

Application No. C-894

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BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In re	) Application No. C-894
	)
Application of Alternate Communi-	)
cations Technology, Inc., Indiana-	)
polis, Indiana, which seeks authority	) GRANTED
to operate as an interLATA and intra-	)
LATA reseller of long distance telephone)	)
service and to provide intrastate	)
operator assisted telecommunication	)
services in Nebraska.	) ENTERED: Dec. 3, 1991

For the Applicant:  
H. Wm. Orr, President (Pro Se)  
Alternate Communications  
Technology, Inc.  
8802 N. Meridian St. Suite 103  
Indianapolis, IN 46260

By its application filed July 17, 1991, Alternate Communications Technology, Inc. (ACT) of Indianapolis, Indiana seeks authority to operate as an interLATA and intraLATA reseller of long distance telephone service and to provide intrastate operator assisted telecommunication services in Nebraska.

Notice of the application was published in the Omaha *DAILY RECORD* July 17, 1991 in accordance with the Commission's rules of procedure. No protests to the application were received. Hearing on the application was held October 15, 1991 in the Commission Hearing Room, Lincoln, Nebraska with appearances as shown.

OPINION AND FINDINGS

BY THE COMMISSION:

Upon consideration of the application, the evidence adduced at the hearing and being fully informed in the premises, the Commission is of the opinion and finds:

1. William H. Orr is ACT's president. ACT does not currently operate in Nebraska. The company is a non-facilities based reseller of telecommunications services that allows callers from hospitals, hotels, motels, universities, and pay telephones to make long distance telephone calls and bill the calls to a major credit card, Bell Operating Company Credit Card, or to their residential or business telephone number. ACT's service combines long distance operator assisted calling with the convenience of credit card billing. ACT does not plan to construct any facilities.

2. ACT will charge for both (a) an initial minute of use and each additional minute of use varying by the distance of the call and (b) a fixed operator service charge which varies according to the call type. ACT does not knowingly charge for incomplete calls or bill for local calls based upon usage. Additionally, ACT provides premises owners a commission on the gross revenue, less applicable taxes, collected by ACT on authorized calls completed by ACT at percentages specified by agreement.

3. ACT is a privately-held corporation incorporated in Indiana March 29, 1989. The company, as a non-facilities based telecommunications carrier, leases fiber optics trunkage from various underlying carriers to provide operator assisted and direct dialed services to hotels/motels, hospitals, institutions and pay telephone users. ACT has registered with the Nebraska Secretary of State and obtained a certificate of authority to transact business in Nebraska as a foreign corporation. The three shareholders of ACT are residents of Indiana and are also the company's officers. As of August 31, 1991, ACT has assets of \$438,449.04 and liabilities in the same amount.

4. ACT's current operations are limited to originations in the state of Ohio, Indiana, Illinois, and Michigan. ACT presently holds a Certificate of Territorial Authority and Public Convenience and Necessity for long distance resale in Indiana; interexchange carrier service and alternative operator services in Ohio, Illinois, and New York. ACT also provides the resale of interexchange telecommunications services and alternative operator services in Michigan. Certificate applications and tariffs are currently pending in Idaho, Minnesota, Missouri, South Dakota, and Wisconsin.

5. ACT has filed a proposed tariff as part of its application in accordance with the Commission's rules and regulations.

6. In response to a question from Commission counsel, Mr. Orr stated that ACT does not object to a restrictive amendment to a certificate from this Commission which bars his company from providing service to correctional institutions.

7. Based on the testimony, the exhibits, and the proposed tariff, the application is fair and reasonable, is in the public interest, and should be granted with the addition of a restrictive amendment as described above.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-894 be, and it is hereby, granted and Alternate Communications Technology, Inc. of

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Indianapolis, Indiana be, and it is hereby, authorized to operate as an interLATA and intraLATA reseller of long distance telephone service and to provide intrastate operator assisted telecommunication services in Nebraska; Alternate Communications Technology, Inc. is restricted against the provision of service, pursuant to this certificate, to correctional institutions.

IT IS FURTHER ORDERED that Applicant shall file, in accordance with the applicable statutes, an annual report with this Commission consisting of (a) a copy of any report filed with the Federal Communications Commission, (b) the annual report to stockholders, and (c) 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 the Applicant file an updated tariff prior to offering service pursuant to the certificate granted in this order.

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 3rd day of December, 1991.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring:

*Daniel D. Grubler*

*Duane D. Gay*

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

//s//James F. Munnelly

//s//Eric Rasmussen

*James J. Sanderf*  
Chairman

ATTEST:

*Pat R. King*  
Executive Director