

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of First Choice)
Technology, Inc. and NetLojix Telecom, Inc. for)
Approval of an Asset Purchase Agreement)

Case No. XM-2009-0263

ORDER DIRECTING STAFF TO FILE A RECOMMENDATION

Issue Date: January 29, 2009

Effective Date: January 29, 2009

On January 13,¹ First Choice Technology ("First Choice") and NetLojix Telecom, Inc. ("NetLojix") (collectively "Applicants"), filed an application, pursuant to Section 392.300, RSMo 2000, and 4 CSR 240-2.060 and 3.525, requesting that the Commission grant them the authority necessary to consummate transactions involving the transfer of NetLojix's Missouri residential and business long distance customer accounts to First Choice. The Applicants represent that after consummation of the transaction, First Choice will provide telecommunications services to all of the former customers of NetLojix, and NetLojix will cease operations in Missouri and surrender its Missouri certificate of service authority and tariff.


On January 14, the Commission issued notice and set a deadline for intervention requests. No requests for intervention were filed. The Commission would like to have the benefit of an investigation and report by its Staff before it further considers the joint application and tariff. Therefore, the Commission shall direct its Staff to file a recommendation as to whether the Commission should approve the application.

¹ All dates throughout this order refer to the year 2009 unless otherwise noted.

THE COMMISSION ORDERS THAT:

1. No later than February 19, 2009, the Staff of the Missouri Public Service Commission shall file a recommendation advising the Commission whether it should approve the application as described in the body of this order.
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Harold Stearley, Regulatory Law Judge,
by delegation of authority pursuant to
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of January, 2009.