

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO**

DOCKET NO. 03A-392T

---

IN THE MATTER OF THE JOINT APPLICATION OF RECONEX ACQUISITION CORP. A WHOLLY OWNED SUBSIDIARY OF 1-800-RECONEX, INC. AND SSC HOLDINGS, LLC TO EXECUTE A TRANSFER.

---

**ORDER DENYING APPLICATION AS MOOT**

---

---

Mailed Date: October 27, 2003  
Adopted Date: October 22, 2003

**I. BY THE COMMISSION**

**A. Statement**

1. This matter comes before the Commission for consideration of an application filed by SSC Holdings, LLC (SSC) and Reconex Acquisition Corp. (Reconex) pursuant to 4 *Code of Colorado Regulations* (CCR) 723-25-2.17, seeking approval of a Stock Purchase Agreement whereby it is anticipated that Choctaw Communications, Inc. (Choctaw), is to become a subsidiary of SSC. The application was filed on September 10, 2003.

2. According to the application, the transaction will result in the acquisition by SSC of 80.80 percent of the outstanding and issued shares of Choctaw's common stock for equitable consideration. At the time of the application, Choctaw held a Certificate of Public Convenience and Necessity (CPCN) to provide Part 3 emerging competitive telecommunications services, which was granted by this Commission in Docket No. 98A-291T, Decision No. C98-898. As a regulated telecommunications provider, Choctaw seeks Commission approval of the Stock Purchase Agreement, which will result in a change in ownership of the majority of the stock of Choctaw.

3. Reconex is a privately held corporation with principal offices located in Hubbard, Oregon. Reconex does not possess a CPCN in Colorado. SSC is a Delaware limited liability company with principal offices located in Houston, Texas. SSC currently does not possess a CPCN in Colorado.

4. Pursuant to Commission Rule 4 CCR 723-25-8, a joint application must be filed by a transferor and transferee not less than 30 days prior to the proposed effective date of a transfer. The parties indicated that the stock purchase was completed in May 2002. According to Reconex, it did not file an application because the stock purchase agreement stated that the buyer (SSC) was responsible for making any filings and gaining any regulatory approval.

5. On July 31, 2003, Choctaw applied to cancel its CPCN and cancel its tariff in Docket No. 03J-334AT. As part of this filing, Choctaw attested that it had no customers in Colorado. On September 2, 2003, the Commission acknowledged the cancellation of Choctaw's CPCN and closed the docket.

6. On September 8, 2003, SSC filed an application for a CPCN in Docket No. 03A-389T. On October 8, 2003, SSC filed to withdraw its CPCN application. The withdrawal was granted in Decision No. C03-1145, effective October 10, 2003.

7. By virtue of the above facts, this Commission does not have jurisdiction over SSC or Choctaw. Therefore, the parties' application for transfer of 80.80 percent of Choctaw stock from Reconex to SSC is moot. Since we do not have jurisdiction over the parties to this matter, the application is dismissed.

**II. ORDER****A. The Commission Orders That:**

1. The application of SSC Holdings, LLC and Reconex Acquisition Corp. pursuant to 4 *Code of Colorado Regulations* 723-25-2.17 seeking approval of a Stock Purchase Agreement, transferring 80.80 percent of Choctaw Communications, Inc., stock from Reconex Acquisition Corp. to SSC Holdings, LLC is dismissed as moot, consistent with the discussion above.

2. The 20-day time period provided by § 40-6-114(1), C.R.S., to file an application for rehearing, reargument, or reconsideration shall begin on the first day after the Mailed Date of this Order.

3. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING  
October 22, 2003.****(S E A L)****ATTEST: A TRUE COPY**

**Bruce N. Smith**  
**Director**

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

**GREGORY E. SOPKIN**

---

**POLLY PAGE**

---

**JIM DYER**

---

Commissioners

G:\ORDER\C03-1203\_03A-392T.doc:srs

