

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-3214
of Galaxy Cable, Inc., New York,)
New York, seeking approval of)
transfer of Certificate of) GRANTED
Authority of Galaxy Telecom,)
L.P., to provide intrastate)
interexchange telecommunications)
services.) Entered: July 20, 2004

BY THE COMMISSION:

On June 3, 2004, Galaxy Cable, Inc. (Galaxy Cable), New York, New York, filed an application seeking approval of transfer of Certificate of Authority of Galaxy Telecom, L.P., (Galaxy Telecom) to provide intrastate interexchange telecommunications services. Notice of the application was published in The Daily Record, Omaha, Nebraska, on June 9, 2004. 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

On July 1, 1997, pursuant to Application No. C-1485, the Commission granted Galaxy Telecom authority to serve as an intrastate interexchange telecommunications provider. Subsequently, on December 16, 1997, pursuant to Application No. C-1640, Galaxy Telecom's service area was expanded.

On October 31, 2001, Galaxy Telecom filed a petition for Relief in Bankruptcy with the U.S. Bankruptcy Court for the Eastern District of Missouri. Galaxy Telecom also filed a proposed Plan of Reorganization, which was approved by the Court on December 11, 2001. The reorganized company, Galaxy Cable, a corporation organized under the laws of Delaware, emerged from bankruptcy on March 22, 2002, the effective date for the Plan of Reorganization.

Following reorganization, Galaxy Cable continued to provide telecommunications services in the State of Nebraska under the former Certificate of Authority, but Galaxy Cable failed to transfer the Certificate of Authority. This Application was submitted to correct the oversight on behalf of Galaxy Cable.

Galaxy Cable possesses the necessary qualifications to provide service in Nebraska. Galaxy Cable is a cable television system owner and operator, presently serving numerous Nebraska

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Application No. C-3214

PAGE 2

communities. As a part of its cable television business, Galaxy Cable offers an interactive distance education system (IDE System) designed for the delivery of video, voice, and data service to educational institutions and business users. Galaxy's systems serve approximately 71,230 subscribers, including approximately 9,270 in Nebraska.

The transaction will clarify Galaxy Cable's status, improve the effectiveness of Galaxy Cable's Nebraska operations, and enhance competition.

Galaxy Cable further agrees to adhere to all of the laws of Nebraska and all Rules, Regulations and Orders set forth by this Commission.

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-3214 be, and it is hereby, granted.

IT IS FURTHER ORDERED that the applicant file an updated tariff reflecting the transfer of authority within 30 days of the date of this order.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of July 2004.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Ronald Johnson

Frank C. Boyle

Frank E. Landis

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

Chair

Gerald L. Vap

ATTEST:

Adrian Pollock

Executive Director