

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1229
of Century Telecommunications, Inc.)
of San Marcos, Texas seeking au-)
thority to operate as a resale car-) GRANTED
rier of intrastate interLATA and)
intraLATA telecommunications serv-)
ices within the state of Nebraska.) Entered: October 16, 1995

APPEARANCES:

For the Applicant

Joy Lindsey
208 S. Guadalupe Street
P.O. Box 847
San Marcos, Texas 78667

For the Communications Department

Deonne L. Bruning
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P.O. Box 94927
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PRELIMINARY MATTERS

Century Telecommunications, Inc. (hereinafter referred to as Century) of San Marcos, Texas filed an application with the Commission on August 30, 1995. The company seeks authority to conduct business as an intrastate telecommunications common carrier offering resold intraLATA and interLATA long distance service and operator services. The applicant's business address is noted above. Notice of the application appeared in the Omaha Daily Record, September 1, 1995. Century appeared before the Commission for a video-conference hearing, chaired by Commissioner Landis, October 4, 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.

Joy Lindsey, Manager of Carrier Services for Century, testified. Ms. Lindsey stated, and the pleadings reflect, the applicant seeks both intraLATA and interLATA authority, as well as authority to provide AOS.

Century is a wholly-owned subsidiary of SM Telecorp, Inc., which is a wholly-owned subsidiary of Century Telephone Enterprises, Inc. Century Telephone Enterprises, Inc. is a publicly held company which trades on the New York Stock Exchange. The corporate structure of Century has been involved in telecommunications since the late 1800's and originally served the public as a local exchange carrier in San Marcos, Texas. After deregulation, the company expanded its operations to long distance services using the name San Marcos Long Distance Inc.

The applicant has received authority to operate in roughly seven states and intends on becoming certified nationwide. No state has denied Century a certificate of authority and no formal complaints have been filed against the company. The company offers operator services and debit cards. Further, the company is a local exchange carrier in approximately fifteen states. The company eventually intends on offering 1+ and 800 services nationwide. Billing for operator services will be provided by the local exchange carriers, while other services are billed directly by Century.

The underlying carrier for the services will be LDDS, WilTel or Allnet. The company provides a toll-free 800 number for customer service, twenty-four hours a day, seven days a week.

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Telemarketing, as well as a direct sales force, will be used to promote services. Potential customers will be residential and small business users.

Financial information was provided to the Commission in the application. The statements reflect the company is adequately financed by its parent and is capable of offering service within the state.

The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations. The tariff states that company may collect advance payments and deposits if deemed necessary.

In conclusion, Ms. Lindsey testified that Century offers excellent services at prices that mirror the AT&T rates. Further, she stated that the company's lengthy history and experience in telecommunications gives it an advantage in dealing with consumers nationwide.

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-1229 be, and it is hereby, granted and Century Telecommunications, Inc. of San Marcos, Texas 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) a copy of any annual report to stockholders, (c) a copy of the latest Form 10-K filed with the Securities and Exchange Commission, (d) balance sheet and income statement for the previous year of operation and (e) 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.

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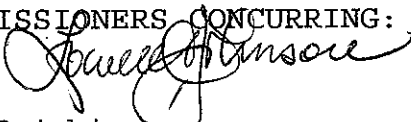
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IT IS FURTHER ORDERED that applicant file an updated tariff prior to offering service pursuant to the certificate granted in this order.

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 16th day of October, 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