

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-5045
of Communications Venture)	
Corporation d/b/a INdigital, Inc.,)	
Fort Wayne, Indiana, seeking)	GRANTED
authority to provide competitive)	
local exchange tele-communications)	
services within the State of)	
Nebraska.)	Entered: May 21, 2019

BY THE COMMISSION:

On April 3, 2019 an application was filed by Communications Venture Corporation d/b/a INdigital, Inc. ("INditigal" or "Applicant") of Fort Wayne, Indiana, seeking authority to operate as a local exchange carrier of telecommunications services in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on April 8, 2019. No protests were filed; therefore, this application is processed pursuant to the Commission's Rule of Modified Procedure.

O P I N I O N A N D F I N D I N G S

Applicant is a privately held corporation organized and existing under the laws of the State of Indiana and is authorized to do business in the State of Nebraska. Applicant states no officer, director or shareholder has been involved in a formal complaint or other investigatory or enforcement proceeding within the last two years.

Applicant currently transacts business in the following states: Alabama, Florida, Georgia, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Hampshire, Ohio, Tennessee, Texas, Vermont, West Virginia, and Wisconsin.

In Nebraska, Applicant intends to focus on offering transitional Enhanced 9-1-1 and Next Generation services to state, local, and/or governmental or quasi-governmental agencies involving in administering and delivering emergency services including using the universal 9-1-1 dialing code. These Next Gen Core services include IP based 9-1-1 call routing, database services, and database management. Applicant also provides Text to 9-1-1 service which includes texting to and from 9-1-1. Applicant does not intend to provide local exchange voice dial tone services to residential or business customers or to provide long distance voice toll services to residential or business customers at this time.

Applicant requests authority to provide telecommunications services through a combination of its own facilities and leased facilities from existing carriers within the State of Nebraska. Applicant seeks authority to provide local exchange and interexchange access service in service areas throughout the State of Nebraska. The predominant part of Applicant's service will be delivered using Internet Protocol (IP) technologies. Certain legacy services and transitional services will require Applicant to use wholesale local exchange and interexchange services from Nebraska local exchange providers for the delivery of its service. Applicant plans to deploy active IP and legacy network and Next Gen 9-1-1 functional elements at Nebraska based data centers. Applicant does not intend to offer local dial tone services to businesses and residences particularly in the service areas of incumbent local exchange carriers that qualify for the rural exemption pursuant to Section 251(f) of the Act.

Applicant intends to negotiate interconnection agreements with CenturyLink QC and Windstream Nebraska, Inc. as required for the conduct of its business. Applicant has entered into interconnection agreements with CenturyLink QC and Windstream in multiple states where Applicant leases facilities from CenturyLink QC and Windstream and where CenturyLink QC and Windstream need to deliver 9-1-1 calls from their subscribers. The telecommunications services that Applicant intends to provide are specifically 9-1-1 services and will utilize leased facilities pursuant to Commission approved interconnection agreements and/or the use of owned facilities. Applicant does not intend to offer local dial tone services but will comply with the requirements for operator services, directory assistance and Telecommunications Relay Service, and 9-1-1 services if Applicant offers local dial tone services in the future.

Applicant states it possesses the necessary technical expertise and management team to serve Nebraska customers. Applicant states that it has been providing and provisioning IP based 9-1-1 services since 2005 and has successfully delivered over 35 million emergency calls across IP networks. Applicant provides statewide IP-based 9-1-1 networks in Alabama, Indiana, and New Hampshire and provides these same services in multiple jurisdictions located in the other 16 states in which Applicant is certificated. Applicant operates a 24x7x365 Quality Resolution Center, so customers have access to company personnel any time of the day.

Applicant further states it possesses the necessary financial ability to provide the proposed service in Nebraska. Confidential Exhibit D to the Application contains Applicant's most recent financial documents which were reviewed by the staff accountant.

Applicant states that approval of this application is in the public interest because the public will benefit from greater consumer choice created through the broadening of telecommunications service alternatives and affordable rates maintained by competition.

The Commission considers this application for authority in light of the following criteria and standards established in the Commission's telecommunications rules:

- (a) Whether the Applicant has provided the information required by the Commission;
- (b) Whether the Applicant has provided a performance bond, if required;
- (c) Whether the Applicant possesses adequate financial resources to provide the proposed service;
- (d) Whether the Applicant possesses adequate technical competence and resources to provide the proposed service;
- (e) Whether the Applicant possesses adequate managerial competence to provide the proposed service; and
- (f) Whether granting the Applicant a certificate preserves and advances universal service, protects the public safety and welfare, ensures the continued quality of telecommunications services and safeguards the rights of consumers, pursuant to Section 253(b) of the Act.

Applicant has demonstrated that it meets the standards of financial, technical, and managerial competence and all other criteria necessary to provide local exchange services in the State of Nebraska.

These opinions and findings carry no precedential value other than establishing minimum standards and criteria to apply when considering applications to provide local exchange services. All telecommunications carriers seeking such a certificate must demonstrate that they meet, at a minimum, the standards and criteria set forth herein.

Before the Applicant is allowed to provide local exchange service to its users, it must either:

1. Through negotiation or arbitration, reach an interconnection/resale agreement with the pertinent

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incumbent local exchange carrier and receive Commission approval of the interconnection/resale agreement; or

2. In the event a certified local exchange carrier provides a wholesale tariff, purchase rates from that tariff, file its own tariff and receive Commission approval of its tariff.

This order does not terminate, waive or in any manner diminish the exemptions and protections created by the Act for rural carriers, as defined by the Act. This order does not address the issue of the rural local exchange carrier exemption under the Act. Rural exemptions may be terminated, suspended or modified only as provided in Section 251(f) of the Act.

Prior to providing service in any area in the State of Nebraska, Applicant must file tariffs in accordance with the provisions of Section 002.21 of the Neb. Admin. R. & Regs. Title 291, Ch. 5.

Upon the offering of local exchange services in the state of Nebraska, Applicant would be subject to the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange company except those obligations imposed on ILECs pursuant to Section 251(c) of the Act.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-5045 be, and hereby is, granted.

IT IS FURTHER ORDERED that Applicant is obligated to abide by the same laws, rules and regulations, both federal and state (including any laws, rules or regulations regarding universal service, restrictions on joint marketing and quality of service), applicable to any other local exchange carriers, except obligations imposed on incumbent local exchange carriers pursuant to Section 251(c) of the Act.

IT IS FURTHER ORDERED that, to the extent Applicant provides access line service as referenced in the Telecommunications Relay System Act, Neb. Rev. Stat. §§ 86-301 through 86-315 (Relay Act) and defined in Neb. Admin. R. & Reg. Title 291, Ch. 5 § 001.01B, the Applicant shall collect from its subscribers a surcharge (Relay Surcharge) pursuant to the relay act and the Commission's annual orders establishing the amount of the surcharge, and shall remit to

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the Commission the proceeds from the relay surcharge as provided by the Relay Act.

IT IS FURTHER ORDERED that the Applicant comply with all necessary statutes and Commission Rules and Regulations as they pertain to the Nebraska Universal Service Fund.

IT IS FURTHER ORDERED that Applicant shall file, in accordance with the applicable statutes, on or before April 30 of each year, an annual report with the Commission consisting of: (a) a copy of any report filed with the Federal Communications Commission; (b) a copy of any annual report to stockholders; and (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission. If such reports are unavailable, Applicant shall file a balance sheet and income statement for the previous year of operation, and for the State of Nebraska on a combined interstate-intrastate basis, the investment in the telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses and taxes.

IT IS FURTHER ORDERED that within 30 days from the entry of this order that the Applicant file a tariff and pay appropriate filing fees with the Commission as required by state statutes and the Commission's regulations.

IT IS FINALLY ORDERED that this order be, and hereby is, made the Commission's official Certificate of Public Convenience and Necessity to the Applicant to provide local exchange telecommunications services in the State of Nebraska.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 21st day of May, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Crystal Knoder *Mary Redder*

Chair

ATTEST:

Michael H. S.

Executive Director

Paul J. [unclear]
David [unclear]
Jim Schram