

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1203
Caribbean Telephone and Telegraph,)
Inc. of Detroit, Michigan seeking)
to obtain a certificate of public) GRANTED
convenience and necessity to offer)
services as an interexchange re-)
seller within the state of Nebraska) Entered: September 26, 1995

APPEARANCES:

For the Applicant

James Franklin
1249 Washington Blvd.
Suite 2015
Detroit, Michigan 48226

For the Communications Department

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

PRELIMINARY MATTERS

Caribbean Telephone and Telegraph (hereinafter referred to as CT&T) of Detroit, Michigan filed an application with the Commission on June 19, 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, June 21, 1995. CT&T appeared before the Commission for a video-conference hearing, September 18, 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.

Application No. C-1203

PAGE TWO

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.

James Franklin, President of CT&T, testified. Mr. Franklin stated, and the pleadings reflect, the applicant seeks both intraLATA and interLATA authority. The filed application also seeks authority to provide AOS.

CT&T is a privately-owned Michigan corporation with its principal offices in Detroit, Michigan. Incorporating in 1992, CT&T is in the process of becoming certified nationwide and is currently certificated in approximately fourteen states. No state has denied CT&T a certificate and no formal complaints have been filed against the company.

The applicant intends to offer intrastate services throughout Nebraska. Specifically, the applicant proposes to provide operator assisted and direct dial services. The company's main product will be a prepaid calling card, marketed under the name, TLC PhoneCard. TLC stands for The Long Distance Company. The underlying carrier for the services will be MCI.

The company has approximately 125 employees and has its own switch. It provides a toll-free 800 number for customer service.

The requisite financial information was provided to the Commission in the application. The company demonstrated that its operations began in 1993 and since that time, it has steadily increased its sales. CC&T has displayed a growth in revenues and therefore, we are of the opinion that its will be able to operate successfully as a telecommunications reseller and operator service provider.

Application No. C-1203

PAGE THREE

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

In conclusion, Mr. Franklin testified that CT&T has been successful in its prepaid calling card operations and that it has competitive rates. Further, he stated though the company provides 1+ to relatively few customers; however, excellent customer service is provided.

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-1203 be, and it is hereby, granted and Caribbean Telephone and Telegraph of Detroit, Michigan is hereby authorized to operate as a resale carrier of intrastate interexchange intraLATA and interLATA telecommunications services within the state of Nebraska, including operator services.

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.

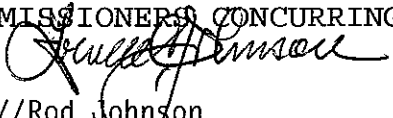
IT IS FINALLY ORDERED that this order be, and it is hereby made the Commission's official certificate of authority to furnish the service authorized herein as a common carrier.

Application No. C-1203

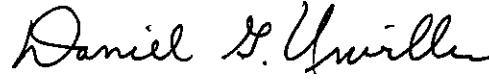
PAGE FOUR

MADE AND ENTERED at Lincoln, Nebraska this 26th day of
September, 1995.

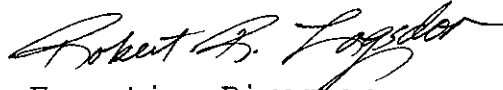
COMMISSIONERS CONCURRING:


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

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director