

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1242
of Midcom Communications, Inc.)
of Seattle, Washington seeking) DISMISSED
authority to acquire the custom-)
er base of Global Wats One, Inc.)
in the state of Nebraska.) Entered: October 31, 1995

PRELIMINARY MATTERS

On October 5, 1995, the applicant, Midcom Communications, Inc. of Seattle, Washington filed an application with the Commission for authority to acquire the customer base of Global Wats One, Inc. in the state of Nebraska. Notice of the application was published in the Omaha Daily Record on October 9, 1995.

BY THE COMMISSION

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

Midcom Communications, Inc. (Midcom) is certified to operate as a interexchange telecommunications carriers within the state of Nebraska, pursuant to Application C-924. No formal complaints or departmental complaints are pending against Midcom.

Global Wats One, subsequently known as Global Telemedia, obtained authority to operate in Nebraska in application C-1057. The original order mandated the company to provide the Commission with quarterly reports, beginning in 1995, regarding its financial resources, pending litigation and the status of its operations within other states. A report containing such information was submitted for the first quarter of 1995; however, no additional reports were received. The company was given several notices from the staff regarding this requirement; however the requests were ignored.

By statute, all telecommunications carriers are required to remit a report to the Commission on or before April 30th of each year regarding its financial resources. Companies are sent a reminder of this requirement every January by the staff.

As of May 1, 1995, Global Wats One had not remitted a complete annual report to this Commission. Efforts were made to obtain the report for several months; however, the information was not submitted. A departmental complaint, C-1207, was opened in July 6, 1995 to revoke the certificates of any telecommunications carriers that had not yet remitted its annual report to the Commission. Global Wats One was

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included in this docket as a defendant and received a certified letter notifying the company of the filed complaint.

A hearing was held on departmental complaint, C-1207, on September 19, 1995 in the Commission Hearing Room, Lincoln, Nebraska. No appearance was made by Global Wats One at the hearing and no verbal or written correspondence was received as to why its certificate should not be revoked.

Therefore, upon hearing all the evidence, the Commission entered an order on September 26, 1995 sustaining the complaint and revoking the certificate of public convenience and necessity previously issued to Global Wats One, currently known as Global Telemedia. Attached as Exhibit A is a copy of the Commission order revoking the authority of Global Wats.

The present application filed by Midcom requests the Commission grant Midcom the authority to purchase the customer base of Global Wats One. As Global Wats does not have a current certificate to operate within this state, and as Global Wats should not be conducting business as a telecommunications carrier within Nebraska at this time, we cannot process this application.

This Commission cannot approve this transaction, as it recognizes Global Wats One as a current certificated telecommunications provider. Therefore, Midcom Communications may hereby acquire the customer base of Global Wats within Nebraska without our approval.

After consideration of the request and being fully advised in the premises, the Commission is of the opinion and finds that Application C-1242 should be dismissed.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1242 be, and it is hereby, dismissed.

MADE AND ENTERED at Lincoln, Nebraska, this 31st day of October, 1995.

COMMISSIONERS CONCURRING:

Rod Johnson

//s//Rod Johnson

//s//Frank E. Landis

//s//James F. Munnally

//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Daniel G. Urwiller
Chairman

ATTEST:

Robert R. Logsdon
Executive Director