

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Joint) Application No. C-4217
Application of CIMCO)
Communications, Inc., Oakbrook)
Terrace, Illinois, and Comcast) GRANTED
Phone of Nebraska, LLC d/b/a)
Comcast Digital Phone,)
Philadelphia, Pennsylvania,)
seeking approval of a transfer) Entered: November 24, 2009
of assets and customer base.)

BY THE COMMISSION:

On October 9, 2009, an application was filed by CIMCO Communications, Inc., ("CIMCO"), Oakbrook Terrace, Illinois, and Comcast Phone of Nebraska, LLC d/b/a Comcast Digital Phone, ("Comcast"), Philadelphia, Pennsylvania, (together with CIMCO, the "Applicants") seeking approval of a transfer of assets and customer base of CIMCO to Comcast. Notice of the application was published in The Daily Record, Omaha, Nebraska, on October 15, 2009. 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:

CIMCO is an Illinois corporation with principal offices located in Oakbrook Terrace, Illinois. CIMCO was authorized as a resale common carrier of interexchange telecommunications services in the State of Nebraska and by virtue of authority granted by the Commission on November 13, 2002, under Docket C-3018.

Comcast is a Delaware limited liability company with principal offices in Philadelphia, Pennsylvania. Comcast does not have authority to provide telecommunications services in Nebraska, but has filed an Application and Request for authority to provide facilities-based and non-facilities based interexchange telecommunications services in Nebraska.

Description of the Transaction:

According to the application, Comcast will acquire assets and customer accounts of CIMCO customers in the State of Nebraska pursuant to an Asset Purchase Agreement entered into by Comcast and certain of its affiliates as of September 16, 2009.

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The Applicants anticipate that the proposed transaction will be seamless and transparent to any customers in Nebraska. The Applicants state that Comcast will continue to offer service with no change in rates or terms and conditions of service. Comcast will adopt the current tariff on file for CIMCO and will comply with the terms set forth, but reserves the right to make changes consistent with contractual obligations and state law. Because Comcast will have CIMCO's assets and assume CIMCO's telecommunications operation in Nebraska, CIMCO requests that the Commission cancel its authority to provide telecommunications services granted in Docket C-3018.

The Applicants state that the proposed transaction is in the public interest because the transaction will ensure that Nebraska customers will continue to enjoy high quality telecommunications services at the same rates, terms and conditions that they currently enjoy.

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-4217, be, and it is hereby, granted.

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of November, 2009.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


Chairman

ATTEST:


Executive Director

//s// Frank E. Landis