

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application) Application No. C-1274
of Group Long Distance, Inc. of)
Fort Lauderdale, Florida seeking)
authority to operate as a resale) DISMISSED
carrier of intrastate interLATA)
and intraLATA telecommunications)
services within the State of)
Nebraska.) Entered: April 23, 1996

PRELIMINARY MATTERS

On December 12, 1995, the applicant, Group Long Distance, Inc. of Fort Lauderdale, Florida 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 December 14, 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 Commission Rule 003.12, and Neb. Rev. Stat. 75-604 and 86-805, all intrastate 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.

Group Long Distance, Inc. (hereinafter referred to as GLD) filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to offer interexchange services within the state of Nebraska. On numerous occasions in February, March and April, the applicant's regulatory consultant was notified by telephone that a hearing must be scheduled to process the application. Furthermore, the consultant was also notified that additional financial statements for 1995 were needed. The application only included financial information up to January 31, 1995. To date, no financial statements have been remitted and no efforts have been made to schedule a hearing on the application.

This is not the first time this Commission has attempted to work with GLD unsuccessfully. July 29, 1994, the Commission instituted a departmental complaint against GLD for operating within the state without authority. The company was given

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several opportunities to respond in writing, as well as a public hearing to discuss the complaint. No response was received by GLD and accordingly, the complaint was sustained.

By Neb. Rev. Stat. 86-805(2)(a) (1994 reissue) 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. The 1995 financial statements have not been provided and extensive efforts to schedule a public hearing have been ignored. Accordingly, the application should be dismissed.

If it comes to this Commission's attention that GLD is operating within Nebraska without authority, prompt action will be taken to sanction the company. Neb. Rev. Stat. 75-156 (1995 Supp.) states the Commission may enter an order assessing a civil penalty of up to one hundred dollars, per day, against any company for violating any provisions of 75-604 and 86-805.

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-1274 filed by Group Long Distance, Inc. of Fort Lauderdale, Florida 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 23rd day of April, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:



//s//Rod Johnson

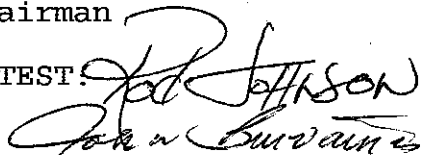
//s//Frank E. Landis

//s//James F. Munnely

//s//Daniel G. Urwiller

Chairman

ATTEST:



Deputy Executive Director