

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application)	Application No. C-798
of American Public Communications,)	
Inc., Garland, Texas, for authority)	
to operate as a reseller of inter-)	DENIED
exchange telecommunications)	
service within the state of)	
Nebraska.)	Entered: May 30, 1990

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed February 9, 1990, the American Public Communications, Inc. Garland, Texas, seeks a Certificate of Public Convenience and Necessity to operate as a reseller of interexchange telecommunications services within the state of Nebraska.

Notice of the filing of the application was published pursuant to the provisions of the Commission's Rules and Regulations. No protest to the application was filed.

Public hearing was held on the application on April 24, 1990 in the Commission Hearing Room, Lincoln, Nebraska. Late filed exhibits were requested but not filed.

Upon consideration of the application, the evidence adduced at the hearing and being fully advised, the Commission is of the opinion and finds that:

1. Applicant is a corporation organized and existing under the laws of the State of Texas with its principal place of business at Garland, Texas. It is authorized to do business in Nebraska as a foreign corporation.

2. Scott D. Burns, a consultant engaged by American Public Communications, Inc. (APC) testified. APC was formed in 1989 and is engaged in providing operator services and the resale of long distance service. Approximately 80% of the business is providing operator services. The company currently has three operator centers located in Portland, OR, Garland, TX and Tampa, FL. APC is currently doing business in thirteen states. APC's contracts with service aggregators would limit surcharges on operator handled calls to \$1.00.

3. Financial statements as of October 31, 1989 and February 28, 1990 which were submitted as exhibits contain the following statement: "Management has elected to omit substantially all of the disclosures and the statement of cash flows required by generally accepted accounting principles."

4. Upon the conclusion of the hearing, applicant was given a list of questions to be answered in a late filed exhibit. As of the date of this order no response has been received.

5. Having failed to respond to the request for a late filed exhibit and having omitted from its financial statements substantially all of the disclosures required by generally accepted accounting principles, applicant has failed to show that it is technically and financially qualified to offer the service proposed and its application should be denied.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-798 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of May, 1990.

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel S. Urwiller

Chairman

COMMISSIONERS CONCURRING:

Deane D. Gay

//s//Frank E. Landis, Jr.

//s//James F. Munnelly

//s//Daniel G. Urwiller

ATTEST:

D. R. King
Executive Director