

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1015  
of LiTel Telecommunications Corp. )  
dba LCI International, Dublin, )  
Ohio which seeks authority to ) GRANTED;  
amend its Certificate of Public ) PROTECTIVE ORDER ISSUED  
Convenience and Necessity to pro- )  
vide intrastate Operator Services )  
in Nebraska. ) Entered: January 10, 1994

APPEARANCES

For the Applicant

For the Communications Dept.

Douglas W. Kinkoph  
Senior Manager, Regulatory Affairs  
4650 Lakehurst Court  
Dublin, OH 43017  
614.798.6000

Jeffrey P. Goltz  
Legal Counsel, NPSC  
300 The Atrium Building  
1200 "N" St. Box 94927  
Lincoln, NE 68509  
402.471.3101

PRELIMINARY MATTERS

By application filed July 23, 1993, LiTel Telecommunications Corporation dba LCI International ("LCI") of Dublin, Ohio seeks authority to amend its certificate of public convenience and necessity to also provide intrastate operator services in Nebraska. LCI's principal office is noted above and its books and records are maintained at the same address. The applicant's registered agent is the CT Corporation, 206 South 13th Street, Lincoln, Nebraska, 68508.

Notice of the application was published in the Omaha *DAILY RECORD* July 27, 1993 in accordance with the Commission's rules of procedure. No protests to the application were received. Hearing on the application was held December 8, 1993 in the Commission Hearing Room, Lincoln, Nebraska with appearances as shown; Commissioner Urwiller chaired the proceeding.

BY THE COMMISSION

OPINION AND FINDINGS

Upon consideration of the application, the governing statutes and rules<sup>1</sup>, the evidence adduced at the hearing,

<sup>1</sup> Interexchange reseller applications are governed by Neb. Rev. Stats. §§75-604  
(Footer Continued)

and being fully informed, the Commission is of the opinion and finds:

LCI previously obtained authority to operate as an intra-state reseller in Application No. C-909 (February 18, 1992). The testimony of the applicant's representative, Douglas Kinkoph, and the contents of the application show that the general information about the company remains virtually the same since the time of the original application. As part of this application, LCI proposes to amend that authority to also provide operator service 24 hours per day, 7 days per week by using an Alternate Operator Service ("AOS") vendor.

Under questioning by Commission legal counsel, the record reflects the applicant's operations will conform to the Commission's<sup>2</sup> alternate operator services rules found in Rule 003.16. Kinkoph testified LCI has approximately 50,000 to 60,000 operator service subscribers across the country. The applicant provided a tariff for its alternate operator services. The tariff contains a one-time fixed operator service charge to which is added further charges based on mile and distance sensitivity. This is similar to tariffs filed previously with the Commission. In the case of Nebraska, LCI has set its operator service rates to match those of AT&T.

No state commission has rejected an LCI application for reseller or alternate operator services authority, nor has a formal complaint been filed against it with the exception of a billing dispute in Ohio which was satisfied.

The financial information provided by the applicant was submitted pursuant to a request for a protective order.<sup>3</sup> It was compiled by a certified CPA, Shawn Endley, who is the applicant's controller. The financial data reflects that this is a financially healthy company with substantial assets to its credit.

The applicant's proposed tariff, which is part of its application, is in accordance with the Commission's rules and regula-

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(Footnote Continued)

and 86-805 (1990 and 1987 Reissues, respectively) and Title 291 Neb. Admin. Regs. Ch. 5, Rule 003.12. Alternate operator services are governed by Rule 003.16.

<sup>2</sup> Title 291 Neb. Admin. Regs. Ch. 5

<sup>3</sup> See Title 291 NAC Ch. 5, Rule 003.01A.

tions. The tariff appears reasonable in light of the proposed service.

Applicant does not propose to construct facilities in Nebraska for use in intrastate service; therefore, no existing facilities would be duplicated if the application for reseller authority is granted.

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. A protective order applying to the financial information submitted with the application should be made a part of this order.

#### O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1015 be, and it is hereby, granted and the certificate of public convenience and necessity to provide intrastate long distance reseller services in Nebraska granted in Application No. C-909 to LiTel Telecommunications Corporation dba LCI International, Inc. of Dublin, Ohio be, and it is hereby, amended to authorize the applicant to also *operate as an alternate operator services provider pursuant to this certificate in both the intrastate interLATA and intraLATA long distance market in Nebraska*.

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, if any, in telephone plant and equipment located within the state, accumulated depreciation thereon, operating revenues, operating expenses, and taxes.

IT IS FURTHER ORDERED that applicant file an updated and corrected tariff prior to offering service pursuant to the certificate granted in this order.

IT IS FURTHER ORDERED that the financial information contained in the application be treated as proprietary and sealed pursuant to Title 291 NAC Ch. 5, Rule 003.01A.

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<sup>4</sup> See §75-604.

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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 10th day of January, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

Commissioners Concurring:

*Daniel G. Kravitz*

*Duane D. Gay*

//s//Rod Johnson

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

//s//James F. Munnelly

*Frank E. Landis, Jr.*  
Chairman

ATTEST:

*Robert H. King*  
Executive Director