

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Application of) Application No. C-1285
Advanced Management Services, Inc.)
of Phoenix, Arizona seeking)
authority to operate as a resale) GRANTED
carrier of intrastate intraLATA and)
interLATA telecommunications)
services within the state of)
Nebraska.) Entered: March 19, 1996

APPEARANCES:

For the Applicant:

William R. Smith
Advanced Management Services, Inc.
3030 N. Central Ave., Suite 710
Phoenix, Arizona 85012

For the Communications Department:

Chris Post / Deonne Bruning
300 The Atrium, 1200 N St.
P.O. Box 94927
Lincoln, NE 68508

PRELIMINARY MATTERS

Advanced Management Services, Inc. of Phoenix, Arizona filed an application with the Commission on January 22, 1996. The company seeks authority to conduct business as an intra-state telecommunications common carrier offering resold intra-LATA 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 23, 1996. Advanced Management Services, Inc. appeared before the Commission for a hearing, chaired by Commissioner Rod Johnson, March 7, 1996 in the Commission Hearing Room, 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 March 7, 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.

Advanced Management Services, Inc. (hereinafter referred to as AMS) is a privately held corporation that incorporated in Arizona on August 30, 1991. Mr. Ennis Rushton is the sole shareholder. Mr. William Smith, Vice-President of Marketing, testified on behalf of AMS.

Mr. Smith stated the applicant has received authority to operate in approximately thirteen (13) states and has applications pending in three (3) others. No state has denied AMS a certificate of authority and no formal complaints have been filed against the company.

The underlying carriers for the services will be Sprint and WilTel. AMS provides a toll-free 800 number for customer service on all customer bills. AMS does all its own billing.

At this time, AMS markets 1+, 800 services and debit cards. AMS intends to market its products primarily to the trucking industry. AMS uses both outside sales agents and internal staff to promote its services.

AMS does not propose to provide alternate operator service in Nebraska. Also, new subscribers are not required to make advance deposits to obtain service.

Financial information was provided to the Commission in the application. AMS began doing business in August, 1991, and is profitable at this time.

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The proposed tariff, which is part of the application, is in accordance with the Commission's Rules and Regulations.

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-1285 be, and it is hereby, granted and Advanced Management Services, Inc. of Phoenix, Arizona 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.

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

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION
