

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application    ) Application No. C-4549  
of Covista, Inc., Chattanooga,        )  
Tennessee, seeking authority to        )  
transfer customers and assets to        ) GRANTED  
Ionex Communications North, Inc.       )  
d/b/a Birch Communications,            )  
Atlanta, Georgia.                        ) Entered: February 12, 2013

BY THE COMMISSION:

On December 20, 2012, an application was filed by Covista, Inc., of Chattanooga, Tennessee, seeking authority to transfer customers and assets to Ionex Communications North, Inc. d/b/a Birch Communications, of Atlanta, Georgia. Notice of the application was published in The Daily Record, Omaha, Nebraska, on December 26, 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:

Ionex Communications North, Inc. d/b/a Birch Communications ("Ionex" or "Applicant") is a South Dakota corporation with its principal office located in Atlanta, Georgia. Ionex was authorized by the Commission to provide local exchange and interexchange services in Dockets C-970, C-1380, C-2224 and C-2270. Ionex is a wholly owned subsidiary of Birch Communications Inc. (BCI), a Georgia corporation headquartered in Atlanta, Georgia. BCI and its subsidiaries provide telecommunications services to both businesses and residential customers in 38 states.

Covista Inc. (Covista) is a New Jersey corporation. Covista is authorized to provide telecommunications services in Nebraska under Docket C-2949.

Description of the Transaction:

According to the application, BCI and Covista entered into an Asset Purchase Agreement whereby BCI will purchase certain assets and customers of Covista. Pursuant to the agreement BCI will purchase certain customer accounts and receivables, certain customer agreements and contracts, certain vendor agreements and

contracts, certain equipment, and certain intellectual property. BCI will not assume any of Covista's pre-closing liabilities or obligations, nor will it acquire Covista's certificate of authority. The ownership structure of BCI and Ionex will not be affected by the transaction. Upon consummation of the transaction and after completion of the customer transfer, Ionex will provide Covista customers with the same service quality provided prior to the transaction.

Following the transaction, Ionex would continue to provide services to Covista customers utilizing its existing interconnection agreements, 911 arrangements and numbering arrangements. Applicants will provide a joint notice of the transfer to Covista customers at least thirty (30) days prior to the transfer in accordance with Federal Communications Commission rules. The customer transfer will occur no later than March 29, 2013, but could occur earlier, assuming the receipt of all necessary regulatory approvals. A sample copy of the customer notification was included in the application.

Finally, the Applicants state that the proposed transaction is in the public interest. Following the transaction, Ionex states it will continue to provide high quality services to Nebraska residents.

Based upon the above information, the Commission finds the application to be fair and reasonable and in the public interest. Therefore, the application should be granted.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-4549 be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 12th day of  
February, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

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MADE AND ENTERED at Lincoln, Nebraska, this 12th day of February, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Kim Schram*

*Frank E. Landis*

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

*Anne Boyle*  
Chair

ATTEST:

*Steve Meredith*

Executive Director