

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-4611
of Ionex Communications North,)
Inc., d/b/a Birch)
Communications, Atlanta,)
Georgia, seeking approval to) GRANTED
transfer customers and assets)
from Ernest Communications,)
Inc., Norcross, Georgia.) Entered: July 30, 2013

BY THE COMMISSION:

On June 4, 2013, an application was filed by Ionex Communications, Inc. d/b/a Birch Communications, Atlanta, Georgia ("Applicant" or "Ionex") seeking approval to transfer customers and assets from Ernest Communications, Inc. of Norcross, Georgia ("Ernest"). Notice of the application was published in The Daily Record, Omaha, Nebraska, on June 7, 2013. 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 headquarters 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 with headquarters in Atlanta, Georgia. BCI and its subsidiaries are authorized to provide telecommunications services to both business and residential customers in 48 states and the District of Columbia.

Ernest is a Georgia corporation with headquarters in Norcross, Georgia. Ernest was authorized to provide telecommunications services in Nebraska under Docket C-3294.

Description of the Transaction:

On May 30, 2013, BCI and Ernest entered into an Asset Purchase Agreement pursuant to which BCI will purchase the following assets from Ernest: certain customer accounts and receivables, certain customer agreements and contracts, certain vendor agreements and contracts, certain equipment, and certain intellectual property. BCI, however, will not assume any of Ernest's pre-closing liabilities or obligations, nor will it acquire Ernest's Nebraska telecommunications authorization/certification.

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 Ernest customers with the same service quality they have come to expect and all billing will be handled by Ionex using the Birch name.

If the transaction is approved and consummated, Ionex will file revised tariff sheets incorporating Ernest's current services and rates to that affected customers will continue to receive the same services that they currently receive without any immediate changes to their service offerings, rates, or terms and conditions. Ionex will provide services to Ernest customers utilizing its existing interconnection agreements, 911 arrangements, and numbering arrangements.

Applicant will provide a joint notice of the transfer to Ernest customers at least thirty (30) days prior to the transfer in accordance with state and federal rules. A sample customer notification was included with the application as Exhibit B. Applicant requests that Ernest's authorization and any existing tariffs remain in place. If Ernest determines that it no longer needs its authorization for operational or billing purposes, Ernest will file a separate request to surrender its certificate.

Ionex states approval of the proposed transaction will serve the public interest. According to Ionex, the proposed transaction will ensure that affected customers enjoy continuity of high-quality telecommunications service.

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-4611 be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of
July, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

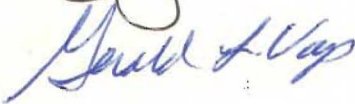
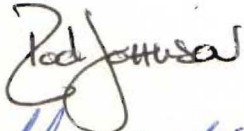
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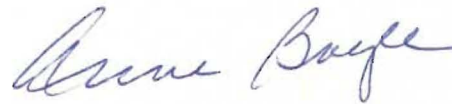
MADE AND ENTERED at Lincoln, Nebraska, this 30th day of July, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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



Chair

ATTEST:



Executive Director