide telecommunications services in the State of Nebraska.

Description of the Transaction:

According to the application, Summit will purchase one-hundred percent (100%) of the membership interests in First Communications for a cash price and assumption of certain liabilities. As a result, First Communications will become a wholly-owned subsidiary of Summit. The proposed transaction

does not involve the assignment of the First Communications' certificates of authority to provide telecommunications services to its customers.

The Applicants state there will be no change in the name of First Communications. Further, some management and operations personnel of First Communications will continue to be employed after the proposed transaction. The Applicants anticipate that the proposed transaction will be transparent to any customers in Nebraska and the customers will continue to receive service under the same rates, terms, and conditions as they currently receive. Affected customers will also be given new contact information for customer service at UPN and notified again upon consummation of the proposed transaction.

Finally, the Applicants state that the proposed transaction is in the public interest as it will have no adverse effect on competition and First Communications will continue to provide high-quality communications services to its customers without interruption and without immediate changes in rates, terms, or conditions.

Based upon the above information, the Commission finds the application to be fair and reasonable, in the public interest, and reasonably required for the purposes of First Communications and Summit, and the application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4534 be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 18<sup>th</sup> day of December, 2012.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Deputy Director

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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Tim Schram*

*Anne Boyle*  
*Gerald J. Vop*

Chairman *Rod Johnson*

ATTEST:

*John Burvick*

Deputy Director

//s//Rod Johnson  
//s//Frank E. Landis