

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Joint Application of)
Ionex Communications North, Inc. dba Birch) DOCKET NO. 13-2563-04
Communications and Lightyear Network)
Solutions, LLC for Approval of the Transfer) NOTICE OF APPLICATION FOR
of Customers and Certain Assets) APPROVAL TO ACQUIRE
) CUSTOMERS AND CERTAIN
) ASSETS, NOTICE OF COMMENT
) PERIOD, AND NOTICE OF HEARING
)

ISSUED: August 15, 2013

By The Commission:

NOTICE

On August 14, 2013, Ionex Communications North, Inc. dba Birch Communications (“Ionex”) and Lightyear Network Solutions, LLC (“Lightyear”) jointly filed notification of a pending transaction between Ionex and Lightyear, pursuant to which Ionex will acquire the Utah customers and all telecommunications assets of Lightyear. Pursuant to Utah Code Ann. § 54-4-30, “consent shall be given [by the Utah Public Service Commission] only after investigation and hearing and finding that said purchase, lease or acquisition . . . will be in the public interest.”

The pending dockets can be viewed on the Commission’s website at:

<http://www.psc.utah.gov/utilities/telecom/telecomindx/2013/13256304indx.html>.

NOTICE OF COMMENT PERIOD

Any interested party may submit comments on the above notification no later than **Friday, September 13, 2013**, and reply comments may be submitted no later than **Wednesday, September 18, 2013**.

NOTICE OF HEARING

A hearing on this matter is scheduled for **Monday, September 23, 2013, at 9:00 a.m. (MDT), Fourth Floor Hearing Room 451**, Heber M. Wells State Office Building, 160 East 300 South, Salt Lake City, Utah. The hearing will be conducted by the Administrative Law Judge for the Public Service Commission. Parties should come prepared to provide testimony on whether the proposed acquisition of customers and certain assets will be in the public interest. Parties desiring to be represented by legal counsel may be represented by local counsel, joined by local counsel, or represented by counsel otherwise admitted by a motion *pro hac vice* pursuant to Commission rules (Utah Admin. Code R746-100-6(B)). Instructions for *pro hac vice* admission can be viewed on the Commission's website at:

<http://www.psc.utah.gov/faq/Pro%20Hac%20Vice%20Notice%20to%20Attorneys%20licensed%20in%20foreign%20state.pdf>.

Individuals wishing to participate in the hearing by telephone should contact the Public Service Commission two days in advance by calling (801) 530-6716 or (toll-free) 1-866-PSC-UTAH (1-866-772-8824). Participants attending by telephone should then call the Public Service Commission at one of the numbers posted above five minutes prior to the hearing to ensure participation.

In accordance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this hearing should notify the Commission at 160 East 300 South, 4th Floor, Salt Lake City, UT 84111, (801) 530-6716, at least three working days before the hearing.

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DATED at Salt Lake City, Utah, this 15th day of August, 2013.

/s/ Melanie A. Reif
Administrative Law Judge

Attest:

/s/ Gary L. Widerburg
Commission Secretary
D#246321

CERTIFICATE OF SERVICE

I CERTIFY that on the 15th day of August, 2013, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By Electronic-Mail

John J. Grieve (John.Grieve@lightyear.net)
Vice President/General Counsel
Lightyear Network Solutions

Angela F. Collins (acollins@cahill.com)
Cahill Gordon & Reindel LLP

Patricia Schmid (pschmid@utah.gov)
Justin Jetter (jjetter@utah.gov)
Assistant Utah Attorneys General

By Hand Delivery

Division of Public Utilities
160 East 300 South, 4th Floor
Salt Lake City, Utah 84111

Office of Consumer Services
160 East 300 South, 2nd Floor
Salt Lake City, Utah 84111

Administrative Assistant