

BEFORE

THE PUBLIC UTILITIES COMMISSION OF OHIO

In the Matter of the Application of )  
Community ISP, Inc. to Acquire the Assets of ) Case No. 07-988-TP-ATR  
Faster Processing, LLC. )

FINDING AND ORDER

The Commission finds:

- (1) On September 6, 2007, Community ISP, Inc. (CISP) filed an application seeking authority to acquire the assets of Faster Processing, LLC (FP) (together, Applicants). CISP received Commission authority to provide local and interexchange service following the approval of a certificate application in Case No. 07-233-TP-ACE and the issuance of Certificate No. 90-9340. FP also has Commission authority to provide local and interexchange service under Certificate No. 90-9184, which was reissued following approval of Case No. 02-191-TP-ACO.
- (2) By attorney examiner entry issued October 4, 2007, the application was suspended for 60 days in accordance with Rule 4901:1-6-07, Ohio Administrative Code (O.A.C.), because additional information was needed to complete the application. Applicants were requested to clarify whether the rates, terms, and conditions of service in the tariffs of CISP and FP are identical; if not, Applicants were directed to file appropriate revisions to the CISP tariff. In addition, a Certificate of Good Standing from Ohio's Secretary of State was needed for CISP, as well as a list of CISP officers, directors, and partners' names, addresses, and telephone numbers. Applicants were also asked to indicate whether they sought cancellation of FP's certificate through this application. Finally, Applicants were asked to clarify when customer notice was given.
- (3) Additional information was filed by CISP on October 31, 2007. The information included the Certificate of Good Standing for CISP, revised and superseded tariff pages, an affidavit indicating that customer notice was provided on September 1, 2007, a copy of the customer notification indicating that the transaction was expected to be completed on approximately September 30, 2007, information concerning the names,

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addresses, and telephone numbers of CISP officers and directors, and a request that FP's certificate be cancelled as a result of this application. The customer notice complies with Commission requirements and indicates that rates, terms, and conditions of service will remain the same after the acquisition. No charges or fees will be imposed as a result of the transfer.

- (4) Upon noting that CISP's affidavit indicated the date of customer notice as September 1, 2007, and because the application was filed on September 6, 2007, the attorney examiner notified counsel for CISP that under Rule 4901:6-16(D), O.A.C., customer notice must be sent at least fifteen days before such an application is filed at the Commission. Counsel confirmed that it will better comply with this requirement prior to future filings.
- (5) As of November 30, 2007, staff informed the attorney examiner that CISP had still not submitted all of the information needed to complete a review of the application. Specifically, staff had requested that certain revisions be made to CISP's tariff prior to its acquisition of FP's assets.
- (6) On December 3, 2007, given that CISP had not submitted all of the information needed by staff, the attorney examiner suspended CISP's application for a second time. Under Rule 4901:1-6-07, O.A.C., an application under a second suspension cannot be approved without a Commission entry or order.
- (7) Subsequent discussions between staff and CISP revealed that the tariff revisions submitted by CISP were unnecessary. On February 26, 2008, CISP filed a letter requesting that the tariff revisions made on October 31, 2007, be withdrawn. The Commission grants this request.
- (8) The Commission now finds this application to be complete. Therefore, the application will be approved. As a final matter, the Commission will cancel the authority as well as the tariff of FP.
- (9) After further review of the nature of the transaction between CISP and FP, the Commission has determined that the application will be redesignated as an application for a transfer of assets (ATR).

It is, therefore,

ORDERED, That the application be redesignated as an ATR and approved, and that the certificate and the tariff of FP be cancelled. It is, further,

ORDERED, That CISP's request to withdraw the tariff revisions made on October 31, 2007, is granted. It is, further,

ORDERED, That a copy of this finding and order be served upon all parties of record.

THE PUBLIC UTILITIES COMMISSION OF OHIO

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Alan R. Schriber, Chairman

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*Paul A. Centolella*

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*Ronda Hartman Fergus*

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*Donald L. Mason*

Donald L. Mason

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Valerie A. Lemmie

JML:ct

Entered in the Journal

**MAR 26 2008**

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*Renee J. Jenkins*

Renee J. Jenkins  
Secretary