

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1265
Starlink Communications, L.L.C., of)
Seattle, Washington seeking author-)
ity to operate as a resale carrier) GRANTED
of intrastate interLATA and intra-)
LATA telecommunications services)
within the state of Nebraska.) Entered: March 7, 1996

APPEARANCES:

For the Applicant:

George F. Holland
1200 Fifth Av. Suite 1301
Seattle, Washington 98101

For the Communications Department:

R. Andrew Massey
300 The Atrium, 1200 N St.
P.O. Box 94927
Lincoln, NE 68508

PRELIMINARY MATTERS

Starlink Communications, L.L.C., (hereinafter referred to as Starlink) of Seattle, Washington filed an application with the Commission on November 20, 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, on January 8, 1996. Starlink appeared before the Commission for a video-conference hearing, chaired by Commissioner Johnson, February 20, 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 February 20, 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.

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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 inter-exchange 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.

Starlink Communications, L.L.C., is a privately held company which was incorporated in 1995 in California. Starlink seeks both intraLATA and interLATA authority. Mr. Holland is the President and CEO of Starlink. Mr. Holland previously worked for AT&T for 18 years.

The applicant has received authority to operate in approximately twenty-one (21) states and it plans to eventually be certified in forty-eight (48) states. No state has denied Starlink a certificate of authority and no formal complaints have been filed against the company.

The underlying carrier for the services will be Sprint. Starlink either bills the customer directly or uses the local telephone company billing service. Starlink uses a local telephone company billing service for only some its residential customers. Starlink's name and customer service information is located on all of its bills. In addition, Starlink has a toll-free 800 number for customer service, which operates twenty-four hours everyday.

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At this time Starlink markets 1+, travel cards, 800 services and 900 services. Starlink targets high volume residential customers and small businesses. Starlink will offer its service in a non-discriminatory method. The company currently is using commissioned sales agents. In addition, Starlink does have a policy that prohibits slamming.

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.

The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations. The tariff states that the company may collect advance payments or deposits if deemed necessary.

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-1265 be, and it is hereby, granted and Starlink Communications, L.L.C., of Seattle, Washington 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.

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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.

MADE AND ENTERED at Lincoln, Nebraska this 7th day of March, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:


//s//Rod Johnson
//s//Frank Landis
//s//Daniel G. Urwiller

Chairman

ATTEST:



Executive Director