

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1183
of Cherry Communications, Inc. of)
Westchester, Illinois, who seeks) MOTION TO REOPEN
authority as a reseller of inter-) PROCEEDING GRANTED
exchange telecommunications serv-)
ices in Nebraska.) Entered: October 3, 1995

PRELIMINARY MATTERS

By application filed April 20, 1995, Cherry Communications, Inc. of Westchester, Illinois seeks authority to provide interLATA and intraLATA interexchange telecommunications services within Nebraska. Notice of the application was published in the Omaha Daily Record on April 24, 1995. A public hearing was held on the docket on June 13, 1995 in the Commission Hearing Room, Lincoln, Nebraska.

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

On July 31, 1995, the Commission entered an order granting Cherry Communications, Inc. (hereinafter referred to as Cherry) the authority to operate on a conditional basis to August 31, 1995. The order was contingent upon Cherry providing the Commission with requisite financial information.

On August 28, 1995, the Commission determined that sufficient evidence had not been remitted for its review, and therefore granted an extension of time in order to allow Cherry to file financial information requested by the Commission. Accordingly, the conditional operating authority was extended to September 26, 1995.

Discussions were held on September 26, 1995 regarding the Cherry application and a unanimous vote was taken by the Commissioners to table the decision on the application for one (1) week until October 3, 1995.

On October 3, 1995, counsel for Cherry, Jack L. Shultz, addressed the Commission regarding the application and requested the Commission approve his motion to reopen the proceeding for submission of additional evidence. Mr. Shultz cited that recent events have occurred which have dramatically modified the applicant's financial status. Therefore, the financial statements previously submitted in the application, as well the late-filed exhibits, do not adequately depict the company's current financial resources.

In order to allow Cherry enough time to prepare its updated financial statements and to present its new evidence to

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the Commission, the conditional operating authority is hereby extended to December 31, 1995.

A hearing will be held to present the additional evidence on December 19, 1995 in the Commission Hearing Room. At the hearing, Cherry is allowed to present its evidence and the staff is permitted to cross-examine, as well as question any aspect of Cherry's operations relative to its fitness to operate as a telecommunications carrier within the state of Nebraska.

The Commission, being fully advised in the premises, finds the motion by Cherry to reopen the proceeding for the submission of additional evidence reasonable, in the public interest and accordingly that it should be granted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the motion filed by Cherry Communications, Inc. to reopen the proceeding for the submission of additional evidence is hereby granted.

IT IS FURTHER ORDERED that Cherry Communications, Inc. is hereby allowed to operate on a conditional basis until December 31, 1995.

IT IS FURTHER ORDERED that a hearing will be held on the presentation of additional evidence on December 19, 1995, in the Commission Hearing Room.

IT IS FURTHER ORDERED that all documents Cherry Communications, Inc. intends to submit at the hearing should be presented to the Commission staff no later than December 11, 1995, one week prior to the hearing.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of October, 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 R. Fogdon
Executive Director