

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1167
Equal Net Corporation, Inc. of)
Houston, Texas seeking to amend its)
Certificate of Public Convenience) GRANTED
and Necessity to operate as an oper-)
ator services provider.) Entered: May 2, 1995

PRELIMINARY MATTERS

Equal Net Corporation, (Equal Net), of Houston, Texas filed an application with the Commission on March 24, 1995. The company seeks authority to amend its Certificate of Public Convenience and Necessity to offer operator services in the state of Nebraska. Notice of the application appeared in the Omaha Daily Record, March 28, 1995. No protests were received; therefore, the application will be processed pursuant to the Commission's Rule of Modified Procedure.

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, and being fully informed, the Commission is of the opinion and finds:

Equal Net Corporation, formerly operating as Equal Net Communications, Inc., received authority to operate in Nebraska pursuant to Application No. C-986 on September 28, 1993. The company was granted approval to change its name to Equal Net Corporation pursuant to Application No. C-1141 on January 31, 1995. Since certification, no formal complaints have been filed against the company in Nebraska.

The present application seeks approval to expand the company's operating authority to become an Alternate Operator Services (AOS) provider. Application No. C-986 authorized the company to offer intrastate interLATA and intraLATA inter-exchange services; however, the certificate did not include authority to provide AOS. The company utilizes services from the underlying carriers of AT&T and US Sprint Communications for its resale operations. Operator services will also be provided by the underlying carriers to the applicant's customers; however, Equal Net will bill for such services at its tariffed rates.

The application includes audited financial exhibits prepared by Ernst and Young, L.L.P., in accordance with Generally Accepted Accounting Principles for Years ended June 30, 1994 to 1991. The statements reflect the company is adequately financed and has achieved profitability.

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Based on the testimony, the exhibits, and the proposed tariff, the applicant has 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-1167 be, and it is hereby, granted and Equal Net Corporation, of Houston, Texas is hereby authorized to operate as a resale carrier of intrastate interexchange interLATA and intraLATA telecommunications services within the state of Nebraska, including operator services.

IT IS FURTHER ORDERED that the applicant 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 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 2nd day of May, 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