

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

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|-------------------------------------|------------------------|
| In the Matter of the Application) | Application No. C-1276 |
| of Total National Telecommunica-) | |
| tions, Inc. d/b/a/ Total World) | |
| Telecom of Houston, Texas seeking) | |
| to obtain a certificate of) | DISMISSED |
| public convenience and necessity) | |
| to operate as a reseller of tele-) | |
| communications services and to) | |
| provide operator services within) | |
| Nebraska.) | Entered: July 9, 1996 |

PRELIMINARY MATTERS

On December 26, 1995, the applicant, Total National Telecommunications, Inc. d/b/a Total World Telecom of Houston, Texas filed an application with the Commission for authority to transact business as a reseller of interexchange telecommunications services and to provide operator services within the State of Nebraska. Notice of the application was published in the Omaha Daily Record on December 27, 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 intrastate telecommunication providers must obtain a Certificate of Public Convenience and Necessity prior to operating within Nebraska. Nebraska Revised Statutes, § 86-805 (Reissue 1994) and § 75-604 (Cum. Supp. 1994), state that the Commission may issue a certificate authorizing any telecommunication company to offer and provide interLATA and intraLATA interexchange services. These statutes go on to 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.

Total National Telecommunications, Inc. d/b/a Total World Telecom filed an application with the Commission seeking a Certificate of Public Convenience and Necessity to operate within the state of Nebraska on December 26, 1995. A video conference public hearing was scheduled for 1:30 p.m. on March 19, 1996.

On March 19, 1996, the day of the hearing, the applicant notified the Commission that it sought a continuance of the hearing due to their inability at that time to provide the promised financial information.

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Due to the late cancellation, charges for the video conference were still incurred. The applicant was advised that they would be charged \$202.50 due to the late hour of the request for continuance.

Gloria Cross, representative for Total National Telecommunications, Inc. d/b/a Total World Telecom, was mailed a bill for the video conference charges on March 21, 1996. The bill noted that payment was to be remitted within thirty (30) days, or the application would be dismissed. Ms. Cross was notified via a phone call on April 23, and by fax and letter on April 24, 1996 that unless payment of the \$202.50 in cancellation fees was received on or before April 29, 1996, that the company's application would be dismissed at the regular meeting of the Commission on April 30, 1996.

Payment of \$202.50 was eventually received by the Commission. A hearing was scheduled for June 12, 1996, but later continued at the company's request to July 9, 1996. On July 3, 1996, the Commission received notice that the applicant requested its application 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 subscribers and the outstanding debt must be paid. Should the Commission learn that the company is operating within the state, the company may face administrative fines, as well as a cease and desist order.

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-1276 filed by Total National Telecommunications, Inc. d/b/a Total World Telecom of Houston, Texas be, and it is hereby dismissed with prejudice.

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.

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MADE AND ENTERED at Lincoln, Nebraska, this 9th day of July, 1996.

NEBRASKA PUBLIC SERVICE COMMISSION

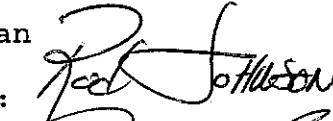
COMMISSIONERS CONCURRING:



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

Chairman

ATTEST:



Deputy Executive Director



SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
