

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the)	Application No. C-5130
Application of NGA 911, LLC,)	
Beverly Hills, California, for)	
a Certificate of Public)	
Convenience and Necessity to)	GRANTED
provide Resold and Facilities-)	
Based Local Exchange and)	
Interexchange Services in the)	
State of Nebraska.)	Entered: June 30, 2020

BY THE COMMISSION:

On May 8, 2020 an application was filed by NGA 911, LLC ("NGA 911" or "Applicant") of Beverly Hills, California, for a Certificate of Public convenience and Necessity to provide Resold and Facilities-Based Local Exchange and Interexchange Services in the State of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, on May 13, 2020. No protests were filed; therefore, this application is processed pursuant to the Commission's Rules of Modified Procedure.

Applicant is a California Limited Liability Company authorized to do business in the State of Nebraska. Applicant has been authorized by the Secretary of State to operate in Nebraska. Applicant has three pending applications to provide telecommunication services in Illinois, New York, and Oklahoma. Applicant also currently operates within sixteen (16) other states. No officer, director, or shareholder having 5% or more of Applicant's voting securities nor any of Applicant's business operations has been involved in a formal complaint or other investigatory or enforcement proceeding.

Applicant requests authority to provide Resold and Facilities-Based Local Exchange and Interexchange Services throughout the State of Nebraska. Applicant plans to provide a portfolio of NG9-1-1 services including Internet Protocol (IP) based 9-1-1 call routing, database services and management, and network services designed to make it easier to move from the current legacy 9-1-1 system to an NG9-1-1 system. Applicant does not intend to offer local dial tone services to businesses or residences, but will comply with the requirements for directory assistance, operator assistance, and for Telecommunications Relay Service if local dial tone services are offered in the future.

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Applicant States it possesses the requisite financial, technical, and managerial expertise to provide the proposed services. Applicant is majority owned by NGA 911, Inc. Applicant is not a public company and does not publish annual reports. In Exhibit D Applicant provided a true and correct copy of their financial statements for 2018 and an unaudited financial statement from the period ending in December 31, 2019.

Applicant states that a grant of the application is in the public interest because Commission approval of this application will reaffirm the principle of competition in the telecommunication market within the state and will benefit the Nebraska residents by enhancing the capabilities of the state's emergency communications systems. Further, Applicant states that advanced telecommunications networks is important for the vitality of the state's economy and for providing critical infrastructure for education, health, and public safety needs. Applicant believes that allowing them to operate within Nebraska will expand the supply of existing and future telecommunications services and products which, in turn, will promote competition and customer choices.

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

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 the 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.

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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 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 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 exchange company except those obligations imposed on ILECs pursuant to Section 251(c) of the Act.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-5130 be, and is hereby, 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. & Regs. 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 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 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.

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IT IS FURTHER ORDERED that this order be, and is hereby, 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 30th day of June, 2020.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rock Johnson
Crystal Hunder
Tim Schram
Don Watson

Mary Keddin

Chair

ATTEST:

Michael S. Hyatt

Executive Director