

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1231
of Hi-Rim Communications, Inc. of)
Las Vegas, Nevada seeking authority)
to operate as a resale carrier of) GRANTED
interexchange telecommunications)
services within the state of Ne-)
braska.) Entered: November 7, 1995

APPEARANCES:

For the Applicant

For the Communications Department

Wayne Godbout
1771 E. Flamingo Road
Suite 111A
Las Vegas, Nevada 89119

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

PRELIMINARY MATTERS

Hi-Rim Communications, Inc. (hereinafter referred to as Hi-Rim) of Las Vegas, Nevada filed an application with the Commission on September 1, 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, September 7, 1995. Hi-Rim appeared before the Commission for a video-conference hearing, chaired by Commissioner Urwiller, October 16, 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.

Wayne Godbout, Vice-President for Hi-Rim, testified. Mr. Godbout stated, and the pleadings reflect, the applicant seeks both intraLATA and interLATA authority. The company does not seek authority to provide alternate operator services.

Hi-Rim is a wholly-owned subsidiary of Teletek, Inc. and was incorporated in 1993. The applicant has received authority to operate in roughly twenty (20) states and intends on becoming certified in approximately thirty-seven states. No state has denied Hi-Rim a certificate of authority and no formal complaints have been filed against the company.

The company offers 1+ and 800 services, as well as a calling card. Billing will be compiled in-house. The underlying carrier for a majority of services will be MCI; however several carriers may be utilized. The company provides a toll-free 800 number for customer service, twenty-four hours a day, seven days a week.

The company utilizes both independent and exclusive sales agents for marketing purposes. Potential customers will be small businesses that spend roughly \$100 to \$1,500 in long distance services, per month.

Financial information was provided to the Commission in the application, as well as in the form of a late-filed exhibit. The statements reflect the company is adequately financed 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

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tariff states that company may collect advance payments and deposits if deemed necessary.

In conclusion, Mr. Godbout testified that Hi-Rim offers excellent services at competitive rates and will abide by all Commission Rules and Regulations.

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-1231 be, and it is hereby, granted and Hi-Rim Communications, Inc. of Las Vegas, Nevada 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) 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.

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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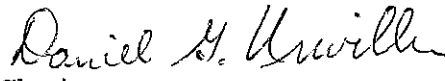
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MADE AND ENTERED at Lincoln, Nebraska this 7th day of
November, 1995.

COMMISSIONERS CONCURRING:


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

NEBRASKA PUBLIC SERVICE COMMISSION


Chairman

ATTEST:


Executive Director