

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1266
Overlook Communications Inter-)
national Corporation, of Atlanta,)
Georgia seeking authority to operate) GRANTED
as a resale carrier of intrastate)
interLATA and intraLATA telecommun-)
ications services within the state)
of Nebraska.) Entered: March 19, 1996

APPEARANCES:

For the Applicant:

Thomas W. Brinkman
2839 Pace Ferry Rd.
Suite 500
Atlanta, Georgia 30339

For the Communications Department:

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

PRELIMINARY MATTERS

Overlook Communications International Corporation, (hereinafter referred to as Overlook) of Atlanta, Georgia filed an application with the Commission on November 22, 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 November 24, 1995. Overlook 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.

Application No. C-1266

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.

Overlook Communications International Corporation is a privately held company which was incorporated in 1992 in North Carolina. Overlook seeks both intraLATA and interLATA authority.

Thomas Brinkman, Vice-President of Customer Service testified. Mr. Brinkman has been active in the telecommunications industry for over thirty years. He was employed by GTE for twenty-one years.

Mr. Brinkman stated the applicant has received authority to operate in twenty-four states and it plans to eventually be certified in all fifty (50) states. Overlook currently has certificates pending in several states. No state has denied Overlook a certificate of authority and no formal complaints have been filed against the company.

The underlying carrier for the services will be Sprint. Overlook either does its own billing utilizing the underlying billing provider, EDF. Overlook's name and customer service number is located on its bills. Overlook has a toll-free 800 number for customer service, which presently operates during normal business hours. Overlook plans to offer twenty-four hour customer service by the end of the year.

At this time, Overlook markets 1+, 800 services, travel cards and debit cards. The company does not provide alternate operator services. Overlook targets both residential customers and small businesses. The company employs sales agents to

Application No. C-1266

PAGE THREE

market its services. Overlook requires written LOA's in efforts to prevent unauthorized carrier changes.

Financial information was provided to the Commission in the application. The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations. The tariff states that 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-1266 be, and it is hereby, granted and Overlook Communications International Corporation, of Atlanta, Georgia 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-1266

PAGE FOUR

MADE AND ENTERED at Lincoln, Nebraska this 19th day of March, 1996.

COMMISSIONERS CONCURRING:



//s//Rod Johnson

//s//James F. Munnelly

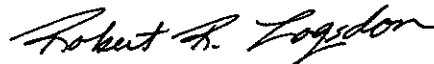
//s//Daniel G. Urwiller

NEBRASKA PUBLIC SERVICE COMMISSION

Chairman



ATTEST:



Executive Director