

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1190
Network Plus, Inc., of Quincy,)
Massachusetts seeking authority to)
obtain a Certificate of Public Con-) GRANTED
venience and Necessity to operate as)
a reseller of interexchange tele-)
communications services within the)
state of Nebraska.) Entered: September 19, 1995

APPEARANCES:

For the Applicant

Steven Stanfill
234 Copeland Street
Quincy, Massachusetts 02169

For the Communications Department

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

PRELIMINARY MATTERS

Network Plus, Inc. (hereinafter referred to as Network Plus) of Quincy, Massachusetts filed an application with the Commission on May 16, 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 17, 1995. Network Plus appeared before the Commission for a video-conference hearing, chaired by Commissioner Urwiller, August 21, 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.

Steven Stanfill, Director of Strategic Development for Network Plus, testified. Mr. Stanfill stated, and the pleadings reflect, the applicant seeks intraLATA and interLATA authority. The filed application does not seek authority to provide AOS.

The applicant started doing business in 1990 and is currently certified in approximately 35 states. No state has denied Network Plus a certificate and no formal complaints have been filed against the company.

Network Plus intends to offer intrastate services throughout Nebraska. Specifically, the applicant will provide 1+ switched access services, inbound and outbound. The company will also offer a calling card. The underlying carriers will be US Sprint and AT&T.

The company provides a toll-free 800 number for customer service, twenty-four hours a day. Network Plus has its own billing software and sends invoices to its customers.

The requisite financial information was provided to the Commission in the application and the statements reflect the company is adequately financed. The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations. The tariff indicates the company will not collect advance payments or deposits.

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In conclusion, Mr. Stanfill testified that Network Plus would primarily target small to medium sized businesses within the state of Nebraska. He also stated Network Plus would also offer excellent service at very competitive rates.

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-1190 be, and it is hereby, granted and Network Plus, Inc. of Quincy, Massachusetts 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, 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 19th day of September, 1995.

COMMISSIONERS CONCURRING:

James F. Munnelly

//s//Frank Landis

//s//James F. Munnelly

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller
Chairman

ATTEST:

Robert B. Logsdon
Executive Director

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
