

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of ) Application No. C-1142  
Communications Central, Inc., dba )  
Invision, Inc. of Roswell, Georgia, )  
seeking authority to operate as a )  
resale common carrier of telecom- ) GRANTED  
munications services within the )  
state of Nebraska. ) Entered: April 4, 1995

APPEARANCES:

For the Applicant:

Barry Selvidge  
1150 Northmeadow Pkwy  
Suite 118  
Roswell, GA 30076

For the Communications Department:

Deonne Niemack, Staff Counsel  
300 The Atrium, 1200 N Street  
P.O. Box 94927  
Lincoln, NE 68509

PRELIMINARY MATTERS

By application filed December 29, 1994, Communications Central, Inc., dba Invision, Inc., Roswell, Georgia seeks authority to operate as a resale common carrier of telecommunication services in the state of Nebraska. Notice of the application was published in The Daily Record, Omaha, Nebraska, January 3, 1995, pursuant to the rules of the Commission. A hearing on the application was held on February 21, 1995, by video conference in the Commission Library with Commissioner Urwiller chairing the proceeding.

BY THE COMMISSION

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

Upon<sup>1</sup> consideration of the application, the governing statutes, the evidence adduced at the hearing and being fully advised in the premises, 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 Final Judgement (the "MFJ") issued in the AT&T divestiture case. United States v. American Telephone & Telegraph Co., 552 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).

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<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.

While Neb. Rev. Stat. 75-604, by its language, refers to local exchange service, the Nebraska Supreme Court in North-western 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.

Applicant produced one witness, Barry Selvidge, General Counsel and Vice President of Regulatory Affairs for the applicant. Applicant seeks authority to provide telecommunications services to inmates of correctional institutions. Communications Central, Inc. (CCI) is the second largest provider of competitive telecommunications services for pay phones in the United States. CCI is a publicly traded entity and is the holding company of Invision Telecom. Invision Telecom, provides inmate telecommunications services and is the entity which will offer services in Nebraska if the application is approved.

Applicant is a Georgia corporation organized on November 5, 1992. Exhibit 3 shows the major shareholders of the applicant. CCI's principal place of business is Roswell, Georgia, while Invision is headquartered in Louisville, Kentucky. Applicant seeks both interLATA and intraLATA operating authority to operate pay phone systems. Applicant also seeks authority to provide operator services. CCI has more than 24,000 pay telephones in 35 states and the District of Columbia.

The senior vice president of inmate services is Mike Stinson. Robert Boling and Wayne McQuag also assist with managing the inmate services for Invision. Applicant handles its own technical problems through remote access dialing equipment and technicians. If the application is granted, Mr. Selvidge stated it will use Sprint for its underlying carrier. The company's rates are very competitive. Exhibits 6 and 7 are financial exhibits. Exhibit 6 covers the fiscal years 1991, 1992, 1993 and 1994. Exhibit 7 covers the quarter ended September 30, 1994.

ZPDI is applicant's billing and collection agent. It has authority to resolve billing complaints. Exhibit 5 shows the tariff under which applicant would operate. Service would be available to inmates on a 0+ collect basis. Applicant blocks other types of calls for its own protection such as 911, 800, 700, as well as calls made to judges, witnesses or other entities.

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O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application No. C-1142 be and it is hereby, granted and Communications Central, Inc., dba Invision, Inc. of Roswell, Georgia 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) its 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, 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.

IT IS FINALLY ORDERED this order shall 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 4th day of April, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*Quell Johnson*

//s//Frank E. Landis  
//s//James F. Munnelly  
//s//Daniel G. Urwiller

*Daniel G. Urwiller*

Chairman

ATTEST:

*Robert R. Ferguson*

Executive Director

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