

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. C-1127  
Vista-United Telecommunications, Inc.)  
of Lake Buena Vista, Florida seeking )  
authority to operate as a resale car-) GRANTED  
rier of intraLATA and interLATA tele-)   
communications service within the )  
state of Nebraska. ) Entered: May 9, 1995

APPEARANCES:

For the Applicant

James Schumacher  
3100 Bonnett Creek Road  
Lake Buena Vista, FL 32830  
(407) 827-2000  
(713) 932-3340

For the Communications Department

Deonne Niemack, Staff Counsel  
300 The Atrium, 1200 N Street  
P.O. Box 94927  
Lincoln, NE 68509  
(402) 471-3101

PRELIMINARY MATTERS

Vista-United Telecommunications, Inc., (Vista-United) of Lake Buena Vista, Florida filed an application with the Commission on November 23, 1994. The company seeks authority to conduct business as an intrastate telecommunications common carrier offering resold intraLATA and interLATA long distance service. The applicant's business address is noted above. Notice of the application appeared in the Omaha Daily Record, November 29, 1994. Vista-United appeared before the Commission for a video-conference hearing, chaired by Commissioner Urwiller, March 7, 1995 in the Commission Library, Lincoln, Nebraska.

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 rules<sup>1</sup>, the evidence adduced at the hearing, and being fully informed, the Commission is of the opinion and finds:

Nebraska was divided into three Local Access Transport Areas ("LATAs") as a result of the terms of the Modification of

---

<sup>1</sup>Interexchange resellers 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.

Application No. C-1127

PAGE TWO

Final Judgement (the "MFJ") issued in the AT&T divestiture case. United States v. American Telephone & Telegraph Co., F.Supp. 131 (D.D.C. 1982), aff'd sub nom., California v. United States, 460 U.S. 1001 (1983) and United States v. American Telephone & Telegraph Co., 569 F.Supp. 990 (D.D.C. 1983) aff'd sub nom., California v. United States, 460 U.S. 1001 (1983).

While Neb. Rev. Stat. 75-604, by its language, refers to local exchange service, the Nebraska Supreme Court in Northwestern Bell Telephone v. Consolidated Telephone Co., 180 Neb. 268, 142 N.W.2d 324 (1966) held that long distance service is also subject to the provisions of the statute. This was recognized by the Legislature in LB 835 (LAWS 1986) because interexchange services (which include resellers) in Sec. 86-805 (part of LB 835) are referenced to in Sec. 75-604. For this reason, the Commission distinguishes between intraLATA and interLATA resale when deciding reseller applications.

James Schumacher, manager of business affairs for Vista-United, testified. Mr. Schumacher has been with the applicant for eighteen years. Mr. Schumacher testified, and the pleadings reflect, that the applicant seeks interLATA and intraLATA authority. The filed application does not seek authority to provide AOS. We observe the Commission has consistently held an application for reseller authority does not include AOS unless specifically petitioned for in the application.

Vista-United formed as a general partnership in Florida in 1970. The partners are Vista Communications, Inc., a wholly owned subsidiary of the Walt Disney Company and Florida Telephone Corporation, a wholly owned subsidiary of the Sprint Corporation.

Vista-United intends to offer intrastate services throughout Nebraska. Specifically, the applicant proposes to provide prepaid long distance service over the resold facilities of AT&T and Sprint. All calls originate via 1-800 service purchased from the underlying carrier. The prepaid calling cards will be available at distribution outlets.

The applicant will market its product through its theme parks, Walt Disney World in Florida and Disneyland in California.

For questions regarding bills or for customer service, the company provides a toll-free 800 number for assistance. Service will be available 24 hours a day, 7 days a week.

The applicant is seeking to become certified nationwide. Vista-United has not been denied a certificate of authority. Further, no formal complaints have been filed against the company.

Application No. C-1127

PAGE THREE

Financial information was provided to the Commission in the application, as well as in a late-filed exhibit. The statements reflect the company is adequately financed. Due to the strong financial position of each partner, Vista-United has demonstrated financial proficiency.

The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations. The tariff appears reasonable in light of the proposed service.

In conclusion, Mr. Schumacher testified that many guests of Walt Disney World and Disneyland would benefit from the availability of a prepaid calling card. International guests and people without coins or calling cards would be able to access telephone service. Further, receiving authority in Nebraska would provide the purchaser with flexibility to utilize the card as they travel around the country or as they return home.

Based on the testimony, the exhibits, and the proposed tariff, the applicant provided the requisite information, possesses adequate financial resources, and is technically competent to provide services. 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-1127 be, and it is hereby, granted and Vista-United Telecommunications, Inc., of Lake Buena Vista, Florida is hereby 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 applicant file an updated tariff prior to offering service pursuant to the certificate granted in this order.

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.

Application No. C-1127

PAGE FOUR

MADE AND ENTERED at Lincoln, Nebraska this 9th day of May, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Rod Johnson*

//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

*Daniel G. Urwiller*  
Chairman

ATTEST:

*John Burvane*  
Deputy Director