

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-3837
of Cause Based Commerce)
Incorporated d/b/a The Sienna)
Group, Cincinnati, Ohio, seeking) GRANTED
Transfer of Customer Base from)
PowerNet Global Communications,)
Fairfield, Ohio.) Entered: September 25, 2007

BY THE COMMISSION:

On July 16, 2007, an application was filed by Cause Based Commerce Incorporated d/b/a The Sienna Group ("TSG"), of Cincinnati, Ohio, and PowerNet Global Communications ("PowerNet" together with TSG "Applicants"), of Alpharetta, Georgia, seeking approval of a transfer of a portion of the customer base of PowerNet to TSG. Notice of the application was published in The Daily Record, Omaha, Nebraska, on July 18, 2007. 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:

TSG is a corporation duly organized and existing under and by virtue of the laws of the state of Ohio, with its principal place of business located in Cincinnati, Ohio. TSG is authorized to provide interexchange telecommunications services in 31 states. In Nebraska, TSG provides interexchange telecommunications services under and by virtue of authority heretofore granted by this Commission.¹

PowerNet states that it is a corporation duly organized and existing under and by virtue of the laws of the state of Ohio, with its principal place of business located in Fairfield, Ohio. PowerNet is authorized to provide resold local, intraLATA toll and long distance services in 48 states. In Nebraska, PowerNet was authorized to provide resold local exchange and interexchange services under and by virtue of authority heretofore granted by this Commission.²

¹ See Application No. C-3827, *In the Matter of the Application of Cause Based Commerce Incorporated d/b/a The Sienna Group, Cincinnati, Ohio, seeking authority to operate as a resale interexchange carrier of telecommunications services within the State of Nebraska*. Granted (September 18, 2007).

² See Application No. C-3740, *In the Matter of the Application of PNG Telecommunications, Inc. dba PowerNET Global Communications, Fairfield, Ohio, seeking authority to operate and offer local exchange and exchange access*

Description of the Transaction:

According to the application, pursuant to an agreement between TSG and PowerNet, TSG will purchase certain customers from PowerNet. After the closing, TSG will provide telecommunications services to PowerNet's customers pursuant to TSG's certificate of authority. PowerNet will retain its telecommunications certificate of authority in Nebraska and will continue to provide services apart from the business being acquired by TSG. PowerNet does not seek to surrender its authority.

The Applicants anticipate a seamless transition. PowerNet's customers will continue to receive their service at the existing rates, terms and conditions of service currently being provided by PowerNet to customers in Nebraska. Further, TSG proposes to adopt PowerNet's existing tariff and will amend its existing tariff as required to establish rates, terms and conditions identical to those in PowerNet's tariff for purchased customers. To avoid customer confusion TSG proposes to provide written notice to all the affected customers at least thirty (30) days in advance of the transfer, explaining the change in service provider. Applicants have provided a copy of the proposed written notice. The copy is attached as Exhibit A to their Application.

The Applicants state that the transaction is in the public interest because TSG is a strong company that will provide quality service to the customers it purchases from PowerNet. Applicant's maintain that TSG's purchase of PowerNet's customers will strengthen TSG and enable it to expand and help ensure TSG remains a viable long-term competitor in the telecommunications market. Finally, the Applicants hold that TSG is experienced in offering telecommunications services so PowerNet's customers will continue to receive service from a qualified and experienced carrier.

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-3837 be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 25th day of September, 2007.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson

Chairman

Rod Johnson

Anne C. Boyle

ATTEST:

Tom Skarvan

John A. ...

Deputy Director

//s// Rod Johnson

//s// Frank E. Landis

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