

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-4715
of Northeast Nebraska Telephone)
Company (NNTC) and Clarks)
Telecommunications Company,)
Jackson, seeking approval of the)
merger of Clarks)
Telecommunications Company with)
NNTC; the transfer of the) MOTION TO VACATE ORDER
customer base of Clarks) GRANTED
Telecommunications Company to)
NNTC; the withdrawal of the)
authority granted to Clarks)
Telecommunications Company and)
the cancellation of its tariff;)
and the assumption by NNTC of)
the RUS debt of Clarks)
Telecommunications Company.) Entered: October 2, 2018

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On September 24, 2014, an application was jointly filed by Northeast Nebraska Telephone Company ("NNTC"), and Clarks Telecommunications Co. ("Clarks") (collectively "Parties"), both of Jackson, Nebraska, seeking approval of 1) a merger of Clarks with NNTC; 2) the transfer of the customer base of Clarks to NNTC; 3) the withdrawal of the authority granted to Clarks and the cancellation of its tariff; and 4) the assumption by NNTC of the Rural Utilities Service ("RUS") debt of Clarks.

On November 4, 2014, the Commission granted the application in all respects including granting approval to withdraw Clarks' Certificate of Public Convenience and Necessity and cancellation of its tariff upon completion of the transaction.

On December 23, 2014, counsel for NNTC and Clarks advised counsel for the Commission that the Parties suspended actions to complete the merger by year end 2014, but that the Parties were contemplating completing the merger by year end 2015. However, as a result of an oversight, no further communication was provided to the Commission. The customers of Clarks have not been transferred to NNTC and have continued to receive telecommunications provided by Clarks on the same terms and conditions as existed prior to November 4, 2014.

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On September 18, 2018, the Parties notified the Commission by letter that for the foreseeable future, the merger of Clarks into NNTC will not proceed. Consequently, the Parties filed a motion requesting the Commission to vacate its Order entered on November 4, 2014 and formally reinstating the Certificate of Public Convenience and Necessity held by Clarks. The Parties further request reinstatement of Clarks' tariff.

Based on the representations made by the Parties in its Motion, we find the requested relief should be granted. The November 4, 2014 Order entered by the Commission authorizing the approval of the merger of Clarks with NNTC should be vacated and the Certificate of Public Convenience and Necessity held by Clarks should be considered in effect. In addition, the Commission finds the Clarks tariff as it existed immediately prior to November 4, 2014 should be reinstated.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Motion filed in the above-captioned matter shall be and it is hereby granted.

IT IS FURTHER ORDERED that the Commission's Order entered on November 4, 2014, in the above-captioned matter should be vacated and the Certificate of Public Convenience and Necessity and applicable tariff previously on file for Clarks Telecommunications Company shall be considered reinstated.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 2nd day of October, 2018.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal Knodes
Pat Janssen
Tim Schram

//s//Frank E. Landis
//s//Mary Ridder

Mary Ridder

Chair

ATTEST:

Michael S. [Signature]

Executive Director