

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Disposition of)	Application No. C-931(45)
Property Tax Revenues for Taxable)	C-931(55)
Year 1991 and Certain Other Tax)	C-931(63)
Years by Certain Affected Tele-)
communications companies:)
	ORDER APPROVING
Dial-Net, Inc.) DISPOSITION FOR TAX YEARS
MidAmerican Long Distance/LDDS)	1989, 1990, 1991, 1992
Communications)	1993 and 1994
Telemarketing Investments Ltd.)	Entered: June 4, 1996

BY THE COMMISSION

OPINION AND FINDINGS

In this order, the Commission considers whether to approve a proposed stipulation between the Communications Department (the Department) and WorldCom, Inc. d/b/a LDDS WorldCom (LDDS), its predecessors, successors, affiliates and subsidiaries, other than Wiltel, Inc. The Commission opened this docket May 14, 1992. A format was established to approve or disapprove plans submitted by certain affected telecommunications companies. Specifically, this docket sought whether to approve disposition of excess revenues resulting from decreases in personal property taxes for the 1991 tax year. Neb. Rev. Stat. Section 86-803(9) (Reissue 1994) governs our review.

In the summer of 1992, after the commencement of this docket, the Nebraska Supreme Court ruled in the Bahensky and Jaksha cases that the personal property tax scheme (upon which the Commission and the various companies relied in calculating the amount of revenue subject to disposition in 1991) was unconstitutional. The Staff then moved that we hold the C-931 docket in abeyance pending legislative action by the Nebraska Unicameral and we did so August 4, 1992.

Nebraska voters subsequently approved an amendment to the State Constitution (AMENDMENT 1) and the Legislature, in special session, altered the State's personal property tax laws to adjust its tax policy to the Bahensky and Jaksha decisions (LB 1). This new legislation has since survived the court's scrutiny (MAPCO II) and this requires a new calculation of the 1991 revenues for disposition by the telecommunications carriers subject to this docket.

Based on proposed stipulations between the Department and Respondents US West Communications (US West) and the Lincoln Telephone Company (LT&T), we lifted the order of abeyance as

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its applied to those companies and reviewed modified plans for disposition offered by them. A hearing was held in the Commission hearing room, Lincoln, Nebraska on June 2, 1993. All Commissioners were present to hear testimony. Entered into the record as Exhibits 5 and 6 were letters from Governor E. Benjamin Nelson and State Tax Commissioner M. Berri Balka in support of the stipulations and urging the Commission to look favorably upon them.

Briefly, the stipulations we considered at that hearing re-calculated the amount of revenue for disposition for the 1991 tax year. In addition, the stipulations addressed tax years 1990 and 1992. After the hearing, the Commission approved the US West and LT&T dispositions as per the stipulations. This was done by an order entered June 16, 1993.

With this in mind, we now consider the LDDS/Department stipulation. It approximates the stipulations described above. Therefore, the Department moves the show cause order previously issued against LDDS on March 13, 1995 be vacated, as the company has satisfactorily completed its participation in dockets C-931 and C-992. We grant that motion.

The Commission, being fully advised, finds: the proposed stipulation between LDDS and the Department should be adopted and incorporated by reference into this order as Exhibit 1 and should be made the findings and final determination of the Commission.

We also take judicial notice of the fact that a new docket (C-992) was opened to consider the application of Section 86-803(9) to the 1992 tax year. This docket applies to all telecommunications companies, including LDDS, just as the C-931 docket does. Because the stipulation and order apply to LDDS for the 1992 tax year, this order also concludes LDDS's participation in the C-992 docket.

ORDER

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the proposed stipulation be and it is hereby adopted and incorporated by reference into this order as Exhibit 1 and made the findings and final determination of the Commission as applied to LDDS Communications, Inc. and its predecessors, successors, affiliates and subsidiaries, other than Wiltel, Inc.

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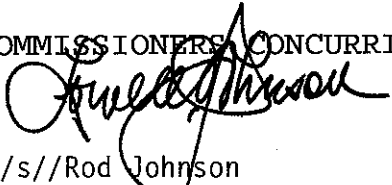
IT IS FURTHER ORDERED that the proposed plan offered by the Respondent disposing of revenues from decreased personal property taxes for the 1991 tax year as calculated in Exhibit 1 be, and it is hereby, approved pursuant to this order.

IT IS FURTHER ORDERED that this order concludes LDDS Communications, Inc. and its predecessors, successors, affiliates and subsidiaries participation in the C-992 docket.

IT IS FINALLY ORDERED that the Show Cause Order issued on March 13, 1995 against LDDS Communications, Inc. and its predecessors, successors, affiliates and subsidiaries (excluding Wiltel) is hereby dismissed.

MADE AND ENTERED at Lincoln, Nebraska this 4th day of June, 1996.

COMMISSIONERS CONCURRING


//s//Rod Johnson
//s//Frank E. Landis
//s//James F. Munnelly
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman

ATTEST:


Robert R. Logsdon
Executive Director