

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1200  
of Advantage Communications Group,) )  
Inc. of Oakland, California seek- )  
ing to obtain a certificate of ) DISMISSED  
public convenience and necessity )  
to operate as a reseller of tele- )  
communications services within )  
Nebraska. ) Entered: January 23, 1996

PRELIMINARY MATTERS

On June 12, 1995, the applicant, Advantage Communications Group, Inc. of Oakland, California filed an application with the Commission for authority to transact business as a reseller of interexchange telecommunications in the State of Nebraska. Notice of the application was published in the Omaha Daily Record on June 13, 1995. No protests to the application were received.

BY THE COMMISSION

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

Based on rules, regulations and state statutes, all intrastate telecommunication providers must obtain a Certificate of Public Convenience and Necessity prior to operating within Nebraska. Nebraska Revised Statutes, 86-805 (Reissue 1994) and 75-604 (Cum. Supp. 1994), state that the Commission may issue a certificate authorizing any telecommunication company to offer and provide interLATA and intraLATA interexchange services. These statutes go on to provide that no person, firm, partnership, limited liability company, corporation, cooperative or association shall offer any telecommunications services without first making an application for and receiving from the Commission a Certificate of Public Convenience and Necessity.

Advantage Communications Group, Inc. filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to operate within the state of Nebraska on June 12, 1995. Efforts to obtain additional information, such as articles of incorporation and financial statements, were made by commission staff for roughly three months. Upon receipt of the information, approximately September 20, 1995, staff attempted to set a hearing date with the applicant.

A hearing was set for November 7, 1995 at Lincoln, Nebraska in the Commission Hearing Room. On November 6, 1995, the applicant sent a facsimile to the Commission's Executive Director notifying him that they had an unforeseen scheduling conflict and would not be able to attend. A hearing was reset for December 12, 1995 at Lincoln, Nebraska in the Commission

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Hearing Room. A hearing notice was sent to the company's representative; however, no-one appeared for the hearing. Subsequently, a hearing was reset for January 23, 1996 at Lincoln, Nebraska in the Commission Hearing Room. On January 22, 1995; the applicant sent the Commission's Executive Director a facsimile stating it would not be able to attend the hearing as planned due to a scheduling conflict.

At this time, the company has made no efforts to appear before the Commission for its hearing. Further, on three (3) occasions, the company has provided this Commission with little forewarning of its intentions to cancel its hearing. This Commission by state statute and by rule and regulation has the authority to dismiss applications for lack of compliance. Most surely, this company has demonstrated a lack of cooperation and compliance with this Commission. Accordingly, the application is dismissed.

If the company desires to operate within the state of Nebraska, a certificate of public convenience and necessity must be obtained prior to offering intrastate service to subscribers. Should the Commission learn that the company is violating this law, the company would face administrative fines, as well as a cease and desist order immediately.

Based upon the above information, the Commission is hereby of the opinion that the application shall be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1200 filed by Advantage Communications Group, Inc. of Oakland, California be, and it is hereby dismissed.

IT IS FURTHER ORDERED that the applicant shall not provide intrastate interexchange intraLATA and interLATA services in the state of Nebraska until granted a Certificate of Public Convenience and Necessity.

MADE AND ENTERED at Lincoln, Nebraska, this 23rd day of January, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

*[Signature]*  
 //s//Rod Johnson  
 //s//Frank E. Landis  
 //s//James F. Munnelly  
 //s//Daniel G. Urwiller

Chairman *[Signature]*

ATTEST:

*[Signature]*  
 Executive Director