

- BEFORE THE PUBLIC SERVICE COMMISSION OF UTAH -

In the Matter of the Notification by Ionex)
Communications North, Inc. dba Birch) DOCKET NO. 13-2563-03
Communications and Ernest)
Communications, Inc. of the Transfer of) NOTICE OF APPLICATION FOR
Customers and Assets) APPROVAL TO ACQUIRE CUSTOMERS
) AND CERTAIN ASSETS, NOTICE OF
) COMMENT PERIOD,
) AND NOTICE OF HEARING
)

ISSUED: August 2, 2013

By The Commission:

NOTICE

On July 26, 2013, Ionex Communications North, Inc. dba Birch Communications (“Ionex”) and Ernest Communications, Inc. (“Ernest”) filed notification of a pending transaction between Ionex and Ernest, pursuant to which Ernest will transfer substantially all of its telecommunications assets and Utah customer base to Ionex. 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 docket can be viewed on the Commission’s website at:

<http://www.psc.utah.gov/utilities/telecom/telecomindx/2013/13256303indx.html>.

NOTICE OF COMMENT PERIOD

Any interested party may submit comments on the above notification no later than **Tuesday, September 3, 2013**, and reply comments may be submitted no later than **Monday, September 9, 2013**.

NOTICE OF HEARING

A hearing on the notification is scheduled for **Tuesday, September 10, 2013, at 1:00 p.m., 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 desiring to be represented by local counsel may be represented by local counsel, joined by local counsel, or 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 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 2nd day of August, 2013.

/s/ Melanie A. Reif
Administrative Law Judge

Attest:

/s/ Gary L. Widerburg
Commission Secretary
DH#246058

CERTIFICATE OF SERVICE

I CERTIFY that on the 2nd day of August, 2013, a true and correct copy of the foregoing was delivered upon the following as indicated below:

By U.S. Mail

Paul Masters, President
Ernest Communications, Inc.
5275 Triangle Parkway, Ste. 150
Norcross, GA 30092

By Electronic-Mail

Angela F. Collins (acollins@cahill.com)
Counsel for Ionex Communications North, Inc. dba Birch Communications

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