

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1147  
of TW Communications, d/b/a TWC, )  
of Costa Mesa, California seeks )  
authority to transact business ) DISMISSED  
as as reseller of interexchange )  
telecommunications in the state )  
of Nebraska. ) Entered: August 28, 1995

PRELIMINARY MATTERS

On January 24, 1995, the applicant, TW Communications of Costa Mesa, California filed an application with the Commission for authority to transact business as a reseller of interexchange telecommunications in the State of Nebraska. Notice of the application was published in the Omaha Daily Record on January 26, 1995. A video-conference hearing was held on the application on March 6, 1995 in Commission Library with Commissioner L. Johnson presiding.

BY THE COMMISSION

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

Based on rules, regulations and state statutes, all intrastate telecommunication providers must obtain a Certificate of Public Convenience and Necessity prior to operating within Nebraska. Nebraska Revised Statutes, 86-805 (Reissue 1994) and 75-604 (Cum Sup 1994), state that the Commission may issue a certificate authorizing any telecommunication company to offer and provide interLATA and intraLATA interexchange services. These statutes go on to provide that no person, firm, partnership, limited liability company, corporation, cooperative or association shall offer any telecommunications services without first making an application for and receiving from the Commission a Certificate of Public Convenience and Necessity.

TW Communications filed an application with the Commission seeking a Certificate of Public Convenience and Necessity on January 24, 1995. Pursuant to the rules and regulations of the Commission, as well as state statute, applicants must demonstrate and possess adequate financial resources to provide the proposed service. In order to verify financial fitness, the company's most recent annual financial statements were requested for the Commission's review.

TW Communications was asked in its hearing to provide the Commission with year-end 1994 financial statements as a late-filed exhibit. To this date, this information has not been received.

Application No. C-1147

PAGE TWO

The applicant has retained the accounting firm, Arthur Anderson, to complete a financial audit of the company for year-end 1994. Commission staff have remained in contact with the applicant during the past months to check on the status of the financial audit. Ultimately, Commission staff gave TW Communications a deadline of August 31, 1995 in which to file the required information.

The applicant has indicated by letter, attached as Exhibit A, that the requested late-filed exhibit is not available and will not become available for the Commission's review within the near future. Therefore, the company comes forward and asks that its application be withdrawn without prejudice.

Since nearly six months have elapsed from the date of the hearing, the Commission grants this request and hereby determines that TW Communications is permitted to file a new application for authority once the requested information has been prepared.

After consideration of the request and being fully advised in the premises, the Commission is of the opinion and finds that Application C-1147 should be withdrawn.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1147 be, and it is hereby, withdrawn.

IT IS FURTHER ORDERED that the defendant shall not provide intrastate interexchange intraLATA and interLATA services in the state of Nebraska until granted a Certificate of Public Convenience and Necessity.

MADE AND ENTERED at Lincoln, Nebraska, this 28th day of August, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*[Signature]*

//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

*[Signature]*  
Chairman

ATTEST:

*[Signature]*  
Executive Director