

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1241
of American Tel Group, Inc. of)
Albuquerque, New Mexico seeking)
authority to operate as a resale) GRANTED
carrier of intrastate inter-LATA)
and intraLATA telecommunications)
services within the state of)
Nebraska.) Entered: December 5, 1995

APPEARANCES:

For the Applicant

For the Communications Department

Ralph Roberts, Controller
5850 Eubank N.E., Suite B16
Albuquerque, New Mexico 87111

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

PRELIMINARY MATTERS

American Tel Group, Inc. (hereinafter referred to as ATG) of Albuquerque, New Mexico filed an application with the Commission on September 29, 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 30, 1995. ATG appeared before the Commission for a video-conference hearing, chaired by Commissioner R. Johnson, November 8, 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 November 8, 1995 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-1241

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.

Ralph Roberts, Controller of American Tel Group, Inc., testified. Mr. Roberts stated, and the pleadings reflect, the applicant seeks both intraLATA and interLATA authority. The application does not seek authority to provide Alternate Operator Services (AOS).

ATG is a privately held company that incorporated October 19, 1989. The company has two primary shareholders and is operating at a profit.

The applicant has received authority to operate in nine states and has applications pending nationwide. No state Commission has denied ATG a certificate of authority. No formal complaints have been filed against the company or any officer, director or shareholder.

The underlying facilities-based carriers, MCI and Sprint, will provide all switching services for ATG's customers. ATG will provide its own sales, billing and customer services.

ATG will market 1+ and 800 services, as well as calling cards. The company intends to target small commercial users, as well as subscribers who cannot otherwise realize similar cost savings directly from an interexchange carrier.

ATG will utilize independent contractors and agents, as well as telemarketing to market its products and services.

Application No. C-1241

PAGE THREE

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

ATG has agreed the company would abide by all Commission rules and regulations pertaining to deposits and advance payments.

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-1241 be, and it is hereby, granted and American Tel Group, Inc. of Albuquerque, New Mexico 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.

Application No. C-1241

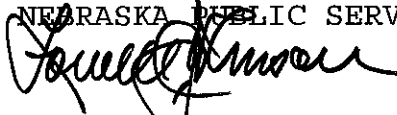
PAGE FOUR

MADE AND ENTERED at Lincoln, Nebraska this 5th day of
December, 1995.

COMMISSIONERS CONCURRING:

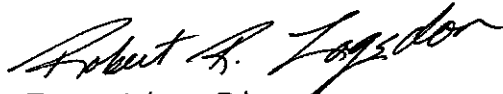
//s//Lowell Johnson
//s//Rod Johnson
//s//Frank E. Landis
//s//James F. Munnelly

NEBRASKA PUBLIC SERVICE COMMISSION



Vice Chairman

ATTEST:



Executive Director