

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. C-979
of BSN Telecom Company, Denver, Colo-))	
rado seeking authority to revoke its)	
certificate of public convenience and))	GRANTED
necessity to do business in Nebraska)	CERTIFICATE REVOKED
as an long distance interexchange)	
reseller of telecommunications ser-))	
vices.)	
)	Entered: May 11, 1993

PRELIMINARY MATTERS

The Applicant, BSN Telecom Company ("BSN"), a Denver-based reseller, seeks a revocation of its certificate to do business in Nebraska as a reseller of long distance telecommunications services. The certificate was originally granted February 4, 1992 in Application No. C-903. Notice of the application was published in the Omaha Daily Record March 31, 1993 and no protests were received. The application will therefore be processed in accordance with the Commission's modified procedure rule using affidavits.¹

BY THE COMMISSION

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

Upon consideration of the application, the governing statutes and rules², the evidence adduced at the hearing, and being fully informed, the Commission is of the opinion and finds:

According to the pleadings and affidavit, BSN has sold virtually all of its gross re-billing account base, other assets, properties, and property rights to Phoenix Network which is a certificated long distance carrier offering reseller services in this State (see Application No. C-800). This transfer of properties, etc. took place September 1, 1992.

Since BSN no longer intends to offer long distance resale service in Nebraska, there is no need for it to retain its certificate. Therefore, BSN seeks revocation. In light of the regulatory environment in Nebraska, the number of alternative carriers available to subscribers, the fact Phoenix network already has operating authority, and the residual service provided by underlying long distance carriers such as AT&T, Sprint, and MCI,

¹Title 291 NAC Ch. 1, Rule 018.03.

²Interexchange reseller applications are governed by Neb. Rev. Stats. 75-604 and 86-805 (1990 and 1987 Reissues, respectively) and Title 291 Neb. Admin. Regs. Ch. 5, Rule 003.12.

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approving this application will not harm the public interest. We note, however, that BSN could have faced a less than desirable outcome were this application denied and those properties described above already transferred. That did not come to pass in this instance, BSN is fortuitous in that regard.

Based on the pleadings and affidavit, the application is fair and reasonable, is in the public interest, and should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-979 be, and it is hereby, granted and the authority previously granted to BSN Telecom Company in Application No. C-903 to operate as a resale carrier of intrastate interexchange interLATA and intraLATA telecommunications services within the state of Nebraska is revoked.

IT IS FINALLY ORDERED that this order be, and it is hereby, made the Commission's official certificate revoking the authority to furnish the service previously granted to BSN Telecom Company as a common carrier.

MADE AND ENTERED at Lincoln, Nebraska this 11th day of May, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING

Duane D. Gay

//s//Rod Johnson
//s//Frank E. Landis, Jr.
//s//James F. Munnelly

John Landis
Chairman

ATTEST:

Patricia R. King
Executive Director