

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1154
Dial & Save of Nebraska, Inc., of)
Chantilly, Virginia seeking authority) GRANTED
to obtain a Certificate of Public)
Convenience and Necessity.) Entered: August 21, 1995

APPEARANCES:

For the Applicant

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For the Communications Department

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PRELIMINARY MATTERS

Dial & Save of Nebraska, Inc., (Dial & Save), of Chantilly, Virginia filed an application with the Commission on February 3, 1995. 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, February 7, 1995. Dial & Save appeared before the Commission for a video-conference hearing, chaired by Commissioner Urwiller, April 18, 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, 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 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.

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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.

Donald Burns, President, of Dial & Save of Nebraska, testified. Mr. Burns has been involved in the telecommunications industry for approximately, 10 years. Mr. Burns testified, and the pleadings reflect, that the applicant seeks interLATA and intraLATA authority. The filed application does not seek authority to provide AOS.

Dial & Save of Nebraska is wholly owned subsidiary of Telco Communications Group, Inc. Dial & Save intends to offer intrastate services throughout Nebraska. Specifically, the applicant proposes to provide 1+, presubscribed and XXX access products over facilities leased from other carriers. No travel, debit or calling cards will be offered at this time.

The applicant will market its product through radio, cable television and direct mail. The company does not utilize multi-level marketing to promote its products. Customers will be billed through either the local exchange company where possible or through Zero Plus Dialing, Inc.

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. Dial & Save has not been denied a certificate of authority. Further, no formal complaints have been filed against the company.

Financial information was provided to the Commission in the application, as well as in a late-filed exhibit. It took Dial & Save four months to remit the requested late-filed exhibit to the Commission. This delay is inexcusable. Future responses and requests must be answered more promptly. Dial & Save is hereby notified that the Commission's Annual Report is due on or before April 30th of each year. The report must be remitted on time or the company will face revocation proceedings and potential fines.

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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. Burns testified that Dial & Save will serve a segment of the market that has not been given a lot of attention by other long distance companies. Dial & Save will target customers who have small bills and will offer them savings that they would not otherwise be able to receive.

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-1154 be, and it is hereby, granted and Dial & Save of Nebraska, Inc., of Chantilly, Virginia 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.

MADE AND ENTERED at Lincoln, Nebraska this 21st day of August, 1995.

COMMISSIONERS CONCURRING:

[Signature]

//s//Rod Johnson

//s//James F. Munnely

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

[Signature]

Chairman

ATTEST:

[Signature]
Executive Director

