

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of)	Application No. C-1006
LDDS Communications, Inc. and Its)	
Wholly-Owned Subsidiaries to Con-)	GRANTED AND
solidate Operations Under the Name)	CERTIFICATE NOS. C-687
MidAmerican Communications Corpora-)	C-706
tion dba LDDS Communications)	C-709
)	C-927
)	C-938
)	C-967
)	REVOKED
)	
)	Entered: August 16, 1993

APPLICANT'S ATTORNEY

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PRELIMINARY MATTERS

The applicants, LDDS Communications, Inc. and its subsidiaries, MidAmerican Communications Corporation dba LDDS Communications ("MidAmerican"), and Dial-Net, Inc. ("Dial-Net") filed this joint petition June 24, 1993. The applicants seek to transfer the authority held by Dial-Net as well as the authority held by TelaMarketing Investments Ltd. ("TMI") and assigned to MidAmerican by LDDS Communications, Inc. The Omaha Daily Record published notice of the application in its June 28, 1993 edition. No one protested the application. We therefore proceed pursuant to the Commission's modified procedure rule.¹

At the outset, we note that at the time this application was filed, another application (C-994) was pending. Application No. C-994 (subsequently granted August 2, 1993), provided for a certain merger, eliminated LDDS Communications, Inc., and left a surviving entity known as LDDS-METRO Communications, Inc. controlling the subsidiaries listed above. With this in mind, we henceforth use the term "LDDS" to refer to LDDS-METRO Communications, Inc. since as a result of the merger, LDDS Communications, Inc. no longer exists.

We further note, that the contents of Application No. C-994 and the order made clear the merger would change the underlying ownership of the Nebraska-certificated subsidiaries (Dial-Net, MidAmerican, and TMI) but that no other change would occur in regard to them. Therefore, the subsidiaries are now owned by LDDS-

¹Title 291 NAC Ch. 1, Rule 018.03.

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METRO Communications, Inc, but they still retain the operating authority granted to them by previous Commission orders. With this in mind, we now turn to the current application and its consequences.

BY THE COMMISSION

MidAmerican is a wholly-owned subsidiary of MidAmerican Technologies, Inc. which in turn is a wholly-owned subsidiary of LDDS. MidAmerican was originally authorized to provide intrastate telecommunications services under the name MidAmerican Long Distance Company pursuant to orders issued by the Commission in Application Nos. C-758 and C-796. Thereafter, this subsidiary changed its name to MidAmerican Communications Corporation dba LDDS Communications and was approved in Application No. C-900.

TMI originally obtained its intrastate authority in Application Nos. C-687 and C-709. The Commission approved the acquisition of TMI's assets and authority by LDDS Communications, Inc. and their assignment to MidAmerican in Application No. C-938. MidAmerican continues to hold the TMI assets and operating authority.

Dial-Net obtained intrastate authority from the Commission in Application Nos. C-706 and C-927.

If the application is granted, MidAmerican will provide resale intrastate interexchange telecommunications services under one certificate held by MidAmerican including the authority held by TMI and Dial-Net.

The applicants assert that MidAmerican will continue to provide service under its certificate and its tariff will be revised to address the non-duplicated services offered under the authority of TMI and Dial-Net and their respective tariffs. MidAmerican would continue to operate in Nebraska under the name "MidAmerican Communications Corporation dba LDDS Communications." The TMI and Dial-Net certificates will be revoked. The affected customers will receive appropriate notice of the consolidation and should see no change in quality of service.

The applicants assert that nothing else in terms of management, financial status, and technical capabilities in the resulting Nebraska operations will change. LDDS and MidAmerican contend that the streamlining of the various certificates into one will reduce duplication in operating and administrative activities. Also, they argue that the Commission's regulatory burden should be eased by granting the application.²

²We hope so.

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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 rules³, the evidence adduced at the hearing, and being fully informed, the Commission is of the opinion and finds:

The consolidation of the TMI and Dial-Net authorities into the authority held by MidAmerican will not harm the public interest. Customers will receive the same service and confusion should be reduced by the transfer. The public interest is best served by granting the application.

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.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1006 be, and it is hereby, granted and the operating authorities and assets of Dial-Net, Inc. and TelaMarketing Investments, Ltd. are hereby transferred to MidAmerican Communications Corporation, a subsidiary of LDDS-METRO Communications, Inc. whereby MidAmerican Communications Corporation is authorized to operate as a resale carrier of intrastate interexchange interLATA and intraLATA telecommunications services within the state of Nebraska.

IT IS FURTHER ORDERED that the 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.

³Interexchange 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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IT IS FURTHER ORDERED that the certificates of authority in Application Nos. C-687, C-706, C-709, C-927, C-938, C-967 be, and they hereby, are revoked.⁴

IT IS FINALLY ORDERED that this order be, and it is hereby, made the Commission's official certificate of authority to furnish the service authorized herein as a common carrier.

MADE AND ENTERED at Lincoln, Nebraska this 16th day of August, 1993.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING

Daniel S. Grutten
Duane D. Gery

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

James E. Landis, Jr.
Chairman

ATTEST:

D. R. King
Executive Director

⁴C-687 Original grant of authority to TMI (Dec. 23, 1986)
C-706 Original grant of authority to Dial-Net (Feb. 10, 1987)
C-709 Amendment to TMI authority (June 3, 1987)
C-927 Amendment to Dial-Net authority (May 26, 1992)
C-938 LDDS's acquisition of TMI (Sept. 15, 1992)
C-967 LDDS's acquisition of Dial-Net (Feb. 23, 1993)