

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

DOCKET NO. 03A-488T

IN THE MATTER OF THE APPLICATION OF TELECOM ACQUISITION COMPANY, L.L.C. FOR A GRANT OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND LETTER OF REGISTRATION, AND FOR THE TRANSFER OF THE EXISTING CERTIFICATIONS OF NUI TELECOM, INC. TO TELECOM ACQUISITION COMPANY, L.L.C.

ORDER GRANTING APPLICATION

Mailed Date: December 18, 2003
Adopted Date: December 17, 2003

I. BY THE COMMISSION

A. Statement

1. On November 7, 2003, NUI Telecom, Inc. (NUI), and Telecom Acquisition Company, LLC (Telecom Acquisition), filed a joint application to execute a transfer of control pursuant to 4 *Code of Colorado Regulations* (CCR) 723-25-8.

2. On January 18, 2002, NUI was granted a Certificate of Public Convenience and Necessity to provide local exchange telecommunications services and a Letter of Registration to provide emerging competitive telecommunications services. *See* Decision No. C02-0061 in Docket No. 01A-579T.

3. NUI does not have an effective tariff on file with the Commission.

4. Under terms of the proposed transfer, Telecom Acquisition will acquire all outstanding shares of capital stock of NUI. However, the joint applicants do not seek to transfer NUI's operating authority in connection with this transaction.

5. In the application, NUI and Telecom Acquisition state that the transfer of control will be transparent to NUI customers. NUI will continue to be the provider of regulated telecommunications services in Colorado after the transfer is consummated.

6. Telecom Acquisition does not hold Commission authority to provide local exchange or emerging competitive telecommunications services in Colorado. Therefore, Telecom Acquisition has provided the supplemental information required in Rule 4 CCR 723-25-4.1 to certify that it has the managerial qualifications, technical competence, and financial resources to provide regulated telecommunications services.

7. On November 10, 2003, the Commission issued a Notice of Application Filed, giving notice to all interested parties. No interventions were filed.

B. Discussion

8. The application is unopposed and may be considered without a hearing. § 40-6-109(5), C.R.S.

9. The Commission finds that the proposed transfer is not contrary to the public interest.

II. ORDER

A. The Commission Orders That:

1. The joint application of NUI Telecom, Inc. (NUI), and Telecom Acquisition Company, LLC (Telecom Acquisition) is deemed complete.

2. The joint application for the transfer of control of NUI to Telecom Acquisition is granted.

3. Before providing local exchange and emerging competitive telecommunications services, NUI shall file an Advice Letter and a proposed tariff on not less than 30 days' notice.

4. NUI shall continue to have the obligation to file an annual report with the Commission and to contribute to all applicable Colorado funds, including the Public Utilities Commission's Fixed Utilities Fund, the Colorado High Cost Support Mechanism, the Telecommunications Relay Services for the Disabled Telephone Users Program, and the Emergency Telephone Access Act Program.

5. This Order is effective on its Mailed Date.

**B. ADOPTED IN COMMISSIONERS' WEEKLY MEETING
December 17, 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

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Commissioners