

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the matter of the Application of	)	Application No. C-879
Fiberline Network Communications,	)	
Limited Partnership, Las Vegas,	)	
Nevada, who seeks authority to	)	
operate as a reseller of interLATA	)	GRANTED IN PART
and intraLATA telecommunications	)	
services within the state of	)	
Nebraska.	)	Entered: July 9, 1991

OPINION AND FINDINGS

BY THE COMMISSION:

By its application filed January 24, 1991, Fiberline Network Communications, Limited Partnership of Las Vegas, Nevada asked for authority to operate as a reseller of interLATA and intraLATA 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 protests to the application were filed.

Pursuant to notice required by law, public hearing was held on the application on May 17, 1991, in the Commission Hearing Room, Lincoln, Nebraska.

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 limited partnership formed in the state of Nevada in April of 1989. Its principal office is located in Las Vegas, Nevada. Applicant is a non-facilities based telecommunications reseller. It seeks to provide services primarily in hotels, motels, hospitals, business establishments, temporary housing units and by callers at coin and non-coin operated telephones. The proposed services will be furnished using WATS and WATS-like facilities leased from other carriers.

2. Mr. Charles Stanley, Director of Administrations, appeared on behalf of the applicant. Mr. Stanley has been with Fiberline since March of 1989 and has been involved in the regulatory aspects of the company from the start. Applicant has a rather elaborate company structure with one general partner Fiberline Management Inc., which has three equal stockholders, W.T. Grant, Director and CEA; Scott Nauert, Director and President; and Scott Noreuil, Director and CFO. There are three limited partners, Fiberline Investors I, II and III. Each of these limited partners are themselves limited partnerships.

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3. Applicant proposes to offer 1+ service, 800 WATS, and traditional operator/alternative operator services. These services are offered to both residential and business customers. Customers access applicant's service via equal access FGD circuits and or other switched access service. Calls are rated based on milage, time of day and call duration for Fiberline 1+ Service. Nationwide, applicant has approximately 16,400 customers. Applicant has a Midwest regional office in Davenport Iowa.

4. Applicant proposed to double brand each call in accordance with the Telephone Operator Consumer Service Improvement Act of 1990. The company will quote state specific rates at the request of any end user. Applicant will allow access to other carriers and it is standard practice to post name, address and phone numbers in compliance with Nebraska rules and regulations. Applicant's operators are located in Jackson, Mississippi.

5. Applicant's tariff states that the operator service provided by the company are priced similar to the dominant carrier. The Commission finds that the standard Operator Service II is competitive with the dominant carrier, however the Fiberline Operator Service, for intraLATA intrastate will be 50% higher than the dominant carrier. The Commission also finds that one of the rates listed under Operator Services for "telecopy" services has a range of \$0.00 to 5.00. Although the Commission does not set the rates the Commission cannot approve a filing of a tariff which has a range of rates. The applicant must amend the tariff to specify what the rate is for that particular service and must not have any other service that does have not a specific rate for the service. The tariffs also reflect an aggregator surcharge of \$1.25, which may be included on the bill at the option of the aggregator.

6. Applicant's financial ability to provide the proposed service was provided as Exhibit VII of the application. The Balance sheet reflects total assets of \$3,576,385 as of September 30, 1990. For the first nine months ending September 1990 a profit before taxes of \$59,179 was made.

7. Applicant has requested both interLATA and intraLATA authority. In its enactment of Section §86-805 Neb. Rev. Stat., the Legislature established certain minimal standards of proof in order to obtain a certificate of authority. Section §75-604 Neb. Rev. Stat., continues to require that the Commission find that existing service is inadequate before granting a certificate of authority for intraLATA service. In this case, the Commission finds that applicant has met its burden of proof for interLATA authority; that is, it has provided the information required and it does possess adequate financial and technical resources to provide the proposed service. InterLATA authority should therefore be granted.

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8. On the other hand, applicant has not shown that existing service is inadequate or that its proposed service will be of benefit to users. The evidence shows that its rates are higher than rates of the dominant carrier and that surcharges are allowed for hotels, motels and other aggregators. For these reasons, intraLATA authority must be denied.

9. The application in part is fair and reasonable, is in the public interest and should be granted in part.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-879 be and it is hereby granted in part and Fiberline Network Communications, Limited Partnership, Las Vegas, Nevada, be and it is hereby authorized to provide InterLATA interexchange telecommunication services within the State of Nebraska.

IT IS FURTHER ORDERED that intraLATA authority be and it is hereby denied.

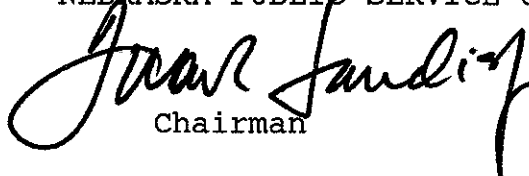
IT IS FURTHER ORDERED that applicant modify the rate list to reflect the rate charges for a particular service and not a range of rates.

IT IS FURTHER ORDERED that applicant shall file in accordance with the applicable statutes an annual report with this Commission consisting of (1) a copy of any report filed with the Federal Communication Commission, (2) the annual report to stockholders and (3) for the state of Nebraska on a combined interstate-intrastate basis, the investment in telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses and taxes.

IT IS FURTHER ORDERED that this order be and it is hereby made the Commission's official Certificate of Public Convenience and Necessity to furnish the service authorized herein.

MADE AND ENTERED at Lincoln, Nebraska, this 9th day of July 1991.

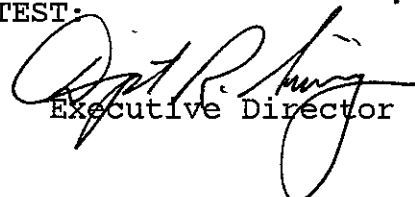
NEBRASKA PUBLIC SERVICE COMMISSION

  
Chairman

COMMISSIONERS CONCURRING:

//s//Frank E. Landis, Jr.  
//s//James F. Munnelly  
//s//Eric Rasmussen

ATTEST:

  
Executive Director