

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application    ) Application No. C-4614  
of Ionex Communications North,        )  
Inc. d/b/a Birch Communications,     )  
Atlanta, Georgia, seeking            ) GRANTED  
approval to transfer customers        )  
and assets from Lightyear            )  
Network Solutions, LLC,               )  
Louisville, Kentucky.                ) Entered: July 30, 2013

BY THE COMMISSION:

On June 18, 2013, an application was filed by Ionex Communications, North, Inc., d/b/a Birch Communications, ("Ionex"), of Atlanta, Georgia, and Lightyear Network Solutions, LLC, ("Lightyear"), of Louisville, Kentucky, (collectively "Applicants"), seeking approval of a transfer of substantially all of Lightyear's telecommunications assets and Nebraska customer base to Ionex. Notice of the application was published in The Daily Record, Omaha, Nebraska, on June 21, 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 principal offices located in Atlanta, Georgia. Ionex is authorized to provide local exchange and interexchange telecommunications services in Nebraska under and by virtue of authority heretofore granted by this Commission.<sup>1</sup> Ionex is a wholly-owned subsidiary of Birch Communications Inc., ("BCI").

Lightyear is a Kentucky corporation with its principal place of business located in Louisville, Kentucky. Lightyear is authorized to provide telecommunications services in Nebraska under and by virtue of authority heretofore granted by this Commission.<sup>2</sup>

Description of the Transaction:

According to the application, on May 10, 2013, BCI and Lightyear entered into an Asset Purchase Agreement ("Agreement") whereby BCI will purchase substantially all of the assets of

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<sup>1</sup> See Authority Dockets C-970 (May 4, 1993); C-1380 (April 29, 1997); C-2224 (April 5, 2000); C-2270 (May 31, 2000).

<sup>2</sup> See Authority Dockets C-3065 (January 21, 2004).

Lightyear along with its Nebraska customers. BCI will *not* acquire Lightyear's Nebraska telecommunications certification.

Upon completion of the proposed Agreement, the Applicants state the ownership structure of BCI and Ionex will not be affected. Ionex will provide Lightyear customers with the same service quality as Lightyear and all billing will be handled by Ionex using the Ionex name. Ionex will continue to operate Lightyear facilities and provide service to customers at the same rates, terms and conditions in Nebraska as Lightyear does currently. The Applicants state they will provide joint notice of the transfer to Lightyear customers at least thirty (30) days prior to the transfer. After consummation of the transfer, Lightyear will no longer offer telecommunications services in Nebraska. After Lightyear determines it no longer requires its authorizations for operational or billing purposes, Lightyear will surrender its authorization and cancel its tariffs in a separate filing with the Commission.

The Applicants state that the transaction is in the public interest and will ensure affected customers continue to receive high-quality telecommunications service and suffer no negative impacts. The Agreement will not result in any disruption of service to Lightyear customers and will be completely transparent to 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-4614 be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 30<sup>th</sup> day of July, 2013.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director



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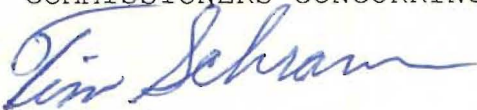
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NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



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

  
Chair

ATTEST:



Executive Director