

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint) Application No. C-2814
Application of Cable & Wireless)
USA, Inc. of Vienna, Virginia,)
and Primus Telecommunications,) GRANTED
Inc. of McLean, Virginia,)
seeking approval of a transfer)
of customer base.) Entered: October 29, 2002

BY THE COMMISSION:

On September 19, 2002, a joint application was filed by Cable & Wireless USA, Inc. (C&W) of Vienna, Virginia, and Primus Telecommunications, Inc. (Primus) of McLean, Virginia, seeking approval of a transfer of customer base. Notice of the application was published in The Daily Record, Omaha, Nebraska, on September 24, 2002. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

The Parties:

C&W is a Delaware corporation and is an indirect wholly-owned subsidiary of Cable & Wireless plc, a public limited company organized under the laws of England and Wales. C&W is authorized by this Commission to provide resold telecommunications services in the state of Nebraska pursuant to Application No. C-867, granted on March 5, 1991.

Primus is a Delaware company headquartered in McLean, Virginia. Primus is a wholly-owned subsidiary of Primus Telecommunications Group, Incorporated. Primus is authorized by the Commission to provide resale common carrier service in Nebraska, pursuant to Application No. C-1398, granted on November 12, 1996.

Description of the Transaction:

C&W has made a decision to restructure its United States business to focus on delivering the highest quality Internet, hosting and web services. Pursuant to the Customer Transfer Agreement executed on September 13, 2002, C&W and Primus have agreed that Primus will become the provider of all intrastate telecommunications services currently being provided by C&W in Nebraska. C&W will remain intact and will not transfer any of its authorizations to Primus.

C&W and Primus have mailed to all affected customers, a notice of the proposed transfer. C&W customers will continue to receive service from Primus pursuant to the same terms and conditions of service. Primus will make any necessary tariff filings and comply with all applicable tariff rules relevant to the transaction. As a result, the proposed transaction will be transparent to the customers.

Upon consideration of the application, the governing statutes and rules, and being fully informed, the Commission is of the opinion and finds the application should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-2814 be, and it is hereby, granted.

IT IS FURTHER ORDERED that Primus Telecommunications, Inc., within 30 days of the close of the transaction, file an amended tariff reflecting any change in the rates, terms, or conditions, if such changes are made.

MADE AND ENTERED at Lincoln, Nebraska, this 29th day of October, 2002.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director