

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1047
National Accounts, Inc., Parsippany)
New Jersey, who seeks authority to)
operate as a resale carrier of) APPLICATION DENIED
intrastate interLATA and intraLATA)
telecommunications services within)
the state of Nebraska.) Entered: June 14, 1994

BY THE COMMISSION:

By its application filed January 10, 1994, National Accounts, Inc., Parsippany, New Jersey, seeks authority to operate as a reseller of interexchange telecommunications services within the state of Nebraska.

Notice of the filing of the application was published pursuant to the provision of the Commission's Rules and Regulations. No protest to the application was filed.

A public hearing was held on the application on April 15, 1994 in the Commission Hearing Room, Lincoln, Nebraska. Late filed exhibits were requested and never received.

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

Upon consideration of the application, the evidence adduced at the hearing and being fully advised, the Commission is of the opinion and finds that:

1. Applicant, also named Lang EDP Corp, is a corporation organized and existing under the laws of the State of New Jersey with its principal place of business at Parsippany, New Jersey. It is authorized to do business in Nebraska as a foreign corporation.

2. Corey Dubnoff, customer service supervisor for National Accounts, Inc., testified. Mr. Dubnoff stated that National Accounts was formed in October, 1992, and the application reflects that the company seeks to offer one-plus long distance and travel card services throughout the state. Both intraLATA and interLATA service will be provided. National will not construct any new facilities to implement the authority sought here. The proposed services will be furnished by AT&T.

3. Financial statements, from January 1, 1993 to March 31, 1993 were submitted as exhibits in the application. A balance sheet ending October 31, 1993 was also submitted. This information is not in compliance with the Commission's Rules and Procedure. According to Title 291, Chapter 5, 003.12A15, a copy of applicant's last three annual financial statements, including a balance sheet and profit and loss statement, and

the most recent interim financial statements which are certified by the applicant's chief financial officer must be submitted for certification. Updated financial information was requested by the Commission staff as a late filed exhibit, but was not received.

5. Additional questions were raised relating to the applicant's financial ability, and the Commission requested National to submit information clarifying the amount allocated for officer salaries, and also information relating to a shareholder note that had been issued. This material has not been received.

4. Under the Commission's Rules and Procedures, Title 291, Chapter 5, 003.12A14, the Commission may request information which it deems important to determine technical competency of an applicant. Pursuant to this rule, Commission staff requested the applicant to submit sales and script materials which will be used to solicit customers. This requested information was not received.

5. It has also come to the Commission's attention that alleged slamming complaints were filed in the state of Florida against National Accounts, Inc. In its written application and during oral testimony, the applicant stated that no formal complaints had ever been initiated against the company. The Commission, pursuant to Title 291, Ch. 5, 003.1210, asks each applicant to provide a detailed description of each formal complaint or any investigatory proceeding that has been initiated against the company. The nature of the proceeding must be disclosed, as well as the matter's disposition or current status. The Commission promptly requested the applicant to explain this matter in full, and to further explain why this information was not disclosed at the public hearing. To date, no information has been received which relieves the Commission's concern of the applicant's business practices.

6. Pursuant to a request by the staff and agreed to by the hearing officer, permission to request the above mentioned late filed exhibits on the questions of financial fitness and technical ability was allowed. The staff has been in contact with the Applicant on numerous occasions via telephone and through written correspondence reminding them of the material that was necessary in order to obtain certification. As of the date of this order, the Commission has not received the information that was requested; therefore, the Commission finds that the applicant has not met the provisions of Title 291, Ch. 5, 003.12B1, under its established standards for determination. The application should be denied.

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O R D E R E D

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1047 be and it is hereby denied.

MADE AND ENTERED at Lincoln, Nebraska this 14th day of June, 1994.

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller

Vice Chairman

COMMISSIONERS CONCURRING:

Dwain D. Gay

//s//Rod Johnson

//s//James F. Munnelly

//s//Daniel G. Urwiller

ATTEST:

[Signature]
Executive Director