

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1159  
of American Telephone Network, Inc.)  
and MidCom Communications, Inc. of )  
Jackson, Tennessee and Seattle, ) GRANTED  
Washington respectively for author-)  
ity to transfer assets of American )  
Telephone Network to MidCom Com- )  
munications. ) Entered: April 11, 1995

PRELIMINARY MATTERS

On March 2, 1995, an application was filed by American Telephone Network, Inc. (ATN), of Jackson, Tennessee and MidCom Communications, Inc. (MidCom) of Seattle, Washington for authority to transfer assets of ATN to MidCom. Notice of the application was published in the Omaha Daily Record on March 7, 1995. No protests were received; therefore, we will process this application pursuant to the Commission's Rule of Modified Procedure.

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

ATN obtained a Certificate of Public Convenience and Necessity from the Commission pursuant to Application C-935 on October 20, 1992. No departmental or formal complaints have been filed against the company since its certification.

MidCom is a Washington corporation with its principal place of business in Seattle, Washington. The Commission granted MidCom a Certificate of Public Convenience and Necessity in Application C-924 on June 9, 1992. The company has grown rapidly over the past two years and has expanded its operations nationwide. Like ATN, no formal or departmental complaints have been filed against the company.

ATN has agreed to convey its assets to MidCom, specifically its (a) customer base and records, (b) distributor agreements, (c) operating equipment, (d) real estate leases, (e) its trade name for eighteen (18) months and (f) use of its billing software. ATN employees will be retained by MidCom to assist in the transition and subsequent management of customer accounts. The agreement is effective the date the Commission approves the authority sought herein.

MidCom will operate the assets described above as MidCom Network which is a division of MidCom. ATN will continue to exist and operate under its own name; therefore, the company does not desire its certification or tariff cancelled.

ATN will continue to bill its customers under the rates, terms and conditions of ATN's tariff; however, MidCom will bill

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the customers its acquires from ATN under the rates, terms and conditions of MidCom's tariff. ATN does not collect deposits; therefore, no refunds or credits are necessary. Customers are being notified of the acquisition by direct mail.

Presently, MidCom and ATN largely utilize the same underlying carrier; thus, the service quality and reliability will remain unaffected.

Upon consideration of the application, the governing statutes and rules, and being fully informed, the Commission is of the opinion and finds:

The transfer of assets belonging to American Telephone Network, Inc. of Jackson, Tennessee to MidCom Communications, Inc. of Seattle, Washington 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 C-1159 be, and it is hereby granted and the operating authority and assets of American Telephone Network are hereby transferred to MidCom Communications, whereby MidCom Communications is 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 American Telephone Network and MidCom Communications shall continue to 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 MidCom Communications file an updated tariff prior to offering service pursuant to the authority granted in this order.

IT IS FINALLY ORDERED that this order be and is hereby made the Commission's official certificate of authority to furnish the service authorized herein as a common carrier.

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MADE AND ENTERED at Lincoln, Nebraska, this 11th day of April, 1995.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:




//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

  
Chairman

ATTEST:

  
Executive Director

