

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-4759
Application of OrbitCom, Inc.,)	
Sioux Falls, South Dakota,)	
seeking approval of transfer)	
of customers and assets to)	GRANTED
Ionex Communications North,)	
Inc. d/b/a Birch)	
Communications, Atlanta,)	
Georgia.)	Entered: June 16, 2015

BY THE COMMISSION:

On April 28, 2015, an application was filed by OrbitCom, Inc., ("OrbitCom") of Sioux Falls, South Dakota, seeking authority to transfer customers and assets to Ionex Communications North, Inc. d/b/a Birch Communications ("Birch") of Atlanta, Georgia, (collectively referred to as the "Joint Applicants"). Notice of this application was published in The Daily Record, Omaha, Nebraska, on May 1, 2015. 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

I. The Parties:

Ionex is a South Dakota corporation with headquarters 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 with headquarters in Atlanta, Georgia. BCI and its subsidiaries are authorized to provide telecommunication services to both business and residential customers in 50 states and the District of Columbia.

OrbitCom is a South Dakota corporation with corporate headquarters in Sioux Falls, South Dakota. OrbitCom is authorized to provide telecommunications services in Nebraska under Dockets C-2756 and C-2776.

II. The Transaction:

According to the application, BCI and OrbitCom entered into an Asset Purchase Agreement pursuant to which BCI will purchase the following assets from OrbitCom: 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 OrbitCom's pre-closing liabilities or obligations, nor will it acquire OrbitCom's Nebraska telecommunications certificate.

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 OrbitCom customers with the same service quality they have come to expect and all billing will be handled by Ionex using the Ionex name. Consummation of the transaction is contingent on, among other things, receipt of all necessary regulatory approvals.

Following approval of the proposed transaction, Ionex will file revised tariff sheets incorporating OrbitCom's current services and rates without any immediate changes to their service offerings, rates, or terms and conditions. Ionex will provide services to OrbitCom customers utilizing its existing interconnection agreements, 911 arrangements, and numbering arrangements.

Applicants will provide a joint notice of the transfer to OrbitCom customers at least thirty (30) days prior to the transfer. A sample of the customer notification was provided with the Application. The Applicants request that OrbitCom's authorization and any existing tariffs remain in place until OrbitCom separately requests such cancellation.

III. Public Interest:

The joint Applicants state that approval of the proposed transfer will serve the public interest. Following the transaction, the affected customers will continue to receive services consistent with the quality of services currently provided by OrbitCom that will be supported by Ionex's management team. As a result the transaction will be transparent to OrbitCom's customers.

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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-4759 be, and it is hereby, approved.

MADE AND ENTERED at Lincoln, Nebraska, this 16th day of June, 2015.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Tim Schram

Chairman

Gerald L. Vap

Jack Jones
Crystal Enoades

ATTEST:

Sharon Knutson

Deputy Director

//s//Frank E. Landis
//s//Gerald L. Vap