

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application ) Application No. C-1257  
of Minimum Rate Pricing, Inc. of )  
Bloomfield, New Jersey seeking )  
authority to obtain a certificate ) DISMISSED  
of public convenience and neces- )  
sity to operate as a reseller of )  
telecommunications services )  
within the state of Nebraska. ) Entered: February 20, 1996

PRELIMINARY MATTERS

On October 30, 1995, the applicant, Minimum Rate Pricing, Inc. of Bloomfield, New Jersey filed an application with the Commission for authority to transact business as a reseller of interexchange telecommunications in the State of Nebraska. Notice of the application was published in the Omaha Daily Record on November 1, 1995. No protests to the application were received.

BY THE COMMISSION

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

Based on rules, regulations and state statutes, all intra-state telecommunication providers must obtain a Certificate of Public Convenience and Necessity prior to operating within Nebraska. State statutes provide that no person, firm, partnership, limited liability company, corporation, cooperative or association shall offer any telecommunications services without first making an application for and receiving from the Commission a Certificate of Public Convenience and Necessity.

Minimum Rate Pricing, Inc. (hereinafter referred to as MRP) filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to offer interexchange services within the state of Nebraska. Numerous efforts to obtain additional information, such as financial statements, were made by commission staff to properly review the application.

On November 22, 1995, the applicant's regulatory consultant was notified via facsimile that additional financial information was needed. On November 27, 1995, a response was received stating that the applicant is a wholly-owned subsidiary of Parcel Consultants, Inc. d/b/a National Telecommunications. Copies of the certificate of incorporation of Parcel Consultants was remitted; however, the requested financial information was not included. Instead, financial statements for Parcel for the period ending 1994 were submitted.

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On November 29, 1995, a letter was sent to the regulatory consultant requesting that additional financial information needed to be submitted to the Commission. The staff informed the company through its consultant that the last three annual statements for Parcel Consultants should be remitted in accordance with Commission Rule and Regulation 003.12A15, since such information was unavailable from the applicant. Therefore, year-end statements for 1993, as well as interim statements for 1995 for Parcel must be returned. Further, it was again noted that an income statement for MRP should be submitted to the Commission.

Over one month lapsed and no response had been received to the November 29, 1995 letter. A subsequent notice was mailed to the applicant's regulatory consultant on January 9, 1996 requesting that the above information must be submitted before January 25, 1996, or the application would be dismissed.

On January 25, 1996, one day after the given deadline, the company's consultant remitted the most recent income statement and shareholder information. However, financial information from Parcel was not provided.

On February 1, 7 and 15, 1996, messages were left with the company's regulatory consultant since additional information remained outstanding. Each time the staff called, the message clearly requested that the call be returned. To this date, no telephone calls have been received from the applicant and the financial information regarding Parcel has not been returned.

The company did not meet the previous deadline; yet, the Commission continued to make efforts to receive the necessary information to process this application. No efforts have been made by the company's consultant to return telephone calls and the information originally requested in November, 1995 has still not been remitted.

By State Statute, 86-805(2)(a) and by Commission Rule and Regulation, 003.12B1, this Commission has the authority to dismiss applications for failure to provide information that is requested by the Commission. Most surely, this company has demonstrated a lack of cooperation and failure to provide information to this Commission. Accordingly, the application is dismissed.

If the company desires to operate within the state of Nebraska, a certificate of public convenience and necessity must be obtained prior to offering intrastate service to

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subscribers. Should the Commission learn that the company is violating this law, the company would face administrative fines, as well as a cease and desist order immediately.

Based upon the above information, the Commission is hereby of the opinion that the application shall be dismissed.

O R D E R

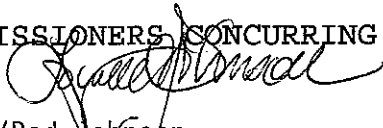
IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that Application C-1257 filed by Minimum Rate Pricing, Inc. of Bloomfield, New Jersey, be, and it is hereby dismissed.

IT IS FURTHER ORDERED that the applicant shall not provide intrastate interexchange intraLATA and interLATA services in the state of Nebraska until granted a Certificate of Public Convenience and Necessity.

MADE AND ENTERED at Lincoln, Nebraska, this 20th day of February, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

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

Chairman

ATTEST:

  
Executive Director

# SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

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