

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1261
of Advanced Telecommunication)
Network Inc. of Cherry Hill,)
New Jersey, seeking authority to)
operate as a resale carrier of) GRANTED
intrastate interLATA and intra-)
LATA telecommunications services)
within the state of Nebraska) Entered: February 13, 1996

APPEARANCES:

For the Applicant	For the Communications Department
Gary Carpenter, President Advanced Telecom. Network, Inc. Four Executive Campus, Suite 200 Cherry Hill, New Jersey 08002	Deonne L. Bruning 300 The Atrium, 1200 N Street P.O. Box 94927 Lincoln, Nebraska 68508

PRELIMINARY MATTERS

Advanced Telecommunication Network, Inc. (hereinafter referred to as Advanced) of Cherry Hill, New Jersey filed an application with the Commission on November 6, 1995. The company seeks authority to operate as a resale common carrier of telecommunications services within the state of Nebraska. The applicant's business address is noted above. Notice of the application appeared in the Omaha Daily Record, November 8, 1995. Advanced appeared before the Commission for a video-conference hearing, chaired by Commissioner Rod Johnson, January 24, 1996 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 January 24, 1996 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-1261

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.

Gary Carpenter, President of Advanced Telecommunication Network, Inc. testified. Mr. Carpenter stated, and the pleadings reflect, the applicant seeks intraLATA and interLATA authority. The application does not seek authority to provide Alternate Operator Services (AOS).

Advanced is a privately held corporation incorporated under the laws of the State of New Jersey on January 16, 1991. The company has several primary shareholders.

The applicant has received authority to operate in approximately thirty (30) states and has applications pending nationwide. No state Commission has denied Advanced a certificate of authority. No formal complaints have been filed against the company or any officer, director or shareholder.

The underlying facilities-based carrier will be AT&T, with the periodic review of other authorized interexchange carriers. To prevent slamming, Advance requires written L.O.A.'s be obtained before switching a customer's service.

Advanced will market switched and dedicated outbound and inbound services, calling card services and directory assistance services to presubscribed commercial customers throughout the state. Advanced may decide in the future to offer services to residential customers as well. The applicant will utilize both telemarketing and sales agents to market its products.

Application No. C-1261

PAGE THREE

Advanced will make customer service available to subscribers with a toll-free number. The applicant intends to utilize outside billing companies, such as ACSV and Platinum Communications.

Financial information was provided to the Commission in the application. The statements reflect the company has generated increased sales since 1991.

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-1261 be, and it is hereby, granted and Advanced Telecommunication Network, Inc. of Cherry Hill, New Jersey 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-1261

PAGE FOUR

MADE AND ENTERED at Lincoln, Nebraska this 13th day of February, 1996.

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