

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1189
of Idealdial Corporation of Denver,))
Colorado seeking authority to)
operate as a resale common carrier) GRANTED
of telecommunications services)
within the state of Nebraska.) Entered: October 3, 1995

APPEARANCES:

For the Applicant

Mark Payne
910 15th Street, Suite 900
Denver, Colorado 48226

For the Communications Department

Deonne Bruning, Staff Attorney
300 The Atrium, 1200 N Street
P.O. Box 94927
Lincoln, Nebraska 68508

PRELIMINARY MATTERS

Idealdial Corporation of Denver, Colorado filed an application with the Commission on May 15, 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, May 16, 1995. Idealdial appeared before the Commission for a video-conference hearing, September 26, 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 rules¹, the evidence adduced at the hearing, and being fully informed, the Commission is of the opinion and finds:

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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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. 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.

Mark Payne, Vice-President of Idealdial, testified. Mr. Payne stated, and the pleadings reflect, the applicant seeks both intraLATA and interLATA authority. The filed application does not seek authority to provide AOS.

The applicant was incorporated in 1986 and formerly operated as a consulting firm. Along with providing resale long distance service, the company serves as an 800/900 service bureau. Applications for authority are pending in 48 states. In no case, has an application been denied and no formal complaints have been filed against the company by any state commission.

Idealdial intends to offer intrastate services throughout Nebraska. Specifically, the applicant proposes to provide 1+ service, 800 service, calling cards and debit cards. Sales agents will target residences and small businesses as potential customers. The underlying carrier will be Frontier.

The company provides a toll-free 800 number for customer service during normal business hours, mountain-time. Idealdial uses the company, USBI, for billing purposes.

Financial information was provided to the Commission in the application. The company was acquired by Mr. Michael Payne in 1994. Prior to that time, the company did not prepare audited statements. The present management team was not involved with the company prior to 1994; therefore, it does not feel it can certify what financial information exists as accurate. Therefore, the company submitted financial statements from 1994, as well as interim statement for 1995

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through March 31, 1995. The statements reflect the company generated a positive net income for year ending 1994 and are generating increased revenues in 1995.

The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations.

In conclusion, Mr. Payne testified that Idealdial will offer customers competitive rates and excellent service.

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-1189 be, and it is hereby, granted and Idealdial Corporation of Denver, Colorado, 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 on or before April 30th of each year, 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, (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission and (d) 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.

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MADE AND ENTERED at Lincoln, Nebraska this 3rd day of
October, 1995.

COMMISSIONERS CONCURRING:

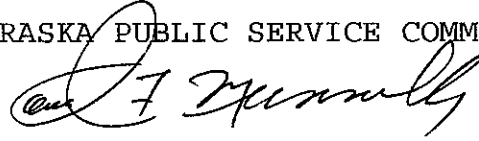


//s//Rod Johnson

//s//Frank E. Landis

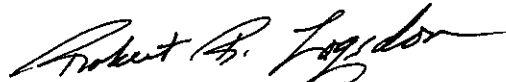
//s//James F. Munnelly

NEBRASKA PUBLIC SERVICE COMMISSION



Vice Chairman

ATTEST:



Executive Director