

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1174
GlobeNet Communications, Ltd. of)
Hudson, Wisconsin seeking authority) GRANTED
to operate as a resale common carrier)
of telecommunications services within)
the state of Nebraska.) Entered: August 14, 1995

APPEARANCES:

For the Applicant

Gordon V. Klemp
President
Box 886
Hudson, Wisconsin 54016

For the Communications Department

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

PRELIMINARY MATTERS

GlobeNet Communications, Inc. (hereinafter referred to as GlobeNet) of Hudson, Wisconsin filed an application with the Commission on April 14, 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, April 18, 1995. GlobeNet appeared before the Commission for a hearing, chaired by Commissioner Urwiller, July 12, 1995 in the Commission Hearing Room, 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 rules¹, 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

¹Interexchange reseller application are governed by Neb. Rev. Stats. 75-604 and 86-805 (Cum. Supp. 1994 and 1994 Reissue, respectively) and Title 291 Neb. Admin. Regs. Ch. 5, Rule 003.12.

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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. 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.

Gordon Klemp, Chief Executive Officer and President for GlobeNet, testified. Mr. Klemp stated, and the pleadings reflect, the applicant seeks intraLATA and interLATA authority. The filed application does not seek authority to provide AOS.

The applicant is a privately-held corporation organized in the state of Delaware in November, 1994. The applicant is currently certified to operate in Minnesota and is filing applications in other midwestern states. No state has denied GlobeNet a certificate and no formal complaints have been filed against the company.

GlobeNet intends to offer intrastate services throughout Nebraska. Specifically, the applicant proposes to provide switched and dedicated 1+ services. The company will also offer prepaid calling cards. Such cards will be marketed to transportation companies for distribution to truck drivers. GlobeNet has developed a program that allows the cards to be voided immediately; therefore, if a driver leaves the company, the card can be promptly de-activated. Further, the program allows the transportation company to monitor billing on a daily basis.

The company provides a toll-free 800 number for customer service. GlobeNet has its own billing software for its calling cards. Regarding its other services, the applicant uses BLM to prepare and create the billing statements.

The requisite financial information was provided to the Commission in the application and the statements reflect the company has sufficient financial support. The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations.

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In conclusion, Mr. Klemp testified that GlobeNet will offer a unique service to the trucking industry, as no other telecommunication offers debit cards with immediate de-activation.

Based on the testimony, the exhibits, and the proposed tariff, the applicant has provided the requisite information, has demonstrated its financial resources, and has proven to be technically competent to provide service. 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-1174 be, and it is hereby, granted and GlobeNet Communications, Inc. of Hudson, Wisconsin is hereby authorized to operate as a resale carrier of intrastate interexchange intraLATA and interLATA 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 14th day of August, 1995.

COMMISSIONERS CONCURRING:

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

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller
 Chairman

ATTEST:

Robert B. Fogdon
 Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
